

ILLOCUTIONARY ACTS

Austin's account and what Searle made out of it

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Introduction

Since the issue considered in this text is the "illocutionary act", it might be expected that I say what illocutionary acts are: according to my view they are acts that entail the production of certain, say, non-material states of affairs, like rights and obligations, and for the success of which it is necessary that the speaker let an audience know that the act is performed. But as we shall at once see, there are quite different opinions about the question what an illocutionary act is. It might further be expected that I give some examples: according to my view, promising, making a bet, buying something and giving an order are clear examples. However, again there are some rather different acts which are taken to be illocutionary acts, and some of my examples would be rejected by others.

In the middle of the last century, John L. Austin introduced the new term of an "illocutionary act", which soon became the centre of a very broad movement, called "speech act theory". In the light of the apparent success of the notion it might strike one as rather ironical that Austin hit upon illocutionary acts more or less incidentally. Originally, he was concerned with certain declarative sentences which, he felt, despite their form are not true or false. Some of the examples of the sentences Austin had in mind are "I bet you sixpence it will rain tomorrow", "I do" (as issued in the course of a marriage ceremony), or "I hereby promise to make the beds". Let us consider the latter example: it will, Austin assumes, not be used in order to state that one promises, nor to state anything else; rather, he assumes, it will be used in order to make a promise. Since it is not issued in order to state something, Austin concludes, it will not be true if one promises, nor will it be false if the promise fails, or if the speaker does not keep it. To say this would be inadequate; thus, what went wrong has, according to Austin, to be captured in some different way, without any reference to truth and falsity.

What, then, would be a more adequate judgement, suitable to replace the true/false dichotomy? Austin's suggestion is that if the promise is broken, or if it fails to succeed, the issuance of the sentence can be called "infelicitous", rather than false. *Vice versa*, if the promise succeeds, and if it is kept, and if everything else is "in order", Austin suggests saying that the issuance of the sentence has been "felicitous", rather than that the sentence is true. This alternative assessment can, he suggests, also be applied to cases like "I bet you sixpence it will rain tomorrow", used in betting, or "I do", as issued in order to be married, and in a great number of further cases. Since the judgement of those sentences is closely connected with the performance of certain acts Austin suggests calling those sentences "performatives"; their antagonists, since they seem to be used in stating something, he dubs "constatives".

Up to this point, Austin's primary concern has been sentences: but the illocutionary act is an action, not a sentence. What is the connection? – Having introduced the new performative/constative dichotomy, Austin turns in more detail to the different ways in

which issuances of performative sentences can be infelicitous. Notice that "infelicity", as he conceives of it, derives from the different ways in which those actions, in the performance of which the sentences in question are issued, can fail to succeed, or in which they can, even if successful, still be not entirely in order. It follows that in turning to those different kinds of "infelicity" he happens to get involved in the study of certain acts. The acts with which he now gets concerned are nothing other than what he dubs "illocutionary" acts.

As Austin recognises, these "illocutionary acts" are often, or usually, performed in the issuance of a sentence, and thus in saying something; but Austin emphasises that they are themselves not just acts of saying something. In order to work out both the differences and the relations, he makes an analysis of the mere act of saying, giving it the technical name "locutionary act". Moreover, Austin recognises certain acts which, like "illocutionary acts", are often performed when people say something, are, like illocutionary acts, not just acts of saying something, but are to be distinguished from the "illocutionary act". Austin calls them "perlocutionary acts". Thus he ends up with the famous trichotomy of what is nowadays called "speech acts", of the "locutionary", the "illocutionary", and the "perlocutionary act".

From the very beginning, there was considerable interest in Austin's new doctrine. Among other things, this had the consequence that he got the opportunity to expound it in the course of the *William James Lectures* at Harvard in 1955. The interest still increased when, after his early death, these lectures were made available to the public in 1962. By linking the study of sentences to certain actions Austin's doctrine appeared to some as the possible basis of an account of sentence meaning, being able to capture at least those special cases in which reference to truth appears inappropriate, or even being able to capture all sentences whatsoever. At this time the performative/constative dichotomy was at the centre of the interest.

But then it was the doctrine of "illocutionary acts" which positively exploded when a follower of Austin, John R. Searle, published an "Essay in the philosophy of language" with the title *Speech Acts* in 1969, a work which received the broadest attention. A second book Searle delivered on the issue ten years later, *Expression and Meaning*, met a similar amount of interest. One of the effects of *Speech Acts* was that within a few years the notion of the "illocutionary act" became more closely tied to the name of Searle than to Austin's. Many adopted, more or less truly, Searle's account of these acts, and it became a common practice, when dealing with "speech acts", to primarily deal with Searle's account. Finally, it became also increasingly common to deal with Austin's original texts only in a rather superficial fashion: obviously, it was taken for granted that Searle's account truly represented, and adequately developed, Austin's account.

I said that in the following of Searle's *Speech Acts* the study of "illocutionary acts" exploded: it did so not only inside the philosophy of language, where it was originally located, but also outside philosophy, in a great many of other fields. Thus nowadays the notion of an "illocutionary act" is made use of in studies such diverse as linguistics, the-

ology,¹ and literary theory.² By crossing the borderline from philosophy to those special disciplines the doctrine of illocutionary acts reached a new phase, that of application.

One of the questions, however, from which the present text starts is whether this step is not somewhat over-rash: does the present state of the doctrine of illocutionary acts actually justify its application? – In view of the great number of studies which have been in terms of "illocutionary acts", put forward by such prominent authors as, for example, Searle, Stephen Schiffer, R. M. Hare, Francois Récanati, and William P. Alston, one might be tempted to jump to the conclusion that it is. And in fact there are many who have assessed the study of illocutionary acts as sufficiently elaborated. Searle, Kiefer and Bierwisch, for instance, contrast the notion of a "speech act" with the notion of "pragmatics" precisely by the supposed fact that the former is "fairly well understood", whereas the latter is rather unclear.³ And Dieter Wunderlich considers "the notion of 'speech act' as one of the most fruitful notions of contemporary linguistic theorizing"⁴.

There are, however, voices to the contrary as well. Wolfgang Motsch, for example, in a 1980 article says about the study of speech acts: "[W]e can hardly maintain that this field of research has already led to a sufficient degree of clarity. Neither the empirical facts nor the theoretical basis needed to describe and explain facts are at an advanced level of explication."⁵ Armin Burkhardt, ten years later, heads a critical stock-taking with the title "Speech act theory – The decline of a paradigm"⁶, and complains about a great number of difficulties and uncertainties. Georg Meggle, in another heading, even wishes speech act theory bluntly "to hell"; among other things he criticises that the contributions of Austin and Searle to a theory of meaning, in their general outline, are circular even in their general outline.⁷

My assessment of the present state of "speech act theory" is at least as critical as those of Motsch and Burkhardt and nearly as negative as that of Meggle. Although I am convinced that the notion of an "illocutionary act" captures an important phenomenon of social life, I claim that the present state of the doctrine of "illocutionary acts", for reasons which are likewise simple and fundamental, renders any application of the notion highly problematical. Let me return to the question with which this introduction started, a question which, even after more than 30 years of study of "illocutionary acts", might be supposed as very easy to answer: *What, actually, is an illocutionary act?*

We may perhaps start with an etymological argument: the adjective "illocutionary" alludes to Latin, presents itself as composed of the words "in" and "locutio", and can be translated in English as (performed) "in speaking". This suggests that illocutionary acts are (essentially) acts which are performed in speaking. This result is confirmed by the Oxford English Dictionary which, indeed, the notion has already entered: "illocution" is

¹ See, e.g., Asiedu (2001), Bartholomew/Green/Möller (2001) passim, especially MacDonald (2001), Collins (1998) passim, especially Hellholm (1998), Moore (2003), Wolterstorff (1987), (1995).

² See, e.g., Sirdridge (1987), Currie (1985), Currie (1986). Alessandro Ferrara mentions further disciplines on which the study of speech acts "gained an increasing influence", as sociolinguistics, psycholinguistics, text theory, rhetoric, and others; see Ferrara (1980), 3.

³ See Searle/Kiefer/Bierwisch (1980), vii f.

⁴ Wunderlich (1980), 291.

⁵ Motsch (1980), 155.

⁶ Burkhardt (1990a).

⁷ Meggle (1985), 208 f. At least in what regards Searle's account I think that Meggle is right, noticing a crucial problem: see § 8.2.

there explained as "[a]n act such as ordering, warning, undertaking, performed in saying something. Hence illocutionary". We might then define the illocutionary act as an act which is performed in speaking.

Unfortunately, this answer to my question is false, and the association suggested by the name misleading. Although it is often said that illocutionary acts are *characteristically* performed in the issuance of a sentence or some other linguistic token, virtually all accounts accept illocutionary acts performed without the use of any linguistic token. Thus they imply that to be performed in saying something is not necessary for an act's being an illocutionary act. *Vice versa* it is common knowledge in the discussion that there are certain other acts – at least those which Austin dubbed "perlocutionary acts" – that can be performed in the issuance of a sentence (or sentences), but which do not count as illocutionary acts. Thus performing an act in saying something is not sufficient for this act's being an illocutionary act.⁸

We might then continue by comparing how single authors conceive of the "illocutionary act". A first problem with which we will then be confronted is: although so many authors cheerfully write about illocutionary acts, only very few provide any definition of what they mean by the notion. Furthermore, those who do define the notion turn out to have considerably different conceptions. To start with, according to Stephen Schiffer, to perform an illocutionary act in making an issuance is simply thereby to mean something.⁹ According to the suggestion Jennifer Hornsby makes, however, the matter is more complicated:

ϕ -ing is an illocutionary act iff a sufficient condition of a person's ϕ -ing that p is that an attempt on her part at ϕ -ing that p causes an audience to take her to be ϕ -ing that p. (Hornsby (1994), p. 193 f.)

Meaning, according to this definition, is clearly not sufficient; it seems not necessary either. Instead Hornsby focuses on a certain kind of successful communication as a sufficient (though not necessary) condition.

William P. Alston, again, takes quite another path or, to be accurate, different paths. His first, preliminary approach refers to an act's having a "content", or its being capable of being reported in an *oratio-obliqua* form:

Illocutionary act concept – a concept the application of which to a person makes explicit the "content" of his utterance. Alternatively, it is a concept the application of which to a person constitutes an *oratio obliqua* report. (Alston (2000), p. 33)

His later attempts to define "illocutionary act", however, introduce rather different features. He suggests, firstly, that "to perform an illocutionary act is to R certain conditions in performing some lower-level act"¹⁰ – to "R certain conditions" is to subject one's issuance to certain normative rules, saying under which conditions the issuance is (not) to be made.¹¹ Alston also introduces a particular conception of such rules, connecting them with the facilitation of communication. He defines the notion of an "I-rule" as "a rule laying down necessary and sufficient conditions for sentence utterance, where the social

⁸ Austin originally suggested that illocutionary acts could be identified as doing something *in* saying something, whereas perlocutionary acts would be said to be performed *by* saying something. But he then recognises that this test does not properly work; Austin, *Words*, p. 126 f.

⁹ See Schiffer (1972), p. 103.

¹⁰ Alston (2000), 269.

¹¹ See Alston (2000), 60.

rationale of the rule is the facilitation of communication"¹². Then he provides an alternative definition of the illocutionary act in terms of these I-rules: "[A]n illocutionary act", he suggests, "is an act performed in uttering a sentence as subject to a rule that satisfies the above condition for an I-rule."¹³ According to these latter definitions, the point of an act's being an illocutionary act is connected, not with speaker meaning, nor with communication directly, but with certain means identified as *being accepted for the facilitation of communication*: it seems that the point of Alston's definitions is just the use of a linguistic, or "proto-linguistic", device.

Yet a further set of conceptions is suggested by Jan S. Andersson:¹⁴

(DEI) *a's doing of p at t is illocutionary with respect to X where $X=b$ and *a's belief, wish, etc., that q*, or $X = Q$, or $X = I = \text{def.}$*

*a's doing of p at t is communicative with respect to X & ($X = b$ and *a's belief, wish, etc., that q*), or *a's doing of p at t is socially performatory with respect to X & ($X = Q$), or *a's doing of p at t is P-ceremonial with respect to x & ($X = I$).***

Andersson suggests three – more or less different – ways in which an action can be identified as an illocutionary act:

- (1) being "communicative"
- (2) being "socially performatory"
- (3) being "ceremonial"

For an action to be "communicative" in Andersson's sense, very roughly, is for it to be accepted in a certain community as being taken to provide "strong evidence" that the person doing the act has a certain belief, wish, or the like, and that she intends to let the audience know that she has this belief, wish, or whatever.¹⁵ To be "socially performatory" and "P-ceremonial" is, respectively, to be accepted in a certain community as providing strong evidence that the person doing the act intends to bring about, and actually brings about, either some certain normative state, or something which is in the interest of this community.¹⁶ One might suggest associating the first feature in the above list, being communicative, with Hornsby's definition, but still it is obvious that both the other features suggested provide us with a conception different from what Schiffer, Hornsby and Alston have in mind. We have then a considerable set of diverse suggestions as to what makes an act "illocutionary". Which one is the correct one?

In order to be capable of making a decision in favour of one of those, or yet another candidate, we should perhaps first clear up how this question is actually to be decided, that is, what kind of criterion, or criteria, will be relevant for our decision. In order, then, to tackle this question let me make some remarks about defining concepts like "illocutionary act" and, in contrast, the case of defining the predicate "true". What would we demand of a definition of "true"? – Presumably, we would expect that this definition meets the way in which we ourselves interpret and use the word "true". If, for instance, someone were to suggest a definition of "true" according to which sentences are true iff they are proven in mathematics we would – at least in the absence of very good reasons

¹² Alston (2000), 272.

¹³ Alston (2000), 272.

¹⁴ Andersson's suggestion is the result of quite sharp-witted and accurate analyses and, as the first part of this text suggests, his conception of the "illocutionary act", in contrast to most other accounts, meets the spirit of Austin's exposition fairly well. Unfortunately, Andersson's study has almost been ignored in the Anglo-American philosophy.

¹⁵ For the accurate version see Andersson (1975), 64.

¹⁶ See Andersson (1975), 82, 98 f.

for the obvious licence taken – reject this because it does not meet our conception of the word "true": being proven in mathematics is not necessary, and probably not sufficient, for being true, we will argue, and the basis for our rejection will be our knowledge of what the word actually means. The properties which we know apply to the word "true" we will demand of any attempt to define the notion as "conditions of adequacy".

Unfortunately, parallel reasoning will not apply in the case of "illocutionary act": for in this case we just do not have any clear conception of what the notion means in advance. The reason is that it is a *technical expression*, rather than a notion of our common language: *there is no manner* in which we use the word. Thus, we cannot rely on any *a-priori* knowledge about such a use if someone suggests a definition. In the case of "illocutionary act", because it is a technical notion, there are no such conditions of adequacy as in the case of "true".

In the light of those varying definitions of "illocutionary act" we have just considered, the question may then force itself upon us: is it the case that anyone is free to define technical notions in any way she wishes? I do not think so, and a perfect argument for not accepting such an amount of arbitrariness seems to me precisely the case of "illocutionary act". In this case, many authors seem to have presupposed that they are allowed to define the notion more or less by way of arbitrary decision. I have sketched part of the resulting situation: among those accounts which actually define the notion there is, as far as I see, not any single pair in which *the same* conception is applied. The result is a truly Babylonian language confusion: if someone uses the notion, then to guess what matter she is precisely speaking about is virtually a matter of pure chance. Before a transparent discussion can start it would in principle first be necessary to clear up in what of the various senses at hand the notion is used – in which case one could as well have introduced some different, entirely unknown technical concept. (In reality, or this is my impression, it is more common that discussions about "illocutionary acts" remain vague enough to conceal the lack of a clear and commonly accepted definition.)

However, we have seen, in the case of technical notions we do not have any conditions of adequacy of the kind our common use poses in the case of "true". Do we have any other reasonable restrictions which can serve to keep the meaning of technical notions constant? I decisively think that we do have such reasonable restrictions. To start with, when a new technical notion is introduced then certainly there are some restrictions concerning what notion is to be chosen for a given meaning or, *vice versa*, what meaning suits a given expression. The term "illocutionary act", for example, is obviously better suited to denote certain actions than for referring to citrus and tropical fruit.

But I want further to argue that, most importantly for our issue, once a technical term has been introduced there is a similar restriction as in the case of "true": if someone uses the notion then she should – in the absence of any good reasons to the contrary – do so *in the way in which the term is introduced*. That is, I suggest that if someone introduces a new technical term then she thereby has a relation to the term similar to the one we all have in the case of common terms – let us say that in defining the term she assumes "the copyright".

I do not want to say that a technical term must, at all costs, and in every small detail, be used in the way in which it was originally introduced. An explication in the sense of Carnap¹⁷ might perhaps be permissible, or even necessary, and there might be good reasons for more or less moderate amendments. The crucial point I want to maintain is: if someone re-defines a notion, then good reasons *must be present*, and they should be *made overt* in order to justify the amendment made. Notice that, in the absence of any good reason, any amendment might seem just to be a kind of mistake, either by way of ignorance of the original notion, or by way of unmotivated arbitrariness.¹⁸

In the case of the notion "illocutionary act", the owner of the "copyright" is Austin. Thus it is his exposition of the notion to which users should conform. The first aim of this text, pursued in the first and second Chapter, is to go back to Austin and to show what the properties are that Austin ascribes to entities worth calling "illocutionary act". The result of my search consists of two features which I shall transform into conditions of adequacy for the usage of "illocutionary act" at the end of Chapter 2. According to this result, illocutionary acts are acts the performance of which essentially entails the production of so-called "conventional consequences" – as, for example, rights and obligations –, and the success of which requires the "securing of uptake" in some audience that the act is performed. It goes beyond the limits of the present text to show whether the accounts nowadays at hand satisfy these conditions, but I can at least say that I have not yet seen any that does; as the definitions I have above quoted show, there are accounts which are quite far from satisfying them – as, for instance, Schiffer's.

Let me turn to the second issue of this text. One of the merits of Searle's writings, I have said, is that they very much supported the popularity of Austin's terminology and helped actually launch the project of speech act theory. Many got to know Austin's terminology only, or mainly, through Searle's works, and many developed, and improved, their own views in comparison with Searle's. Furthermore, many have, more or less, adopted Searle's account in their studies. In fact, it seems that the study of illocutionary acts is nowadays closer tied to the name of Searle than to the name of Austin. However, as far as I know it has never been examined, in a thorough way, what Searle's account actually amounts to, what the underlying assumptions of this account are, whether the whole is consistent and whether the account meets what Austin originally provided us with.¹⁹ I shall argue here that Searle's account is, despite its merits, and precisely because of its wide distribution, a second problem for speech act theory as a project.

Firstly, contrary to a widespread view, I believe that Searle *has never actually provided* any "theory" of illocutionary acts. In particular, his account is far from providing sufficient information for being called a theory. Furthermore, what this account actually provides contains defects of kinds that use to, and should, make philosophers nervous. To start with, I claim that the account is in different ways circular. Secondly, it seems to me

¹⁷ See Carnap (1950), 3 ff.

¹⁸ Searle, for instance, implicitly suggests my view in the exposition of his account in *Austin on Locutionary and Illocutionary Acts*: for there he provides a separate justification for not adopting, in his reconstruction of Austin's doctrine, the notion of a locutionary act.

¹⁹ There are many texts in which certain aspects of Searle's account are questioned or criticised: see, e.g., Alston (1991), Alston (2000), chapter 3, Apel (1991), Bach/Harnish (1992), Bertolet (1994), Burkhardt (1990a), Burkhardt (1990b), Crosby (1990), Dascal (1992), Falkenberg (1990), Habermas (1991), Hare (1970), Harnish (1990), Katz (1990) Liedtke (1990), Meggle (1985), Reboul (1990), Rolf (1990), Siebel (2002), Zaefferer (2001). But as far as I know there is no text in which Searle's account is completely reconstructed and assessed as a whole.

to contain several *ad-hoc* modifications at its very base. Thirdly, the account is based upon several fundamental assumptions which, although they may sound plausible at first, on closer inspection do not inspire much trust; furthermore, Searle's account itself contradicts these fundamental assumptions in quite a number of ways, such that the whole is inconsistent at its basis. Finally, despite some promising tendencies in the original statement, Searle's account after all does not satisfy either of the two conditions of adequacy I assume. That is, I claim that his account is inadequate: Searle's "illocutionary act" is not what Austin aimed at in introducing the notion.

It will be the second aim of the present text to expound, and justify, these critical assessments. In order to do this, I shall develop, in the second Part, a detailed reconstruction of Searle's account of "illocutionary acts" – as far as I know it is the first ever made which *is really detailed* –, including some of the basic assumptions underlying Searle's account. In the third Part I shall then expose what I think are the most crucial problems of the account as well as of those underlying assumptions, and finally show that, and why, it is inadequate.

PART I: Austin's account

The first Part of this text illustrates my view about Austin's account of "illocutionary acts".²⁰ As I shall argue, there are two particular features which Austin ascribes to these acts as essential: to perform an illocutionary act is, firstly, to produce an act which entails "conventional consequences", and, secondly, to produce them by letting a hearer know that the act is performed. Since Austin is the one to have introduced the notion of an illocutionary act, I postulate that his conception of an illocutionary act is the one all later conceptions have to comply with – at least in the absence of substantial reasons to the contrary. Thus, I shall at the end of this Chapter state the demands for these two features as conditions of adequacy for accounts of "illocutionary acts".

There are a number of texts in which Austin deals with illocutionary acts directly or indirectly. The most relevant ones are *How To Do Things with Words* (1962, henceforth: *Words*), "Performative Utterances" (1956), and "Performative–Constative" (1963). Among these texts, the conception of an "illocutionary act" is by far the most thoroughly and the most explicitly represented in *Words*. In my presentation I shall therefore concentrate on this text.

In its essence, *Words* is the print edition of the famous *William James Lectures* Austin gave in 1955 at Harvard. Austin presented in these lectures an issue which he had already tackled for some years before under the title "Words and Deeds" in Oxford. In a quite vague version, the issue can be stated as "The relation between sentences on the one hand and actions performed in issuing these sentences on the other hand".

As my formulation already suggests, the issue relates (at least) two studies which can be (at least to a certain extent), and in fact have been, tackled independently from each other:

- (1) the study of sentences
- (2) the study of actions

The task of Austin's lectures is to represent (the study of) certain acts as connected with (the study of) certain sentences, or even with (the study of) sentences in general. The most important kinds of these acts he provides stipulatively with technical names:

- (2.a) the "locutionary act"
- (2.b) the "perlocutionary act"
- (2.c) the "illocutionary act"

Austin's interest in these acts was particularly raised in connection with his study of certain sentences which, despite their surface look, seem not to be true or false. Some of

²⁰ Throughout this text I will – mainly just because this is usual in "speech act theory" – call people who are considered as performing an act of meaning or an illocutionary act "speakers"; people who are considered as intended "addressees" of such actions will be called "hearers". This shall not imply that the act in question is necessarily pursued by means of speaking. Persons acting by way of writing as well as people communicating without the use of any language, for instance, can be "speakers", too. Even if a person does not intend to communicate, she may still be called a "speaker". That is, in some cases "speaker" and "hearer" can be understood just as referring to certain "actors", or "persons".

Austin's first examples are: "I give and bequeath my watch to my brother", and "I bet you sixpence it will rain tomorrow". He contrasts them with sentences which actually are true or false – as examples we might perhaps take "Napoleon was an emperor of France", or "Most apples are sweet".²¹

In order to distinguish these special sentences "masquerading" as true or false from those which actually seem to be true or false he introduces two further technical terms:

- (1.a) "constative sentences" (those which seem to be true or false)
- (1.b) "performative sentences" (which, Austin claims, are not truth-evaluable)

The structure of *Words* can be viewed (though with important reservations²²) as divided according to these two issues: the first seven lectures are mainly concerned with those *sentences*, performatives and constatives, whereas the following lectures concentrate on the doctrine of locutionary, perlocutionary, and illocutionary *actions*.

My exposition of Austin's account will represent this division: I shall first represent his doctrine of performative and constative sentences, which includes the sketch of a doctrine of certain actions; I shall then secondly represent his doctrine of locutionary, perlocutionary, and illocutionary acts; and finally I shall argue that those acts introduced in the first part of the lectures are identical with what Austin later calls "illocutionary acts". Let me say a few words about this latter issue.

Although Austin does not use the notion "illocutionary act" in advance of the second part, I believe, and will argue below, that this act was already dealt with in the first part, though not under its later name. Austin introduces as a criterion of performatives that they are part of the doing of an action. And what he has thereby in mind is not merely *some* (*any*) action, but rather *a special kind of* action – I will call this kind of action preliminarily "AUSTIN-act". This AUSTIN-act, I claim, is nothing than what is later called the "illocutionary act". Since this assumption is not commonly made, I shall argue for it in detail in §2.2. The equation of the illocutionary act with the AUSTIN-act enables us to get a good deal of explicit information about Austin's conception of illocutionary acts which is often neglected because it is provided in the first part, in advance of Austin's introduction of *the name* "illocutionary act".

²¹ Austin does not give any examples of sentences which actually are true or false, perhaps because he intends to raise principal doubts on the antinomy between true and false: see *Words*, pp. 142 ff.

²² See § 2.2.

1

Austin's performative sentences

§ 1.1 First approach to performatives: two criteria

§ 1.1.1 Introduction of the performative sentence

The starting point of *Words* is the insight that there are sentences which cannot be true or false. Taking this for given, Austin poses the question *what kinds of* sentences there are which are not true or false.²³ The fact that Austin's first issue is the truth-evaluability of sentences suggests that Austin's initial aim was a semantical one: to contribute to a theory of (sentence) meaning. For remember that it has ever been a widespread assumption in semantics that the main issue of this study, the meaning of linguistic tokens, *is to be explained in terms of* truth (conditions). Just to give a few famous examples, according to Frege, the "Bedeutung" (reference) of sentences is a truth value (the circumstance that it is true, or the circumstance that it is false).²⁴ Another construction of the relation between meaning and truth, which certainly comes nearer to our common conception, is the famous dictum of the early Wittgenstein: "Einen Satz verstehen, heißt, wissen was der Fall ist, wenn er wahr ist." (To understand a proposition means to know what is the case if it is true.)²⁵ And according to a view of Davidson²⁶ still quite common in today's semantics, the meaning of sentences (roughly)²⁷ can be explained as their truth conditions.

The connection between truth and meaning suggested by statements like these is that the meaning of a sentence, or proposition, is to be explained in terms of its truth (conditions), or in terms of what makes the sentence true. Let me state the claim in an obviously too strong, but succinct version:

"The meanings of all sentences consists of the conditions of their truth."

When Austin now starts his investigation with a reference to truth, and the bearers of truth, the aim he pursues seems to put this claim into its place: The meaning of the sentences of our languages is not, or at least not in all cases, essentially connected with truth;

²³ With the special issue of truth Austin deals in "Truth" (1950).

²⁴ See Frege (1892), p. 63.

²⁵ Wittgenstein (1921), p. 41, 4.024.

²⁶ See Davidson (1984), pp. 55 ff.

²⁷ In a marginal note added later Davidson admits that truth conditions cannot strictly be equated with meanings; see Davidson (1984), p. 56, Fn. 3.

it is also, or even exclusively, connected with certain actions we perform in issuing these sentences.

A first objection to the truth-fetishist claim is: To determine the meaning of a sentence in terms of truth may be possible in the case of those sentences on which philosophy has for a long time concentrated, namely, sentences which take the declarative sentence form. However, it seems not to work in the case of sentences which lack this form, like *interrogative sentences* and *directive sentences*. For sentences which take the interrogative or declarative sentence form *just cannot be true or false*. To take an example, under which conditions is the sentence "Go over there!" true? – The answer, it seems, must be "There are no such conditions", just because the sentence cannot be true. To be sure, it neither can be false: it is just not truth-*evaluable*. In general, to pose the question of truth or falsity of non-declarative sentences seems to be mistaken, it seems to involve a category error. So we seem to have sentences the meaning of which cannot be determined in terms of their truth just because there cannot be any such thing as their truth.

Austin mentions the problem of non-declarative sentences shortly in passing²⁸ but does not spend much time on it. He wants to go further: Even if we restrict our attention to declarative sentences, he thinks, not all of them are capable of being true or false. The first example he introduces are "nonsensical" sentences:

[M]any 'statements' were shown to be, as KANT perhaps first argued systematically, strictly nonsense, despite an unexceptionable grammatical form (*Words*, p. 2).

Examples of nonsensical sentences, or expressions, he later introduces are: "Cat thoroughly the if" or "The slithy toves did gyre".²⁹ It is indeed impossible to say whether such strange constructions are true or false: in fact, we cannot even really say what they mean. They seem, one may say, to mean nothing, or at least nothing worth consideration.

But, secondly, even some sentences which have the form of declarative sentences and are *not* nonsensical, according to Austin turn out, by closer inspection, not to be true or false. Such kinds of declarative sentences are called by Austin "pseudo-statements".³⁰ Although they very much look like being truth-evaluable, according to Austin they are not. In these cases, to assess the sentences in question as true or false is, he says, to succumb to the "*descriptive fallacy*".³¹ Since these sentences are hard to be distinguished from sentences which *can* be true or false by purely formal criteria, they are given the name of "*masqueraders*".³² Austin mentions two special cases of masqueraders: "ethical propositions" and "performatives".

(1) The first instance of a "masquerader" Austin introduces is the "ethical proposition" as, for example, "Thou shalt not kill". These sentences, according to Austin, cannot be true or false because they are "not intended to impart straightforward information" but instead are "intended, solely or partly, to evince emotion or to prescribe conduct or to influence it in special ways".³³

²⁸ See *Words*, p. 1.

²⁹ *Words*, p. 96.

³⁰ *Words*, p. 2.

³¹ *Words*, p. 3.

³² *Words*, p. 4.

³³ *Words*, p. 2 f. Austin suggests here the (partial) truth of an emotive account of ethics; cf., e.g., Ayer (1946), Stevenson (1944).

Austin insinuates that these intruders could perhaps be repulsed by formal peculiarities. For when they take the declarative sentence form they often, and perhaps even always, have on their surface certain "danger-signals". For example, "[e]thical propositions" often contain "curious words like 'good' [or] suspect auxiliaries like 'ought'"³⁴. In our example, the suspicious word would be "shall".

(2) But even if ethical propositions could be identified by formal features, and thus we could weed them out of the way with reference to these features, there is a further case of masqueraders threatening to intrude the set of truth-evaluable sentences without belonging there. At this point of the story the protagonist of the first part of *Words* enters the scene, the "performative".

The performative is a type of sentence similar to "ethical propositions" in that it, too, belongs to the "masqueraders". However, compared with ethical propositions, performative sentences are even more similar to truth-evaluable sentences. Performatives "can fall into no hitherto recognized *grammatical* category save that of statement [and] are not nonsense"; this is sound for ethical propositions, too; but over and above this, performative sentences "*contain none of those verbal dangersignals which philosophers have by now detected*"³⁵. Indeed, it seems to be impossible, or at any rate very difficult, to distinguish them from truth-evaluable sentences merely by recourse to formal properties.

The first examples of performative sentences Austin gives are these:

(E.a) 'I do (sc. take this woman to be my lawful wedded wife)' – as uttered in the course of the marriage ceremony.

(E.b) 'I name this ship the *Queen Elizabeth*' – as uttered when smashing the bottle against the stem.

(E.c) 'I give and bequeath my watch to my brother' – as occurring in a will.

(E.d) 'I bet you sixpence it will rain tomorrow.' (*Words*, p. 5)

Notice that these sentences, in the context in which they are represented, seem to "indicate" (as Searle will put it later) the *performance of some action* of the speaker issuing them. Moreover, they seem to "indicate" precisely the action the speaker is supposed to be performing in issuing them.

Now, according to the truth-addicted view of sentence meaning outlined above, these sentences would certainly all appear to be true or false. An explanation of the meaning of "I bet you sixpence that it will rain tomorrow", for example, would supposedly be tackled in such a view as true if and only if the speaker bets the audience that it will rain tomorrow. So meaning, this view would maintain, can in these cases be explained in terms of the truth of the sentence.³⁶

³⁴ *Words*, p. 5.

³⁵ *Words*, p. 4 f.; my italics.

³⁶ I interpret "utterances" as intended to refer to sentences here, and I assume in general that performatives and constatives are sentences rather than issuances of sentences. There are a few passages which may suggest the contrary, mainly because Austin *fails to properly distinguish* between different senses of "utterance". As he himself acknowledges, "utterance" can be interpreted as *utteratio* or *utteratum*. (A parallel ambiguity which causes problems in Austin's representation, which he does not mention, arises in the case of "statement".) But he does not introduce the distinction before p. 92, Fn. 1, *after having finished* the presentation of performatives and constatives – and even after introducing his convention he sometimes neglects it. Nevertheless, I think that it is quite clear that performatives and constatives are sentences, rather than issuances of sentences. For example, Austin observes that they cannot be true or false: but actions, like issuances, cannot be true or false, as Strawson (1950, p. 129 f.) has pointed out in objection to an article of Austin's own (Austin (1950)). Further, Austin searches for grammatical criteria for them (see § 1.4 of this text): sentences, rather than issuances of sentences, can satisfy grammatical criteria. And he constantly speaks of them as "uttered": sentences, rather than their issuances, are uttered.

But, according to Austin, this view is heir to a deplorable error. *These sentences*, he assumes, *are all neither true nor false*:

None of the utterances cited is either true or false: I assert this as obvious and do not argue it. It needs argument no more than that 'damn' is not true or false: it may be that the utterance 'serves to inform you' – but that is quite different. To name the ship *is* to say (in the appropriate circumstances) the words 'I name, &c.'. When I say, before the registrar or altar, &c., 'I do', I am not reporting on a marriage: I am indulging in it. (*Words*, p. 6)

Over and above the supposed fact that these sentences are neither true nor false, Austin introduces a second supposed observation which provides a basis for distinguishing them from truth-evaluable sentences. To issue a truth-evaluable sentence, Austin assumes, is to "say" something.³⁷ In contrast, Austin feels, in the case of performatives the issuance of the sentence cannot satisfactorily be described as (*just*) "saying something". When I say "I bet you sixpence that it will rain" I do not just say something but I am *doing* something *in* saying something (supposedly, I am betting). So there are two things which, according to Austin, are usually said about truth-evaluable sentences but which cannot be said about these "masqueraders". Austin sums them up as follows:

Utterances can be found, satisfying these conditions, yet such that

- A. they do not 'describe' or 'report' or constare anything at all, are not 'true or false'; and
- B. the uttering of the sentence is, or is part of, the doing of an action, which again would not *normally* be described as saying something (*Words*, p. 5)

The first part of *Words* is primarily devoted to an investigation of these sentences and, especially, to the attempt to contrast them with those sentences which still appear to fit the truth-addicted account, sentences which are truth-evaluable. The former, "masquerading" sentences are called "performatives". The latter ones – those which are still supposed to be truth-evaluable – Austin dubs "constatives".

§ 1.1.2 Two criteria of performative sentences

The supposed observation about performatives from which Austin started his investigation was that they are not truth-evaluable. And, he feels, issuances of these sentences should not be described as just saying something. Both of these first assumptions are negative ones, assumptions which concern *what* performatives *are not*. But what can be said positively about them? – Austin now states positive characteristics of performative sentences. He introduces two criteria for a sentence's being a performative.

(1) Performatives are supposed not to be truth-evaluable – how, then, can they be assessed instead? Austin introduces an alternative judgement, one which seems suitable to replace the true/false-dichotomy: He suggests assessing performatives as "*happy*" or "*unhappy*". The words "happy" and "unhappy" are here obviously not intended in the common sense of these words, but rather in some technical sense. What, then, do these assessments aim at?

Let us take one of Austin's own examples. Consider someone says "I bet you sixpence it will rain tomorrow", but the addressee does not accept the bet. The bet "indicated" by

³⁷ He usually equates "saying" something with "stating", "describing", and "reporting" something; cf., e.g., p. 5 f.. This identification is clearly inadequate and has given rise to several confusions in Austin's text.

the speaker will then not come into existence. According to Austin, in this case the sentence *is not false*. If I issue the sentence in order to make a bet, but the bet is rejected, then there is some kind of deplorable misfortune. However, the point of this misfortune is *not that I had been lying*, as Austin emphasises.³⁸ And our negative assessment in such a case is of some other category than truth and falsity. It is this different kind of being odd which Austin intends to capture when suggesting that the sentence is issued "unhappily" or, straightforwardly, that *the performative is "unhappy"*, rather than false.

Accordingly, if the bet succeeds and goes smoothly (in several respects we shall deal with below), although the speaker will then have done what she said, the point of the jubilation into which we burst is not that the speaker has said the truth – it is something different. It is this kind of delight, not bound up with having said the truth, which Austin wants to capture when saying that the performative sentence is "happy".

That much by way of a first brief outline; we shall consider the feature of "(un)happiness" below in more detail. The first positive criterion of performatives, meant to distinguish them from constatives, is then that they are to be assessed as "happy" or "unhappy" – rather than as true or false.

Criterion (1) of performative sentences:

(*T* is a performative sentence) → (*T* is "happy" or "unhappy" rather than true or false)

(2) To turn to the second criterion, remember Austin's assumption that the issuance of a constative (a truth-evaluable sentence) can adequately be viewed as an act of (*merely*) *saying something*: the second criterion of performatives starts from the assumption that to issue a performative is not just to say something. In introducing his initial examples of performatives, Austin located them inside a context: he introduced the sentence "I do" as *issued in the context of a marriage ceremony*, the sentence "I name this ship the *Queen Elizabeth*" was *assumed to be issued in order to name a ship*, "I give and bequeath my watch to my brother" was *presumed to stand in a will*, and "I bet you sixpence it will rain tomorrow" is *meant to be issued in order to bet*. It is now with reference to these contexts, particularly, with reference to the acts performed by the speakers, that Austin provides a criterion of performatives. The issuance of a performative sentence is *made in order to perform an action* (over and above the mere act of saying something). As Austin puts it:

[T]he uttering of [a performative] sentence is, or is part of, the doing of an action, which again would not *normally* be described as saying something (*Words*, p. 5)

This second peculiarity, that the issuance of the sentence is part of the performance of an act (over and above the mere issuance of the words), is the very reason to choose the term "performative", as Austin makes clear:

What are we to call a sentence or an utterance of this type? I propose to call it a *performative sentence* or a performative utterance, or, for short, 'a performative'. The term 'performative' will be used in a variety of cognate ways and constructions, much as the term 'imperative' is. The name is derived, of course, from 'perform', the usual verb with the noun 'action': it indicates that the issuing of the utterance is the performing of an action – it is not normally thought of as just saying something. (*Words*, p. 6 f.)

And, incidentally, it is this feature, that the performative is part of a certain kind of action, on which Austin later concentrates in the light of certain difficulties to which the

³⁸ *Words*, p. 11.

performative/constative-dichotomy is subject, introducing the doctrine of illocutionary acts.

A preliminary version of both criteria of performatives can then be stated thus:

Two criteria of performatives (preliminary):

- (1) (T is a performative sentence) \rightarrow (T is "happy" or "unhappy" rather than true or false)
- (2) (T is a performative sentence) \rightarrow (To issue T is to perform an action)

§ 1.1.3 Two criteria of performativity: refinements

In this simple form, the criteria are unclear in two respects: Firstly, the notion of "(un)happiness", used in the first criterion, is a technical term and needs to be further explained. Secondly, it is too rough to say that performatives are "part of the doing of an action": for saying something is an action in itself, as Austin himself emphasises later.³⁹ Since to issue a sentence is always to say something, all constatives are part of the doing of an action, too. But Austin *contrasts* the doing of an action with saying. The reason that this is not inconsistent is that it is *certain special* actions Austin has in mind in the second criterion: we are then to uncover what actions these are.

(1) To begin with, what precisely does it mean that performatives are "happy" or "unhappy"? – Austin determines the notion of "(un)happiness" by reference to a further technical term, the notion of "(in)felicity".⁴⁰ "(In)felicity" is a property, not of the performative itself, but of the action for which the performative is issued. There are a number of different ways in which this action can be "infelicitous". Austin introduces a list of them as the "things which are necessary for the 'smooth' or 'happy' functioning of a performative":

- (A.1) There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further,
- (A.2) the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.
- (B.1) The procedure must be executed by all participants both correctly and
- (B.2) completely.
- (Γ.1) Where, as often, the procedure is designed for use by persons having certain thoughts or feelings, or for inauguration of certain consequential conduct on the part of any participant, then a person participating in and so invoking the procedure must in fact have these thoughts or feelings, and the participants must intend so to conduct themselves, and further
- (Γ.2) must actually so conduct themselves subsequently. (*Words*, p. 14 f.)

If one or more of these conditions⁴¹ is not satisfied then the action aimed at in the issuance of the performative will be in some way "infelicitous".

³⁹ *Words*, p. 91 f.

⁴⁰ As I represent the matter, "(un)happiness" and "(in)felicity" are parallel concepts which can properly be distinguished: the first is applied to *sentences* whereas the latter is applied to *actions performed in the issuance of the sentence*. In Austin's presentation this distinction is not consistently complied with. For example, he sometimes ascribes the predicate "(un)happy" to actions. Nevertheless, there is a strong tendency to the effect that the distinction between "(un)happiness" and "(in)felicity", as I make it, applies. For present purposes it is after all not of essential importance which expression is applied to sentences, and which to actions: the only important thing is that there is a certain kind of flaw of *actions* which results in a certain kind of flaw of *sentences*, and that both kinds of flaws, despite their close connection, should be distinguished.

⁴¹ Austin speaks of "rules". However, I feel that to accept what he provides us with as "rules" would be to overstrain the notion of a "rule". I prefer "conditions".

The connection between "(in)felicity" of these actions and the "(un)happiness" of performative sentences is rather simple: The performative sentence will be made "unhappy" by any "infelicity" of the action aimed at; accordingly, if and only if the action is "felicitous" then the performative will be "happy". The unhappiness of performatives, that is, straightforwardly depends on possible infelicities of the act aimed at in the issuance.

I have said that "unhappiness" derives from infelicities of the action "*aimed at*", rather than of the action "performed". The reason is that there are cases of infelicities in which we cannot say that the action in question is actually performed.⁴² In the (A) and (B) cases, the action is not successfully performed, which means that it *is not performed at all*. Austin explains this by reference to the example of marrying:

The first big distinction is between all the four rules A and B taken together, as opposed to the two rules Γ (hence the use of Roman as opposed to Greek letters. If we offend against any of the former rules (A's or B's) – that is if we, say, utter the formula incorrectly, or if, say, we are not in a position to do the act because we are, say, married already, or it is the purser and not the captain who is conducting the ceremony, then the act in question, e.g. marrying, *is not successfully performed at all, does not come off, is not achieved*. Whereas in the two Γ cases the act *is* achieved, although to achieve it in such circumstances, as when we are, say, insincere, is an abuse of the procedure. (*Words*, p. 15 f.; my italics)

(2) Let me turn to the second criterion, that the issuance of the performative must be part of the doing of an action. Not any action, I have said, will be capable of satisfying this criterion as it is intended: Austin actually wants to claim that there are some *quite specific kinds of* actions which are executed in the issuance of performative sentences.

A first indication of the direction into which we will have to go has already been given by the *first* criterion, that performatives are "happy" or "unhappy". The "(un)happiness" of a performative sentence depends directly on the (absence of) so-called "(in)felicities" of the action performed in the issuance of the sentence. These actions, again, were described as connected with a conventional procedure, as having a certain conventional effect, and being connected with certain further conditions, in the absence of which the act was either "infelicitous" or even not successfully performed. Those actions which are mentioned in the first criterion, it seems then, must generally be bound to things like a "conventional procedure" and a "conventional effect".

It is clear that not every action by far has any such connections to conventions. For example, when I eat an apple, there need not be any conventional procedure, and eating an apple does not include any conventional effects. Consequently, there are no "infelicities" involved in eating an apple. To be sure, I can even perform actions *in issuing a sentence* without the action involving any conventional procedure or effect. For example, I can blow out a candle by issuing a sentence. Blowing out candles, however, still needs not to involve any conventional procedure and does not involve any conventional effect.

Accordingly, it is clear that the second criterion is underspecified if we just demand the sentence to be part of the doing of *some* (whatever) action. The criterion must rather be read as demanding that the performative is part of the doing of *a special kind of* action. And, as we shall see, Austin has some very special kind of action in mind, the nature of which I will now attempt to reconstruct. – As a name for this kind of act I will use the term "AUSTIN-act". For the sake of transparency, I suggest reformulating the second

⁴² Perhaps "aimed at" is not unproblematical, too, since it suggests an intention of the speaker to perform the act. Austin seems to adopt the *prima-facie* assumption that an intention is, and must be, present if the act is performed or the issuance made; see, e.g., *Words*, pp. 21 f., 45, 80. But he does not clearly settle the matter.

criterion: the issuing of the performative is not just demanded to be part of the doing of an action, it must be part of the performance of an AUSTIN-act. The two conditions read then as follows:

Criteria of performative sentences:

- (1) (*T* is a performative sentence) → (*T* is "happy" or "unhappy" rather than true or false)
 (2) (*T* is a performative sentence) → (to issue *T* is to perform an AUSTIN-act)

The next section will be devoted to the question what precise kind of action the AUSTIN-act is meant to be.

§ 1.2 What are "AUSTIN-acts"?

§ 1.2.1 "AUSTIN-act": a first outline

What, then, is an AUSTIN-act? – A first approximation might be attempted with reference to the case of so-called "explicit performatives". Remember the examples Austin had initially introduced:

- (E.a) 'I do (sc. Take this woman to be my lawful wedded wife)' – as uttered in the course of the marriage ceremony.
 (E.b) 'I name this ship the *Queen Elizabeth*' – as uttered when smashing the bottle against the stern.
 (E.c) 'I give and bequeath my watch to my brother' – as occurring in a will.
 (E.d) 'I bet you sixpence it will rain tomorrow.' (*Words*, p. 5)

Austin comments on them:

In these examples it seems clear that to utter the sentence (in, of course, the appropriate circumstances) is not to describe my doing of what I should be said in so uttering to be doing or to state that I am doing it: it is to do it. None of the utterances cited is either true or false: I assert this as obvious and do not argue it. [...] To name the ship is to say (in the appropriate circumstances) the words 'I name, &c.'. When I say, before the registrar or altar, &c., 'I do', I am not reporting on a marriage: I am indulging in it. (*Words*, p. 6)

Part of what he says here has already been captured in the second criterion of performatives: In the case of constatives, Austin assumes, I just "say" (or "describe", or "state") something. In the case of explicit performatives I am saying something, too; over and above this, it is peculiar in these cases that what I am saying is that I do something. Moreover, in the above comment Austin emphasises a further, still more peculiar feature: in issuing an explicit performative the speaker is not only saying that she does something, in saying so she actually *does that something*, that is, executes what she is saying.

We are then able to record a quite peculiar observation about explicit performatives, connected with the second criterion of performatives: In issuing an explicit performative *I am doing what I am saying*. We might now speculate that those AUSTIN-acts aimed at in the second criterion of performatives are to be performed by making the performance itself explicit.

However, this first indication will not straightforwardly provide us with the decisive essential feature of performatives: to say what one does is after all neither necessary nor sufficient for an act's being an AUSTIN-act. I shall show below that it is not necessary;⁴³

⁴³ See § 1.3.1.

let me here just show that it is not sufficient for an act's being an AUSTIN-act, and thus not for a sentence's being a performative sentence either. Consider the following two cases:

(1) I can blow out candles by ejecting the words "I hereby blow out these candles" and then will be doing what I am saying. However, I have already emphasised above, blowing out candles is not bound to the execution of any conventional procedure which has any conventional effect. Hence the flaws Austin introduces as "(in)felicities" will not be involved. Consequently, the words issued will not be "happy" or "unhappy" and thus the whole case not one of the kind Austin has in mind.

(2) The "doing-what-one-says" criterion would not even exclude mere acts of saying: I can merely say something by issuing "I hereby merely say something". But the act of merely saying something is precisely the one with which Austin *contrasts* "doing" in the second criterion: it is meant to be the very point of the contrast between constatives and performatives that the latter is *not* just an act of saying something.

These two examples make clear – in different respects – that doing what one says is not sufficient for performing one of the actions Austin has in mind, that is, for performing an AUSTIN-act. The action must still be of a certain more peculiar type. What special kind of action is meant?

Part of the answer has already been indicated with reference to the first criterion, that the sentence must be "happiness-evaluable". Whether a sentence is "happy" or "unhappy" depends on whether the act aimed at in the issuance of the sentence is "felicitous" or "infelicitous". The action aimed at in the second criterion, we can conclude, *must be one which can be felicitous or infelicitous*. It must depend on some conventional procedure, having a certain conventional effect, and so on (as described in the conditions of "happiness" at pages 14 f.). Now Austin gives a clear and decisive indication with what kind of action we are dealing when dealing with acts which are subject to "infelicities":

Well, it seems clear in the first place that, although it has excited us (or failed to excite us) in connexion with certain acts which are or are in part acts of *uttering words*, infelicity is an ill to which *all* acts are heir which have the general character of ritual or ceremonial, all *conventional* acts. (*Words*, p. 18)

Austin provides us here with three terms: "ceremonial act", "ritual act", and, as a more general term, "conventional act". The former two expressions go well with the cases which had initially caught his attention like marrying, christening a ship, and bequeathing. These acts are rather formal, and "ceremonial" as well as "ritual" may be quite apt for them. But he then also introduces examples like betting⁴⁴ and promising⁴⁵, and in these cases "ceremonial" and "ritual" may be somewhat stilted. Therefore, in the following I will stick to "conventional act".

§ 1.2.2 "Conventional act"

We have then next to ask: What is a conventional act? There are a number of features of actions which might bring us to call an act a "conventional" act. I will first exclude two

⁴⁴ *Words*, p. 5.

⁴⁵ *Words*, p. 9.

possible senses of being conventional which Austin himself mentions but which are after all not at issue.

(1) One time Austin seems to use "conventional" in the sense of "not ordinary" or "unusual" when equating "non-conventional" with "unconventional":

More important is the question whether these responses and sequels can be achieved by non-conventional means. Certainly we can achieve the same perlocutionary sequels by non-conventional means (or as we say 'unconventional' means), means that are not conventional at all or not for that purpose; thus I may persuade some one by gently swinging a big stick or gently mentioning that his aged parents are still in the Third Reich. Strictly speaking, there cannot be an illocutionary act unless the means employed are conventional, and so the means for achieving it non-verbally must be conventional. But it is difficult to say where conventions begin and end; thus I may warn him by swinging a stick or I may give him something by merely handing it to him. But if I warn him by swinging a stick, then swinging my stick is a warning; he would know very well what I meant: it may seem an unmistakable threatening gesture. Similar difficulties arise over giving tacit consent to some arrangement, or promising tacitly, or voting by a show of hands. (*Words*, p. 119 f.)

As Austin himself recognises, *being a "usual" means for* doing something cannot be the sense in which his "conventional actions" are subject to conventionality. His examples of conventional actions in the above passage are warning, giving, promising and voting, and as he points out, nothing prevents me from performing these actions by using "unconventional" (unusual) means. I can, for example, warn someone by mentioning something associated with possible sanctions I may be considering as, for example, by mentioning that "his aged parents are still in the 'Third Reich'". The action may be performed even if unusual means are used. In contrast, the "conventional action", in Austin's account, depends *for its existence* on the conventionality involved. If there is not a conventional procedure, having a certain conventional effect, then the AUSTIN-act will not be successfully carried out – it will be null and void. Now the borderline between usual and unusual achievement has nothing to do with the borderline between success and voidness. So this sense of "conventional" cannot be at issue.

(2) Another time he seems to refer to something like "socially appreciated" behaviour, when saying that on certain occasion "the adoption of an attitude is conventionally considered an appropriate or fitting response or reaction to a certain state of affairs":

There are numerous cases in human life where the feeling of a certain 'emotion' (save the word!) or 'wish' or the adoption of a certain attitude is conventionally considered an appropriate or fitting response or reaction to a certain state of affairs, including the performance by someone of a certain act, cases where such a response is natural (or we should think so!) In such cases it is, of course, possible and usual actually to feel the emotion or wish in question; and since our emotions or wishes are not readily detectable by others, it is common to wish to inform others that we have them. (*Words*, p. 78)

But consider the marriage of Romeo and Juliet: certainly they will have had married in the full sense even if their marriage is not appreciated by many except by themselves. And someone may make a bet in the full sense even when making this bet, in her social context, counts as indecent. The difference between a socially approved act and a socially disapproved act is not the difference between achievement and failure: conventions in the sense of social approvals are not in point either.

(3) A third sense of being conventional one might consider as relevant is that of essentially involving the use of words, and hence essentially involving *linguistic* conventions. It is a very popular mistake, one to which Austin himself tends in some passages, to take this sense as the relevant one. Since this is a rather tempting as well as a rather common

mistake, I shall devote a separate section to setting out my arguments that it *actually is* a mistake.⁴⁶

What, then, is the sense in which AUSTIN-acts are bound up with conventionality? The most straightforward access to the concept Austin has in mind is provided by the conditions of the "happiness" of performative sentences. For the (un)happiness of these sentences depends on the (in)felicity of the action aimed at, and Austin says that it is precisely all "conventional acts" which are subject to infelicity.

So let us consider these conditions in some more detail:

- (A.1) There must exist an accepted conventional procedure having a certain conventional effect, that procedure to include the uttering of certain words by certain persons in certain circumstances, and further,
- (A.2) the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.
- (B.1) The procedure must be executed by all participants both correctly and
- (B.2) completely
- (Γ.1) Where, as often, the procedure is designed for use by persons having certain thoughts or feelings, or for inauguration of certain consequential conduct on the part of any participant, then a person participating in and so invoking the procedure must in fact have these thoughts or feelings, and the participants must intend so to conduct themselves, and further
- (Γ.2) must actually so conduct themselves subsequently. (*Words*, p. 14 f.)

Conditions (A) and (B), remember, are conditions of the mere success, or obtainment, of the act. The (Γ) conditions, in contrast, *go beyond* the mere success. Since we are concerned with necessary and sufficient conditions (conditions of the *mere* obtainment) of conventional acts, we have primarily to consider the (A) and (B) conditions.

Let me list the demands posed in (A) and (B) of Austin's description:

Austin's conditions for the success of AUSTIN-acts:

- (A.1a) There must exist an accepted conventional procedure.
- (A.1b) This procedure must have a certain conventional effect.
- (A.1c) This procedure must include the uttering of certain words by certain persons in certain circumstances.
- (A.2) The particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked.
- (B.1) The procedure must be executed correctly.
- (B.2) The procedure must be executed completely.

These conditions can be reduced in certain ways.

(1) To start with, (A.1c) is not a condition of conventional acts: as Austin emphasises later, there are such acts which do not require the issuance of words. The condition is stated here only because the conditions are meant to clarify the notion of a *performative sentence*, such that the presence of a *sentence* must be guaranteed. Austin points this out in a comment on (A.1c):

Let me first remind you of rule A.1 [...].

A.1 *There must exist an accepted conventional procedure having a certain conventional effect, the procedure to include the uttering of certain words by certain persons in certain circumstances.*

The latter part, of course, is simply designed to restrict the rule to cases of utterances, and is not important in principle. (*Words*, p. 26)

Two of his examples of conventional acts not requiring verbal performance are doing obeisance by just deeply bowing⁴⁷ and voting by a show of hands⁴⁸.

⁴⁶ See § 2.3.

⁴⁷ *Words*, p. 69 f.

⁴⁸ *Words*, p. 120.

(2) Furthermore, as to conditions (B.1) and (B.2): Austin does not give any important reason for keeping them separate; I suggest expressing them by the following condition (B).

(B) The procedure must be executed correctly and completely

(3) As to (A.2): We can do without this condition. Consider the examples Austin provides for (A.2) flaws:

'I appoint you', said when you have already been appointed, or when someone else has been appointed, or when I am not entitled to appoint, or when you are a horse: 'I do', said when you are in the prohibited degrees of relationship, or before a ship's captain not at sea: 'I give', said when it is not mine to give or when it is a pound of my living and non-detached flesh. We have various special terms for use in different types of case – 'ultra vires', 'incapacity', 'not a fit or proper object (or person, &c.)', 'not entitled', and so on. (*Words*, p. 34)

In all these cases it would after all be appropriate to argue, with condition (B), that the procedure has not been executed correctly and completely – at least if we apply a demanding interpretation of this condition. The reason why Austin demands appropriate persons and circumstances is perhaps that arguing with condition (B) does not fully meet the point of these flaws. For the presence of appropriate persons and circumstances can be viewed as a *presupposition* of the demand for correct and complete performance *by these persons*. However, although it may be of some interest to investigate the relation between condition (B) and its presuppositions, such refinements go beyond our present needs. Thus I suggest interpreting condition (B) in the demanding way, as presupposing or implying condition (A.2), and to drop the latter.

We end up with the following reduced statement:

Conditions for the success of conventional acts

(A.1a) There must be an accepted conventional procedure.

(A.1b) This procedure must have a certain conventional effect.

(B) The procedure must be executed correctly and completely.

This statement contains two further expressions which need explanation: "accepted conventional procedure" and "conventional effect". The next paragraphs deal with the question what Austin means with these expressions.

To start with, what does Austin aim at when speaking about a "conventional" effect? Let me introduce the examples of such effects Austin mentions.

(1) With reference to *promising* Austin says that "I promise to do ..." entails "I ought to do ..." ⁴⁹. This "I ought" entails that there is a *commitment* for me in the case that I have promised. "Committing the speaker as in promising" is later explicitly said to be a "consequential effect" ⁵⁰ of a kind generally involved in the performance of (conventional) illocutionary acts in contrast to (non-conventional) perlocutionary acts. This "consequential effect" seems to refer to the same "conventional effect" as mentioned in (A.1). Commitments, this suggests, can be instances of those states of affairs Austin has in mind as "conventional effects".

(2) This is supported when Austin later examines whether statements are illocutionary acts. In order to examine this, he considers whether statements "take effect" in certain ways; and he answers the question positively *because* "if I have stated something, then

⁴⁹ See *Words*, p. 51.

⁵⁰ *Words*, p. 102 f.

that commits me to other statements: other statements made by me will be in order or out of order"⁵¹. Here, again, the conventional effect seems to be a commitment.

(3) Another example Austin introduces is the case of christening a ship. Here the effect involved is (at least) that the ship has got a name as, for example, "Queen Elizabeth".⁵² As Austin comments later in some more detail, this means that referring to the ship as, for example, "Generalissimo Stalin" will be "out of order"⁵³. Again, it makes sense to say that the effect consists of, or entails, a commitment, namely, the commitment to call the ship by the name it bears.

Further examples referring to commitments are given in the last lecture, where Austin attempts to suggest a taxonomy of certain conventional acts.⁵⁴ In general, all examples Austin gives of "conventional effects" involve, or can well be interpreted as involving, commitments. Let me briefly make clear that I personally do not think that the effects he refers to *need to be* commitments. For example, appointing is a clear case of an AUSTIN-act; if someone is appointed then this uses to include, not only certain special commitments of her, but also certain rights and entitlements. One might argue that rights and entitlements could be reconstructed as commitments of other persons, and I might then argue that there are still relevant cases in which the effect cannot be adequately be reconstructed by pure reference to commitments and rights; however, we can do without going any deeper into this issue: for the present purposes it suffices to recognise that commitments are clear, and perhaps prototypical, candidates for those conventional states of affairs.

What, then, is the *general* peculiarity of a state of affairs that makes Austin tend to call it "conventional"? Although he does not tackle this question straightforwardly, Austin gives us a number of hints:

(1) Austin contrasts the "conventional effect" involved in conventional acts with "states of affairs in the 'normal' way, i.e. changes in the natural course of events"⁵⁵. So, to put it crudely, "conventional effects" are in some sense "*non-normal*", or "*non-natural*".

(2) At another place the production of "mere conventional consequence[s]" is contrasted with "the production of real effects"⁵⁶. So, to put it plainly, "conventional effects" are in some sense even "*non-real*".

(3) Most frequently, Austin contrasts "conventional" with "physical", and he points out that conventional actions (ethical actions, illocutionary acts) are to be contrasted in some way with physical acts. For example, while dealing with the question what kinds of conventional acts there are, Austin contrasts the acts "which fall into the province of Ethics" and which are "exposed to infelicity" with "physical movements"⁵⁷. Moreover, at one place he even straightforwardly equates "non-conventional" actions with "'physical' actions":

⁵¹ *Words*, p. 139.

⁵² See *Words*, p. 23.

⁵³ *Words*, p. 117.

⁵⁴ Cf., e.g., *Words*, pp. 154, 155, 159.

⁵⁵ *Words*, p. 117. With his reference to "(non-)natural" states of affairs Austin might perhaps intend to allude to Moore's conception of ethical facts as "non-natural" facts; see *id.* (1903), 40 ff.

⁵⁶ *Words*, p. 103.

⁵⁷ *Words*, p. 19 f.

We have then to draw the line between an action we do (here an illocution) and its consequences. Now in general, and if the action is not one of saying something but a non-conventional 'physical' action, this is an intricate matter. [...] (*Words*, p. 111)

And with respect to the effects of the illocutionary act (which is a kind of conventional act) he speaks of a "break in the chain" which is "wanting in the case of physical actions"⁵⁸. So at least in a crude preliminary statement we can say that the act in question is somehow "*non-physical*".

What is the point of these remarks in terms of "(non-)natural", "(non-)normal", "(non-)physical" and "(non-)real" states of affairs? I think what Austin has in mind refers to the distinction between purely physical, or material, facts on the one hand and what could perhaps preliminarily best be called "non-natural", or "non-physical", states of affairs on the other hand. Let me explain what I mean by the predicates "non-natural" and "non-physical". Remember the examples Austin gives, the state of affairs that a ship is named, the state of affairs that two people are married, the state of affairs that two people have made a bet: All these states of affairs contain elements (like, for example, commitments) peculiar in a way which makes them suspicious *from the viewpoint of a purely materialist, or physicalist ontology*. Let me list several characteristics, or supposed characteristics, of these elements.

(1) A first observation is that these elements are *not material*.

(2) This includes that they are *not spatially extended*. Furthermore, they are *not precisely located in space*. Although one may say that marriage, and the duties bound up with a marriage, have a temporal start (the wedding) and a temporal end (for example, the death of one spouse, or, nowadays, rather divorce), it cannot be said *where* the marriage and the commitments are during the limits of their temporal existence.

(3) An outright materialist would probably hesitate to say that states of affairs containing these elements are *caused* – in the sense common in traditional physics. For example, I think we should hesitate to claim that saying "I do" (in a certain context) *causes* a marriage, or that saying "I bet" *causes* a bet, or again that saying "I promise" *causes* the promise in this sense of the word "cause". I think it would be somewhat more satisfactory, in such cases, to say that these states of affairs are "*constituted*".

(4) Still a further observation is that the five senses traditionally recognised are all unsuitable to *perceive* these states of affairs.⁵⁹ Furthermore, a physicist would be entirely unable to *measure, or observe*, these states of affairs just because physics lacks the relevant methods. Indeed, I think, an outright materialist, or physicalist, will tend to deny the existence of these states of affairs, or at least deny them the status of "hard facts".

(5) It is, I think, the crucial feature of those peculiar elements that their existence depends on a common "*acceptance*" in a group *to the effect that* they exist. Austin himself speaks about this matter in connection with the example of being divorced, where the conventional state of affairs can be accepted by one cultural group but *rejected* by another, and in connection with a second example, challenging, where the "acceptance" is *lost during time*:

⁵⁸ *Words*, p. 113.

⁵⁹ Could the fact that we may say "I saw them get married" be a counter-example? – I do not think so: what one may have been seeing is the "natural" part, the part which reflects light. But the conventional consequences as, for instance, that both spouses are now not entitled to marry someone else any more (unless they get divorced), are invisible.

What could be an example? Consider 'I divorce you', said to a wife by her husband in a Christian country, and both being Christian rather than Mohammedans. In this case it might be said, 'nevertheless he has not (successfully) divorced her: we admit only some other verbal or non-verbal procedure'; or even possibly 'we (*we*) do not admit any procedure at all for effecting divorce – marriage is indissoluble'. This may be carried so far that we reject what may be called a *whole code* of procedure, e.g. the code of honour involving duelling: for example, a challenge may be issued by 'my seconds will call on you', which is equivalent to 'I challenge you', and we merely shrug it off. The general position is exploited in the unhappy story of Don Quixote. (*Words*, p. 27)

It is unnecessary for the present purposes to nail the whole thing down by a definition – it is sufficient to get conveyed what I have in mind, for which, I hope, these few remarks suffice: the characteristics of conventional states of affairs I suggest are that they are not material, not spatially extended, make an outright materialist hesitate to say they are caused, cannot be perceived by the five senses and depend on "acceptance" in a certain group. Now I think it is these states of affairs which Austin has in mind when he contrasts the "effect" involved in conventional acts with "normal", "natural", "real", and "physical" states of affairs. I shall call those peculiar effects henceforth "conventional effects" and speak of such states of affairs as "conventional states of affairs".

Let me turn to the second peculiar expression used in Austin's conditions of "happy" performatives: the notion of an "accepted conventional procedure". What does this expression refer to? Again, Austin does not display the matter systematically; nevertheless, some remarks he makes, together with the examples of conventional acts he uses, seem to suffice in order to give an impression of what he has in mind.

To start with, let us again consider the remark he makes about the "accepted conventional procedure" connected with divorcing:

What could be an example? Consider 'I divorce you', said to a wife by her husband in a Christian country, and both being Christian rather than Mohammedans. In this case it might be said, 'nevertheless he has not (successfully) divorced her: we admit only some other verbal or non-verbal procedure'; or even possibly 'we (*we*) do not admit any procedure at all *for effecting divorce* [my italics – fcd] – marriage is indissoluble'. (*Words*, p. 27)

Austin's formulation represents the "accepted conventional procedure" as related to the conventional act of divorcing as follows:

- (1.a) The "accepted conventional procedure" is a procedure *for* something.
- (1.b) More particularly, it is represented as a procedure *for effecting the conventional act* with which it is supposed to be connected.
- (2) Furthermore, it must be *admitted* as effecting the performance of the conventional act with which it is supposed to be connected.

For further indications consider two passages from the second part of *Words*; Austin deals here with the illocutionary act as a conventional act, and he introduces the notion of a *convention* as connected with the conventional act. To start with, he explains the notion of a conventional act as the notion of an act which is "done as conforming to a convention"⁶⁰; so, ...

- (3) Conventional acts are acts done as conforming to a convention.

And he indicates the relation between the conventional act and the convention by saying that the illocutionary act is "constituted not by intention or by fact, essentially but by convention"⁶¹.

⁶⁰ *Words*, p. 105.

⁶¹ *Words*, p. 128.

Thus, ...

- (4) Conventional acts are constituted by a convention.

How can these four claims be connected with each other? I think the picture developing is the following. According to (4), conventional acts are constituted by a convention. This convention, it seems obvious, is itself dependent on its being accepted (in a certain group), which means that it must be *admitted* as effecting the performance of the conventional act, as it is demanded in (2). Since conventional acts are constituted by a convention we can say, as (3) does, that they are acts done (as) conforming to the convention. In order to explain this more carefully we can say that the convention specifies, for some certain "procedure", that its execution is necessary and sufficient for the performance of the conventional act. Thus we can view the procedure, like (1.a) does, as a procedure *for* something, namely, more particularly, with (1.b) as a procedure for *effecting the conventional act*.

In order to get some flesh on these bones, let me introduce an example. Consider the case of voting as conceived of in a certain society. Imagine this society has certain statutes, in which the following two sentences are to be found about elections:

1. All elections are made by show of hands.
2. All members are entitled to vote.

We can view these two sentences, perhaps together with some further background assumptions, as a *convention* to the effect that showing hands of members of the society – in the course of an election – counts as the performance of the act of voting. We can view the act of showing hands of members during an election as a *procedure* specified by this convention. The convention is (must be for its effectiveness) "*accepted*" by virtue of the fact that certain members of the society have passed the statute at some earlier time. The convention *constitutes* the act of voting. We can further say that the act of voting is *done (as) conforming* to this convention. Since the procedure is specified by the convention we can view it as a procedure *for effecting the act of voting*, and since the convention specifying the procedure is (must be) accepted we can say about the procedure, too, that it is (must be) admitted, or accepted, for the performance of voting in this society.

Let me test my reconstruction of Austin's conventional acts with reference to examples of conventional acts Austin provides. Austin mentions two large groups of acts which, he assumes, are to be viewed as conventional actions.

(1) Firstly, "many of the '*acts*' which concern the jurist"⁶² are conventional acts of the relevant kind. One example he constantly uses – and which is obviously one of these acts "concerning the jurist" – is bequeathing.⁶³ At least *prima facie*, bequeathing meets quite well the conditions of AUSTIN-acts I have outlined. There are laws and regulations concerning bequeathing, and we can view the content of these laws and regulations as the demanded *convention*. They are accepted by virtue of having been passed by a legislator, conforming to jurisdiction, or being common sense. This convention specifies the conditions people must satisfy in order to bequeath; that is, it specifies a *conventional "procedure"* for bequeathing. In order to bequeath, one must execute this procedure correctly

⁶² *Words*, p. 19.

⁶³ See *Words*, pp. 5, 14, 20, 32, 33.

and completely. It is also not difficult to find a *conventional effect* bound up with bequeathing: it has the consequence that in the case of death the possession of certain properties is fixed. Possession is a conventional state of affairs: it is not material, has no spatial extension, and so on.

(2) Austin's second example are *acts "which fall within the province of Ethics"*.⁶⁴ He does not give any clear example, but I assume that one of the acts he has in mind is promising, which is one of his favourite examples throughout *Words*. Now at least from a conventionalist view of ethics it makes good sense to say that promising is constituted by our common agreement. The content of this agreement can be viewed as a convention. It specifies what speakers must do in order to promise as, for example, that it is necessary to let the promisee know of the promise. In order to promise one must execute this conventional "procedure" correctly and completely. The conventional effect of promising is that the person promising becomes committed to what she promises.

(3) A further example of a conventional act Austin gives is kicking a goal.⁶⁵ This act, too, meets the picture we have sketched of a conventional act quite well. There is a set of rules of football (represented on the one hand formally in the rules "accepted" by the FIFA, on the other hand by rules "accepted" rather informally by people spontaneously playing football just for fun). Part of these rules specify what must be done in order to kick a goal: that is, they specify a conventional "procedure" for kicking a goal. The content of these rules can be viewed as the demanded convention constituting kicking a goal. In order to kick a goal one must execute the "procedure" correctly and completely (for example, get the ball over the line limiting the field inside the area marked by the goal). The conventional effect of kicking a goal is that the team of the scorer gets a point.

On the whole, it seems, the examples Austin makes of conventional acts conform rather well at least to the most central properties of "conventional acts" Austin's general remarks ascribe to this act according to my interpretation.

Let me then sum up how I have reconstructed Austin's conception of a conventional act: Austin's "conventional act" is an act "*done as conforming to a convention*". To "conform" to the convention is to execute a certain procedure specified by the convention for the performance of the act. Since this procedure is specified by the convention it can be called a "*conventional procedure*", and since the convention must be "accepted" we can call the procedure an "*accepted conventional procedure*". Since the convention specifies that the (correct and complete) execution of the procedure results in the obtainment of the act we can say that it is a procedure "*for*" the performance of this act.

If someone executes the "procedure" then the act is *constituted* by the convention. The performance of the act includes the production of a certain "*conventional effect*". Austin calls this effect "conventional" probably because it is a state of affairs rather suspicious to materialists: it lacks certain typical features of "brute facts" like being material, having spatial extension, being observable with the physicist's methods and the like. This description, I admit, is neither perfectly distinct nor entirely waterproof,⁶⁶ but I think that it

⁶⁴ See *Words*, p. 19 f.

⁶⁵ See *Words*, p. 107.

⁶⁶ There are, for example, a number of different ways in which one can reconstruct the precise mechanism how conventional consequences are constituted in the course of a conventional act. For example, one may say that the procedure directly results in the consequences and both together make up the conventional act. One may also say that the proce-

suffices for getting an impression of what kind of phenomenon Austin's "conventional act" is. The following statement captures what I think are the central features of Austin's conception of the "conventional act":

An act A is a "conventional act" iff the following conditions are satisfied:

- (1) A is constituted by a convention which specifies a "conventional procedure" for the performance of the act, and**
- (2) performing A entails the production of a certain "conventional effect".**

§ 1.2.3 The "securing of uptake"

In the course of refining upon the second of two criteria of performatives, that performatives are part of the performance of an action, I had pointed out that not any action will be capable of satisfying the criterion. What Austin has in mind is a special kind of action – I called it an "AUSTIN-act". I then posed the question what an AUSTIN-act is. I argued that Austin conceives of it as what he calls a "*conventional act*" and outlined what kind of act is thereby meant. Now the condition that an act is a "conventional act" is *necessary*, but it is still *not yet sufficient* for an act's being an AUSTIN-act: the AUSTIN-act is *a special kind of conventional act*.

Remember the cases of actions with which Austin was initially concerned as, for example, marrying, christening a ship, and betting. As Austin observes, in all these cases there will supposedly an audience be present, and at least *prima facie* it seems that this audience must, say, *realise* what the speaker is doing, that is, that she is marrying, christening a ship, or betting. If, for whatever reason, the speaker does not succeed in making this clear then, it seems, the act will have failed and the issuance must be repeated.

Another example Austin uses is bequeathing a watch. In this case the speaker will hardly be able to make the issuance again; but in this case, too, it is necessary that the speaker succeeds in making clear that she is bequeathing a watch: the will must be found, recognised as a will, and its content must be identified. If it does not become clear both that a given issuance is to be valued as a will, and what the content of this will is, then the speaker will not have succeeded in bequeathing.

Austin introduces this feature of AUSTIN-acts in the following passage:

(iii) It is partly in order to keep this sort of consideration at least for the present out of it, that I have not here introduced a sort of 'infelicity' – it might really be called such – arising out of 'misunderstanding'. It is obviously necessary that to have promised I must normally

- (A) have been *heard* by someone, perhaps the promisee;
- (B) have been understood by him as promising. (*Words*, p. 22)

It is uncontroversial, I think, that it is not sufficient that the speaker conveys that she is promising: she must also convey *what* she is promising. So what she must get the audience known in order for the audience to "understand" (in the sense at issue), is:

ture results in the act, and that the act entails the conventional consequences (this interpretation seems to me to come the closest to what Austin had in mind). Or one may say that the act is performed as soon as the procedure is executed and that the conventional consequences are tacked on to the act by the convention. Especially with respect to the conventional act of promising, matters like these have been the subject of debate for centuries. For a discussion of the issue connected with the notion of an "illocutionary act" cf., e.g., Danielsson (1973), where several different ways of analysing the conventional act of promising are outlined, and Andersson (1975), where the discussion is applied to Austin's doctrine in general.

- (1) that the speaker is performing an act, and
- (2) which act it is that the speaker is performing.

Austin expresses this peculiar feature of AUSTIN-acts in a particular way which has become famous: He says that the speaker must "*secure uptake*" in the audience. This characteristic expression is mentioned for the first time on page 36, and Austin does not use it more than once in the first part. In connection with performatives Austin prefers to demand "understanding": But in his later doctrine of illocutionary acts he changes to "uptake" in some cases,⁶⁷ and this notion has become common in connection with Austin's account – therefore I will generally use it in the following.

The securing of "uptake", it is important to recognise, is a *necessary* condition for AUSTIN-acts. Remember that the conditions of happiness were divided into three parts, (A), (B), and (Γ); and that the (A) and (B) conditions were conditions necessary for the success of the act, whereas the (Γ) conditions were represented as not necessary. Now Austin explicitly classifies the demand for "securing uptake" under the (B) conditions of conventional acts and rejects classifying it under the (Γ) conditions:

Is it essential for me to secure *correct understanding* as well as everything else? In any case this is clearly a matter falling under the B rules and not under the Γ rules. (*Words*, p. 36)

Thus the securing of uptake is an essential condition, a condition necessary for the success of AUSTIN-acts.

§ 1.2.4 Summary: Two criteria of "AUSTIN-acts"

Let me sum up my reconstruction of the notion of an AUSTIN-act up to this point. Firstly, AUSTIN-acts are "conventional acts", they are constituted by a convention and entail the production of a "conventional effect". Secondly, AUSTIN-acts are a special kind of "conventional act", standing out by the peculiarity that for their performance it is necessary that the actor secures "uptake" in an audience of that she is performing an act and which act she is performing. We have then two conditions necessary for an act's being an AUSTIN-act:

An act A is an AUSTIN-act only if the following conditions are satisfied:

- (1) A is a "conventional act"; it is constituted by a convention which specifies a "conventional procedure" for the performance of the act, and performing the act entails the production of a certain "conventional effect".
- (2) A is a *special case of conventional act* in that it requires the securing of "uptake" by an audience of the information that an act is performed and what act that is.

The following sections will be concerned with the question whether any further conditions are necessary for an act's being an AUSTIN-act. Before doing so, let me make a brief remark about the relation between those criteria of performativity Austin proposes for performative sentences, which relation follows from what has been said so far about the AUSTIN-act. The two criteria, according to my reconstruction, are the following:

Criteria of performative sentences:

- (1) (T is a performative sentence) → (T is "happy" or "unhappy" rather than true or false)
- (2) (T is a performative sentence) → (to issue T is to perform an AUSTIN-act)

⁶⁷ See *Words*, pp. 116 f., 118, 121f, 139.

These criteria are closely connected: the satisfaction of the first criterion is already granted as soon as the second is satisfied, that is, as soon as a given sentence is issued in the course of an AUSTIN-act. Remember that a performative sentence is happy or unhappy depending on the felicity or infelicity of the act in the course of which the sentence is issued (given there is such an act). As Austin acknowledges, infelicity is an ill to which all conventional acts are heir.⁶⁸ And as we have seen, AUSTIN-acts are essentially conventional acts. Thus if a given sentence is issued in the course of the performance of an AUSTIN-act then it follows that the issuance must be subject to felicity or infelicity. Hence the sentence will be happy or unhappy. So the satisfaction of the second criterion entails the satisfaction of the first one.

§ 1.3 Further criteria of AUSTIN-acts?

Up to now we have been concerned with AUSTIN-acts mainly as acts performed in the issuance of a sentence. Moreover, in the examples we have considered so far the sentence issued characteristically "indicated" the AUSTIN-act performed in its issuance. We can now speculate upon some possible connections between (certain) linguistic elements and AUSTIN-acts. To use an example with which we shall be confronted later in Searle's account: we might, for instance, speculate that AUSTIN-acts are *constituted* by semantic conventions. Or we might, even without assuming this constituting function, still take AUSTIN-acts to be essentially "semantic" acts in that their performance requires the use of linguistic means. Such views, however, would imply that it is impossible to perform AUSTIN-acts without using *explicit* means, or at least that it is impossible to perform AUSTIN-acts without the use of *some linguistic device*. I think that neither of these implications can be upheld. This section is intended to provide my arguments.

§ 1.3.1 Inexplicit performance of AUSTIN-acts

At the beginning of his investigation, Austin's attention was more or less strictly confined to certain sentences which, he claimed, (1) are not true or false but instead "happiness"-evaluable and (2) are part of the doing of a certain kind of action. The examples of those sentences he had in mind were of forms like "I do [marry her]", "I bet ...", and "I name this ship ...". Notice that these sentences can, more or less satisfactorily, be said to "indicate" that the speaker performs a certain act; and, in fact, Austin obviously assumes in general that in issuing the sentence the speaker performs precisely the act "indicated". So in issuing the sentence the speaker is *saying what she is doing* (as well as therein doing what she is saying). This can also be expressed by saying that the speaker, in performing the act, *makes explicit* what act she is performing, or by saying that the act is *explicitly performed*.

We might then be tempted to generalise from those examples and to state it as a necessary condition for AUSTIN-acts that in their performance they are made explicit by the

⁶⁸ See *Words*, p. 18.

sentence issued. I shall now argue that Austin himself did *not* demand explicit performance for those acts and thus that to state such a condition would result in an account inadequate to Austin's.

I shall open my case with reference to a certain *subdivision* of the concept of a performative Austin introduces more or less in passing. The subdivision I have in mind concerns primarily performative sentences, but it has crucial consequences for the conception of an AUSTIN-act. Sentences with which the speaker makes explicit what act she is performing are called by Austin "explicit" performatives. Austin's attention was at the beginning of his study of performatives obviously *focussed* on these sentences which make the act explicit. However, in fact, he by no means denies that a sentence can be a performative although the AUSTIN-act which makes it satisfy the two original criteria of performatives is not explicitly performed – that is, although the sentence does not indicate the act performed. In short: *not all performatives are explicit performatives*. It is at the very beginning of his study that he provides us an indication that explicit performatives are merely a *special case*:

The performative utterances I have taken as examples are all of them highly developed affairs, of the kind that we shall later call *explicit* performatives, by contrast with merely *implicit* performatives. That is to say, they (all) begin with or include some highly significant and unambiguous expression such as 'I bet', 'I promise', 'I bequeath' – an expression very commonly also used in naming the act which, in making such an utterance, I am performing – for example betting, promising, bequeathing, &c. (*Words*, p. 32)

So there are sentences which satisfy the criteria but are not explicit, and Austin accepts them as performatives, although they are not "explicit" ones. In the above passage Austin introduces them as "implicit" performatives, but he gives them other names as well, as we shall see.

Let me introduce some examples Austin gives.

(1) To start with, consider the following example of ordering someone to go:

[I]t is obvious and important that we can on occasion use the utterance 'go' to achieve practically the same as we achieve by the utterance 'I order you to go': and we should say cheerfully in either case, describing subsequently what someone did, that he ordered me to go. (*Words*, p. 32)

If I issue "go" and thereby order someone to go, then, since ordering is an AUSTIN-act, the sentence will be issued as part of the performance of an AUSTIN-act and thus satisfy the *second* criterion of performatives. Since, as an AUSTIN-act, ordering is a "conventional act", the sentence will satisfy the *first* criterion, that it is happy or unhappy, too: if the order is "felicitous", the sentence will be happy instead of true. If, on the other hand, the act fails, or is otherwise "infelicitous", the sentence will be unhappy instead of false.

(2) Later, in searching for grammatical criteria of performative sentences, Austin introduces further examples:

However, if we turn away from these highly formalized and explicit performative utterances, we have to recognize that mood and tense (hitherto retained as opposed to person and voice) break down as absolute criteria.

Mood (whatever this may be in English as opposed to Latin) will not do, for I may order you to turn right by saying, not 'I order you to turn right', but simply 'Turn right'; I may give you permission to go by saying simply 'You may go'; and instead of 'I advice [or "recommend"] you to turn right' I may say 'I should turn to the right if I were you'. Tense will not do either, for in giving (or calling) you off-side I may say, instead of 'I give [or „call"] you off-side', simply 'You were off-side'; and similarly, instead of saying 'I find you guilty' I may just say 'You did it'. Not to mention cases where we have only a truncated sentence, as when I accept a bet by saying simply 'Done', and even cases where there is no explicit verb at all, as when I say simply 'Guilty' in finding a person guilty, or 'out' to give someone out. (*Words*, p. 58)

(3) Still further examples of performatives which are not explicit ones are: "I shall be there" – in contrast to "I promise that I shall be there",⁶⁹ and "He did not do it" – in contrast to "I state that he did not do it".⁷⁰

Let me make a brief terminological remark. As we have seen, Austin first introduced these sentences as "implicit performatives". He then additionally introduces several alternative names. For example, he introduces "primitive"⁷¹ (as opposed to "explicit") – which suggests that the inexplicit expressions were at some "inferior" stage or had been used already at a "primitive" level of language development –, and he uses "primary"⁷², which suggests a derivative status for the explicit cousin. At least for the present purposes, I think, it is entirely inessential to imply, or suggest, any assumptions about how the matter may have developed in the past of human history, or to award any primacy. I will therefore stick to the term "inexplicit", precisely because it is perfectly neutral and restricts itself to the kernel of the distinction.

Now coming to the point: from the fact that Austin accepts all those cases of inexplicit performatives we can conclude that AUSTIN-acts *need not be performed by explicit means*. In order for a sentence to be a performative sentence it is necessary that it be used in order to perform an AUSTIN-act – this is the second criterion of performatives. If there are sentences which do not make explicit the act performed in issuing them but nevertheless deserve the name of "performative" sentences then it follows that it is not necessary for an AUSTIN-act that it is performed by explicit means. This result is clearly confirmed by such examples Austin uses, like an order made by "Go" and a bet made by "Done": Austin accepts both inexplicit performatives and, therefore, AUSTIN-acts which are not explicitly performed.

At this point I have to go briefly into a suggestion to the contrary: that Austin – although he introduced the distinction between explicit and inexplicit performatives – did not accept "inexplicit performatives" as performatives at all. To take an example of such a view, let us consider a passage Kent Bach and Robert Harnish once put forward, which suggests that Austin, with "performative", meant explicit, *rather than* inexplicit performatives:

⁶⁹ *Words*, p. 69.

⁷⁰ *Words*, p. 135. Although Austin originally *contrasted* stating with the AUSTIN-act, he later recognises that stating may be viewed as an AUSTIN-act, too.

⁷¹ See *Words*, pp. 33, 72 f.

⁷² See *Words*, pp. 69, 71 ff., 77 f., 83, 135, 150, 158.

We follow Austin's usage of "performative" as meaning explicit rather than primary performatives, a distinction he "introduced rather surreptitiously" by p. 69 (Bach/Harnish (1979), Fn. 2, p. 304)

I understand this passage as suggesting a reasoning like this: Austin admits that he has introduced the distinction between explicit and inexplicit performatives "surreptitiously". So he has withdrawn the distinction and denied the existence of inexplicit performatives.

To start my objection, let me quote the passage to which Bach and Harnish refer:

Let us pause then to dwell a little more on the expression 'explicit performative', which we have introduced rather surreptitiously. I shall oppose it to 'primary performative' [...]. We gave as an example:

- (1) primary utterance: 'I shall be there'
- (2) explicit performative: 'I promise that I shall be there', and we said that the latter formula made explicit what action it is that is being performed in issuing the utterance: i.e. 'I shall be there'. [...] (*Words*, p. 69)

(1) As far as I can see, this passage does not at all justify what Bach and Harnish suggest: that Austin had declined the existence of inexplicit performatives. Austin announces that he intends to "dwell a little" on the expression "explicit performative", and he continues precisely *by refining on* the explicit/primary distinction.⁷³ What he wants to say in the above quotation is that the distinction – because it was introduced surreptitiously – *has to be commented on* in order to become clear – honest and open, rather than surreptitiously. And *he then comments on it*. As far as I see, nothing is said, or implied, in this passage which justifies the claim that Austin had *dropped* the distinction. The passage Bach and Harnish refer to rather shows the opposite.⁷⁴

(2) Moreover, as I have already said, Austin had suggested the existence of inexplicit performatives *right from the beginning*. In the very introduction of the performative Austin suggests that the explicit form of performatives is inessential:

The type of utterance we are to consider here is not, of course, in general a type of nonsense; though misuse of it can, as we shall see, engender rather special varieties of 'nonsense'. Rather, it is one of our second class – the 'masqueraders'. *But it does not by any means necessarily masquerade as a statement of fact, descriptive or constative*. Yet it does quite commonly do so, and that, oddly enough, when it assumes its most explicit form. (*Words*, p. 4; my italics)

What he says here is that *only if the performative takes its most explicit form* it masquerades. This presupposes that it *need not* take this most explicit form. There can be no doubt, I think, that this restriction is intended to make an exception with respect to inexplicit performatives.

(3) Furthermore, at the end of his investigation, where he deals very sceptically with his performative/constative dichotomy, the dichotomy between explicit ("primary") and inexplicit, in contrast, is maintained:

⁷³ See *Words*, p. 69 ff.

⁷⁴ The rejection of inexplicit performatives is, I think, the result of a common misunderstanding about the role of performatives in the study of illocutionary acts. Many have assumed, or still assume, that the meaning of explicit performatives plays a certain extraordinarily important role in the study of illocutionary acts. Searle, for example, suggests that explicit performatives constitute the illocutionary acts they indicate by way of their semantical meaning. This train of thought continues to propound the extraordinary role of the meaning of explicit performatives as the sentence's performativity (or closely related to its performativity); and following it, we might easily assume that *only explicit* performatives are performative precisely because inexplicit performatives usually *do not make explicit any illocutionary act at all*.

Austin himself can be read as supporting speculations like these in several passages (although these passages remain fairly vague). I think, on the contrary, that the semantic meaning of explicit performatives does not play any extraordinary role in the performance of illocutionary acts. These sentences are just means for the speaker to secure uptake which act is performed – as other, non-linguistic means may be as well. My main reason is: It is not necessary that the speaker uses such explicit means, and as we shall see in the next section, verbal means can generally be dispensed with; thus, linguistic means cannot play any *essential* role for the performance of illocutionary acts.

The old distinction, however, between *primary* and *explicit* will survive the sea-change from the performative/constative distinction to the theory of speech-acts quite successfully. For we have since seen reason to suppose that the sorts of test suggested for the explicit performative verbs ('to say ... is to ...', &c.) will do, and in fact do better for sorting out those verbs which make explicit, as we shall now say, the illocutionary force of an utterance, or what illocutionary act it is that we are performing in issuing the utterance. (*Words*, p. 150)

There are lots of clear and unambiguous passages in which Austin accepts the distinction between explicit and inexplicit performatives. And I do not know any single clear passage to the contrary. I think one cannot reasonably argue that he had rejected the possibility of inexplicit performatives – AUSTIN-acts can indeed be performed inexplicitly.

§ 1.3.2 Non-verbal performance of AUSTIN-acts

This observation, that the AUSTIN-act need not be performed explicitly, can be extended: As Austin recognises, AUSTIN-acts can actually be performed *without the use of any linguistic means*. Like in the case of inexplicit performance, Austin points this out very early:

Are we then to say things like this:

'To marry is to say a few words', or

'Betting is simply saying something'?

Such a doctrine sounds odd or even flippant at first, but with sufficient safeguards it may become not odd at all.

A sound initial objection to them may be this; and it is not without some importance. In very many cases it is possible to perform an act of exactly the same kind *not* by uttering words, whether written or spoken, but in some other way. For example, I may in some places effect marriage by cohabiting, or I may bet with a totalisator machine by putting a coin in a slot. (*Words*, p. 7 f.)

The observations Austin introduces here about marrying, that one can "marry" by just cohabiting, may perhaps be questioned.⁷⁵ The conclusion, however, will hold in any case: at least some AUSTIN-acts can be performed by non-verbal means. Somewhat later (when making clear that the notion of "(in)felicity" can be applied to all conventional acts) Austin again emphasises that conventional acts can be performed by non-verbal means. His examples are now betting and conveyance of property:

Well, it seems clear in the first place that, although it has excited us (or failed to excite us) in connexion with certain acts which are or are in part acts of *uttering words*, infelicity is an ill to which *all* acts are heir which have the general character of ritual or ceremonial, all *conventional* acts: not indeed that *every* ritual is liable to every form of infelicity (but then not is every performative utterance). This is clear only from the mere fact that many conventional acts, such as betting or conveyance of property, can be performed in non-verbal ways. The same sorts of rule must be observed in all such conventional procedures – we have only to omit the special reference to verbal utterance in our A. This much is obvious. (*Words*, p. 18)

Betting and conveying property are, I think, clear examples of AUSTIN-acts: They are not only "conventional acts" in Austin's sense but also demand the securing of "uptake". For example, in the case of property conveyance to succeed I must somehow make clear that what I intend is conveyance of property. And the observation that one can convey

⁷⁵ One might want to insist that cohabitation is not sufficient for a marriage according to ecclesiastical law, secular law, or western conventions, suggesting that the word "marriage" was overstrained in Austin's example. Notice, though, that even if the act Austin describes is not an act of marrying, it does not follow that it is not an AUSTIN-act and thus does constitute a case of an AUSTIN-act which is non-verbally performed.

property non-verbally is, I think, entirely uncontroversial. The property in a watch can be conveyed, for example, by just giving the watch neatly wrapped to a birthday girl.

One might be tempted to object with reference to the demand generally present in the case of AUSTIN-acts, that uptake must be secured: After all, language is at least *a fairly practical means for* securing uptake. I would reply that, however close the connection after all may be, it is not an analytic one. It can hardly be denied that, at least in certain favourable contexts, it is possible to secure uptake *without* the use of a language. And, in fact, Austin explicitly maintains that linguistic means are unnecessary precisely in connection with the demand for uptake. His example is doing obeisance:

The situation in the case of actions which are non-linguistic but similar to performative utterances in that they are the performance of a conventional action (here ritual or ceremonial) is rather like this: suppose I bow deeply before you; it might not be clear whether I am doing obeisance to you or, say, stooping to observe the flora or to ease my indigestion. Generally speaking, then, to make clear both *that* it is a conventional ceremonial act, and *which* act it is, the act (for example of doing obeisance) will as a rule include some special further feature, for example raising my hat, tapping my head on the ground, sweeping my other hand to my heart, or even very likely uttering some noise or word, for example 'Salaam'. (*Words*, p. 69 f.)

Although it *may* remain unclear what act I am performing if I do not issue any words, *if* it becomes clear that I am doing obeisance then the act will have succeeded, even if non-verbally performed. Nevertheless, *unless* I get myself understood the act will not have succeeded even if I had attempted it by use of verbal means.⁷⁶

Finally, one might retort with reference to a passage which may seem to stand in contradiction to this. Remember that Austin demanded in the conditions of the happiness of performatives – which are at the same time meant as conditions of the felicitous performance of AUSTIN-acts – that the "conventional procedure" involve *the uttering of certain words*. This clause restricts the whole thing to cases in which words are issued.

However, the supposed contradiction does not hold after all: as I have already mentioned above, the first thing Austin hastens to point out when he comes to considering this condition in some detail later is that the reference to the issuance of words "is simply designed to restrict the rule to cases of utterances, and is not important in principle"⁷⁷. That is, the clause is intended to keep the connection to the *performative sentence*, with which Austin is mainly concerned. But the kind of *act* which is (supposedly) performed in issuing the performative sentence can in principle be performed *without* the use of words. Accordingly, in reaction to the existence of non-verbal betting and non-verbal conveyance of property, Austin suggests that we "omit the special reference to verbal utterance in our [condition] A".⁷⁸

To sum up: Austin unambiguously commits himself to the fact that neither the explicit performance nor verbal performance in general is a necessary condition for AUSTIN-acts. They can, *as* AUSTIN-acts, be performed without use of explicit means and without the use of verbal means at all.

⁷⁶ This, in any case, is how Austin represents the matter of AUSTIN-acts. One might argue that doing obeisance can succeed even if the speaker is not understood. Alston, for example, has suggested that in order to *tell someone that* the dean is coming to dinner, or in order to *ask someone to* bring a towel, it is not necessary that the audience hears, or understands me; see Alston (2000), 24. Let us assume, for the sake of the argument, that doing obeisance is such an act, for the performance of which being understood is not necessary: the conclusion to be drawn, in my opinion, would just be that doing obeisance – in contrast to what Austin assumed – is not an AUSTIN-act.

⁷⁷ *Words*, p. 26.

⁷⁸ *Words*, p. 18.

§ 1.4 Austin's tests for (explicit) performatives

Up to now we have considered the original two criteria of performatives: In order to be performative a sentence must be issued in the course of an AUSTIN-action, and it must be assessable as "happy" or "unhappy". Now Austin attempts to find further criteria, or tests, in order to recognise performative sentences and, especially, to distinguish them from constatives. In particular, the run-ups he takes are:

- (1) He attempts to find a "grammatical" peculiarity of performative sentences.⁷⁹
- (2) He suggests as a test that any *implicit* performative must be, as he says, "reducible or expandible"⁸⁰ to a sentence which has the look of an *explicit* performative.
- (3) He postulates a certain "asymmetry" between the explicit performative formula and sentences derived from this formula by changing the person or tense of the main verb.⁸¹
- (4) He provides special tests for distinguishing performatives from a certain class of supposed constatives which are similar to performatives but are supposed actually not to belong to them.⁸²

I will now consider these suggestions for criteria (or tests), and outline why, according to my view, they will not be suitable as criteria of performativity.

- (1) The first run-up is the attempt to find a grammatical criterion. Austin says that we "should naturally" search for grammatical criteria:

We have then to take a further step into the desert of comparative precision. We must ask: is there some precise way in which we can definitely distinguish the performative from the constative utterance? And in particular we should naturally ask first whether there is some *grammatical* (or lexicographical) criterion for distinguishing the performative utterance. (*Words*, p. 55)

That Austin finds this step "natural" suggests that he originally expected performativity to be a grammatical phenomenon (certainly in a rather wide sense of "grammatical", including semantical, and "lexicographical" properties). I will not consider Austin's search for a grammatical criterion in any detail: Austin himself notices that the search fails.⁸³ Indeed, I think it was doomed to failure from the start. For the criteria Austin initially had introduced will necessarily prevent any grammatical criterion.

(a) The first criterion was that performatives, instead of being true or false, are happy or unhappy. And their happiness was defined as relative to certain conditions. Some of these conditions may be satisfied or not *depending on the context of the issuance of the sentence*.

(b) The second criterion was that performatives are part of the performance of an AUSTIN-act. In order to be part of such an act, the act in question *must succeed*. And the success of AUSTIN-acts may again depend on the satisfaction of certain conditions *in the context of the issuance of the sentence*.

Now, on the one hand, notice that the grammatical features of a sentence do not change relative to the context of its issuance. But, on the other hand, both of the original criteria for performatives depend for their satisfaction on the context of the issuance of the sentence. Since the performativity of a sentence can change in dependence on the

⁷⁹ See *Words*, p. 55.

⁸⁰ *Words*, p. 61.

⁸¹ See *Words*, p. 63.

⁸² See *Words*, p. 79.

⁸³ See *Words*, p. 59.

context of its issuance, and since grammatical properties are independent of the context of issuance, we cannot be concerned with a grammatical property. Austin himself seems to cast doubts of this kind on the assumption that performativity is a grammatical phenomenon:

Actions can only be performed by persons, and obviously in our cases the utterer must be the performer: hence our justifiable feeling – which we wrongly cast into purely grammatical mould – in favour of the 'first person', who must come in, being mentioned or referred to; [...] (*Words*, p. 60)

Nevertheless, in the course of his search for a grammatical criterion Austin makes the following further suggestions for criteria, or tests, aiming at performativity.

(2) Austin says, for example, that "[...] any utterance which is in fact a performative should be *reducible, or expandible, or analysable* into a form, or reproducible in a form, with a verb in the first person singular present indicative active"⁸⁴. Thus ...

'Guilty' is equivalent to 'I find, pronounce, deem you to be guilty.'

'You are warned that the bull is dangerous' is equivalent to 'I, John Jones, warn you that the bull is dangerous' (*Words*, p. 62)

According to my interpretation, this observation is connected with the second criterion of performativity. In order for a sentence to be performative, the speaker must perform a certain AUSTIN-act. In order to do this she is demanded to secure "uptake" in the hearer. To secure "uptake" means to make the hearer know what act is performed. So in performing an AUSTIN-action the speaker must make the hearer know what act the speaker is performing. The "*most straightforward*" way to do this is to *make explicit* what act is performed. And the explicit formula is the formula which makes explicit what act is performed. Now I think that to "reduce" a performative to the explicit formula in the way Austin suggests is just to give the formula the speaker *would have used if* she had attempted to secure "uptake" in the most straightforward way. Or, in a more handy (but perhaps no more correct)⁸⁵ version: In reducing the inexplicit formula to the explicit one we spell out what the speaker *means* in making her issuance.

If this interpretation is correct then the test can (if it ever works) be used to examine whether the issuance of the sentence was made in the course of an act for which uptake is aimed at. Given that an act involves the securing of uptake, then we will have a basis for the "reduction", otherwise not. Notice that this test will then not go beyond (and, probably, not exhaust) the second criterion of performatives: it does not introduce any further criterion over and above the demand that the sentence is issued in the course of an act which involves the securing of uptake and then may be (but probably not even needs to be) an AUSTIN-act.

(3) A further possible test Austin suggests, applicable only in the case of explicit performatives, is the presence of a certain "asymmetry". He introduces his observation literally thus:

⁸⁴ *Words*, p. 61 f.; my italics.

⁸⁵ Strawson (1964, p. 30) suggests a "tentative identification" between the notion of uptake and a notion of understanding suitable as a counterpart to Grice's conception of meaning. This suggests the further "tentative identification" between meaning and the intention to achieve the securing of uptake. It does not seem to me that such an identification would be adequate after all. For example, as Austin mentions, AUSTIN-acts can be performed on the basis of "tacit consent" (*Words*, p. 80, Fn. 1) – what he has in mind is probably acts like the making of a contract. Now in the case of a contract "made" by tacit consent it does not seem that anyone has to mean anything. Nevertheless, there is a sense in which we can say that uptake must be secured: the content of the consent must be said to be made clear and agreed-upon by the participants.

If I utter the words 'I bet ...', I do not state that I utter the words 'I bet', or any other words, but I perform the act of betting; [...] But if I utter the words 'he bets', I only state that he utters (or rather has uttered) the words 'I bet'. (*Words*, p. 63)

Austin obviously refers here to the preliminary criterion I have dealt with above, that, *in the case of explicit performatives*, the speaker is doing *what she says*. In the issuance of "I bet", Austin assumes, the speaker will do what she says, whereas in the issuance of "I bet[ted]" she will not do what she says (it is impossible to do something in the past), and in the case of "He bets" she will not either (I cannot perform a particular action which is performed by someone else). In general, if we change the person ("You bet", "He bets") of the subject of an explicit performative sentence, or if we change the tense ("I bet[ted]", "I have bet"), then in making the issuance the speaker will not be doing what she says but instead, Austin assumes rigidly, "*describe* [a] performance of the act of betting"⁸⁶.

Now this asymmetry occurs mainly in connection with explicit performative sentences, and it is supposed to occur in the case of what Austin calls "*performative verbs*"⁸⁷. "Performative verbs" are verbs which can stand as the main verb in explicit performative sentences. Only performative verbs, or at least mainly these, are supposed to be subject to the asymmetry between an embedding in an explicit performative sentence and embeddings in non-explicit-performative sentences:

Now this sort of asymmetry does not arise at all in general with verbs that are not used as explicit performatives. For example, there is no such asymmetry between 'I run' and 'He runs'. (*Words*, p. 63)

The reason for Austin's observation is obviously that it is only "performative verbs" which can serve as main verbs in explicit performative formulas – this is just how "performative verbs" are characterised. Verbs which cannot stand as a main verb in an explicit performative sentence are not "performative verbs". "Run", for example, cannot stand in an explicit performative sentence and thus is not a "performative verb".

This test is not primarily a test for a sentence's being a performative sentence: it does not concern sentences, but instead certain verbs. But Austin suggests that we could ...

- (1) make a list of all verbs with this peculiarity;
- (2) suppose that all performative utterances which are not in fact in this preferred form – beginning 'I x that', 'I x to', or 'I x' – could be 'reduced' to this form and so rendered what we may call *explicit performatives*. (*Words*, p. 67 f.)

The way in which the test seems to be related to performative sentences is then by providing us an auxiliary routine for carrying out the "reducibility" test. It is designed to sort out verbs which can stand as main verbs in explicit performative sentences. This may be seen as helpful insofar as it can prevent us from mistakes in applying the "reducibility" test: If we consider a certain explicit formula to which we are tempted to reduce (the issuance of) a certain sentence then the list of "performative verbs" enables us to check whether the main verb in this formula is a "performative verb" – otherwise we would be in peril of accepting an explicit formula which is not an explicit *performative* formula.

As to the question whether this test provides us with any further criterion of performative sentences: it does not. For that a sentence contains a performative verb is neither necessary nor sufficient for its being a performative. Notice that the test is restricted to explicit performatives. But there are inexplicit performatives, and these *need not* contain

⁸⁶ *Words*, p. 63; my italics.

⁸⁷ *Words*, p. 63.

a performative verb. On the other hand, even if a sentence contains such a verb this will not be sufficient for it to be a performative sentence. Consider "I hereby promise to go": this sentence may well be issued *in order to practice English pronunciation* and thus not as part of an AUSTIN-act; it will then not satisfy the second criterion of performatives, and hence not be a performative.

(4) Finally, Austin recognises a class of sentences which look similar to supposed explicit performatives but, he assumes, are rather issued in *informing* others about our mental attitudes, *instead of* being performatives.

There are numerous cases in human life where the feeling of a certain 'emotion' (save the word!) or 'wish' or the adoption of a certain attitude is conventionally considered an appropriate or fitting response or reaction to a certain state of affairs, including the performance by someone of a certain act, cases where such a response is natural (or we should think so!) In such cases it is, of course, possible and usual actually to feel the emotion or wish in question; and since our emotions or wishes are not readily detectable by others, it is common to wish to inform others that we have them. (*Words*, p. 78)

If we literally and explicitly describe our attitudes, we will use such sentences as "I feel grateful", "I repent", "I am shocked by ...", "I feel approval".⁸⁸ These sentences very much resemble explicit performative sentences, but, Austin assumes, they plainly do not belong to them. In order to distinguish *these particular sentences* from *explicit* performatives, Austin suggests the following four tests:⁸⁹

- (4.a) Does it make sense (or the same sense) to ask 'But did he *really*'?'
- (4.b) Could he be doing the action without actually saying anything?
- (4.c) Can we insert before the verb some such adverb as "deliberately" or such an expression as "I am willing to"?
- (4.d) Could what I am saying be literally false?

I will briefly consider them and locate them inside my interpretation of Austin's account.

(4.a) Does it make sense (or the same sense) to ask "But did he *really*'?"? – In the case of explicit performatives such as "I promise to go", Austin assumes, it does not make sense to ask whether the speaker actually has promised. The reason he has in mind seems to be the following: in the case of the issuance of an explicit performative the speaker just "makes explicit" what she is intending to do; since she is actually intending to perform the act, and since the issuance of the sentence will by convention make the issuance a promise, she cannot fail. In contrast, if the speaker reports her attitudes by saying, for example, "I repent", she could be feigning.

However, as Austin himself recognises, ...

[t]his is not a very good test because, for example, of the possibility of infelicities. We may ask 'Did he really marry?' when he said 'I do', because there may have been infelicities which made the marriage problematical. (*Words*, p. 84)

That is, the test does not work just because it *does* make sense to ask the question "Did he really?" in cases of explicit performatives, too – for the action could as well have failed. So apart from the fact that the test is meant to apply only in the case of *explicit* performatives, it fails.

(4.b) Could he be doing the action without actually saying anything? – This criterion is based on the observation that one can *have* attitudes *without describing, or reporting*

⁸⁸ See *Words*, p. 79.

⁸⁹ See *Words*, pp. 78 ff. and 81 f.

them. If a speaker issues "I feel grateful" then if she had not issued the sentence she still could feel grateful. In contrast, if a speaker issues "I order you to go" in ordering someone to go then if she had not issued the sentence she would not have ordered.

This assumes that in order to perform AUSTIN-acts we have to use words. However, as we have already seen, this assumption is false according to Austin's own observations. He recognises that AUSTIN-acts can be performed without using words, and he remembers, and notes this in a footnote just when introducing the test we are concerned with: "There are classic doubts", he says, "about the possibility of tacit consent; here non-verbal performance occurs in an alternative form of performative act: this casts doubt on this second test!"⁹⁰

And, indeed, the fact that Austin accepts non-verbally performed AUSTIN-acts definitively disables the test. Consider the example of "I hereby do obeisance" as issued in doing obeisance. Austin assumes that one can do obeisance by just bowing deeply. Given this, the test would mistakenly suggest that "I hereby do obeisance" cannot be a performative. Thus, apart from the fact that the test is only meant to apply to explicit performatives, it does not work.

(4.c) Can we insert before the verb some such adverb as "deliberately" or such an expression as "I am willing to"? – The background of this test, I think, lies in the fact that all those sentences Austin considers as performative-masqueraders may be viewed as literally describing the speaker's having a certain feeling or mental attitude: having a feeling or an attitude is not a matter of doing something deliberately, it is not what is usually called an "action". In contrast, AUSTIN-acts are actions, and one can (*at least normally*)⁹¹ choose by will whether to perform the act or not.

To take an example: Mark may bid Mary welcome by saying "I deliberately bid you welcome" without anything's being odd. Contrast this with the case in which Mark reports his feelings in saying "I am happy that you have come". In this case he would make an absurd claim if he inserted "I am willing to": *"I am willing to be happy that you have come". Nor could he insert "deliberately": *"I am deliberately happy that you have come". For whether he is happy or not is not a matter of his will, it just happens to him or does not. Austin's test assumes that having an attitude is in general not a matter of will, and it assumes in delimitation that performing an AUSTIN-act always is a matter of free will.

Regardless whether the observations on which this test is based are correct or not, it will not provide us with any further substantial criterion of performatives in general: for it can be applied only in the case of *explicit* performative sentences. The question whether the speaker is willing to do what she says makes sense only in cases in which the speaker makes explicit that she does something: but this is granted only in the case of explicit performatives. In the case of *implicit* performatives, it actually cannot be demanded that the speaker is willing to do what she says because she does not need to say anything about what she is doing. Thus the test cannot be applied in these cases.

⁹⁰ *Words*, p. 80, Fn. 1.

⁹¹ That Austin suggests this test is a hint that he conceives of AUSTIN-acts as essentially deliberately performed actions. However, there is evidence to the contrary, as, for example, on page 21, where he says that these acts, "like actions in general", can be performed "under duress, or by accident, or owing to this or that variety of mistake, say, or otherwise unintentionally".

(4.d) Could what I am saying be literally false? – In order to grasp this test we have to remember Austin's assumption that performative sentences are not truth-evaluable, but happy or unhappy instead. One might argue that we need not have any problem in principle with the assumption that sentences can be both at the same time, true or false and happy or unhappy. For example, one might argue that the sentence "I welcome you", as issued in order to welcome someone, be true when the act of welcoming succeeds, and that otherwise it be false. But Austin, as we saw, declines this – deliberately without giving any argument – because, he supposes, it is "obvious".⁹²

Regardless whether Austin's assumption is correct, notice again that the test could be used at most in application to *explicit* performatives. It presupposes that the speaker has explicitly said what she does. In the case of *implicit* performatives this is not necessary, and thus the test will fail to work in these cases. Consider, for example, the sentence "Go!" as issued in the course of an order to go: it is a performative. But it does not make sense to ask whether the sentence is true or false, if only just because it is not a declarative sentence. Thus the test would suggest it was not performative, although in fact it is.

To sum up: the criteria and tests Austin suggests over and above his original two criteria do not provide us with any further substantial features of performatives in general. They either do not work at all, or they do not go beyond the two criteria already stated, or they are only applicable to explicit, but not to implicit performatives. So we are still left with the two criteria of performatives Austin had introduced right from the beginning.

§ 1.5 Summary: Conditions of performatives

Let me recapitulate how far we have come with the supposed performative/constative dichotomy. Austin starts from the supposed observation about certain sentences that, contrary to appearances, they are *not true or false*. At the beginning, he was particularly concerned with sentences like "I bet you sixpence it will rain tomorrow" or "I promise to go": these have the characteristic that they "indicate" the performance of a certain action by the speaker. Austin postulates that these sentences are not true or false. Instead, he stipulates, performatives are "*happy*" or "*unhappy*".

Austin further assumes that issuing a truth-evaluable sentence can adequately be called a (mere) act of "saying" something. And he uses this supposed observation as a second criterion: to issue a performative sentence is *not merely to "say" something*; instead, he says, the issuance of a performative sentence is *part of the performance of an action*. The kind of act in question, I have argued, is a special kind of action, and I called this special kind "AUSTIN-act".

Several further criteria, or tests, Austin suggests turn out not to hold, not to be really new, or not to be of general application. As far as I see, Austin does not state any further criteria for performative sentences. Thus, my suggestion for a definition of the performative sentence in the following of Austin – who introduced the term – is this:

⁹² See *Words*, p. 6.

Definition of the performative sentence:

A sentence *T* is a performative sentence iff the following conditions are satisfied:

- (1) *T* is "happy" or "unhappy" rather than true or false.
- (2) *T* is issued in the performance of an AUSTIN-act.

The AUSTIN-act is a "conventional act". According to the conception Austin sets out, a "conventional act" is an act which is constituted by a *convention*. This convention "rules" that the act is performed by way of certain conduct, or "accepted conventional procedure". This "procedure" is conventional because it is specified by a convention as the relevant conduct necessary and sufficient *for* the performance of the act, and it must be accepted by virtue of the fact that the convention making this specification itself is accepted.

If a "conventional act" is performed this includes the obtainment of a certain *conventional effect*. A "conventional effect" is "conventional" in that it is a certain peculiar kind of state of affairs, which I have, at a *prima-facie* level, characterised as being not material, not consuming any local space and not being precisely located in space, making an outright physicalist hesitate to say it is caused, not being observable by the five senses, and depending for its existence on "acceptance" in a group.

That the AUSTIN-act is a conventional act is precisely the reason that performatives are to be judged as "happy" or "unhappy": "(un)happiness" derives from possible "(in)felicities" of the act aimed at in issuing the sentence, and "(in)felicities" are peculiar to all conventional acts. Since all performatives are issued in the course of an AUSTIN-act, and since all AUSTIN-acts are conventional acts, all performatives are either "happy" or "unhappy".

The AUSTIN-act is further a special case of such a conventional action: It is a conventional action which requires for its success that the speaker makes clear to somebody that she is performing the act. As Austin puts it, it is necessary that "*uptake*" is secured. Some of the examples Austin introduces are marrying, betting, christening a ship, promising and the conveyance of property.

I have shown that Austin rejects two features of AUSTIN-acts which would render them essentially connected with language: AUSTIN-acts need not to be performed explicitly, for Austin accepts inexplicit performatives and thus inexplicit performances of AUSTIN-acts. Furthermore, these acts need not involve the use of linguistic means at all. Austin mentions cases like tacit consent, or doing obeisance by just deeply bowing.

As far as I can see, Austin does not state any further criteria of AUSTIN-acts. Thus my suggestion for a definition of the AUSTIN-act demands only the known two conditions:

Definition of the AUSTIN-act:

An act *A* is an AUSTIN-act iff the following conditions are satisfied:

- (1) *A* is a "conventional act"; it is constituted by a convention which specifies a "conventional procedure" for the performance of the act, and performing the act entails the production of a certain "conventional effect".
- (2) *A* is a *special case of conventional act* in that it requires the securing of "uptake" by an audience of the information that an act is performed and what act that is.

2

Austin's "illocutionary act"

§ 2.1 The "illocutionary act" and other acts

§ 2.1.1 Austin's "fresh start on the problem"

As we have seen, despite a considerable effort, Austin failed to find any grammatical, or pseudo-grammatical, criteria for distinguishing performative sentences from constative sentences. In the light of this failure (and some further difficulties), Austin suggests – at the end of Lecture VII – making a "fresh start on the problem".

This "fresh start" actually consists in taking up the second criterion of performatives in order to examine it in more detail. This criterion, remember, had referred to the difference between merely "saying" (or "describing", or "stating") something and "doing" something, namely, performing an AUSTIN-act. It is with reference to this second criterion that Austin now announces he will continue by considering "more generally" the different senses in which we can say that the issuance of a sentence is part of the doing of an action:

It is time then to make a fresh start on the problem. We want to reconsider more generally the senses in which to say something may be to do something (and also perhaps to consider the different case in which *by* saying something we do something). (*Words*, p. 91)

As a result of his respective considerations, Austin presents a doctrine of three different acts which are supposed to be involved when someone issues words: (1) The act of saying something, which Austin provides the technical notion of a "*locutionary act*". (2) What I have introduced as the AUSTIN-act (Austin so far had not given any name) is now called an "*illocutionary act*". (3) There is a further kind of action which is typically performed when words are issued, which Austin calls the "*perlocutionary act*".

Austin focuses mainly on the "illocutionary act", and he does so by way of contrasting it with the other two acts. I shall now first introduce Austin's conceptions of the locutionary and the perlocutionary act with special emphasis on their differences to the illocutionary act and then turn to the notion of an illocutionary act itself.

§ 2.1.2 Locutionary and illocutionary acts

The concept of a "locutionary act" is intended to cover the "act of 'saying something'" in the "full normal sense"⁹³. This full normal sense of saying something, according to Austin, can be preliminarily described as "the utterance of certain words in a certain construction, and the utterance of them with a certain 'meaning' in the favourite sense of that word, i.e. with a certain sense and with a certain reference"⁹⁴. In order to capture different aspects of the act of saying something, he divides this act into three components:

[T]o say anything is

- (A.a) always to perform the act of uttering certain noises (a 'phonetic' act), and the utterance is a phone;
- (A.b) always to perform the act of uttering certain vocables or words, i.e. noises of certain types belonging to *and as* belonging to a certain vocabulary, in a certain construction, i.e. conforming to an *as* conforming to a certain grammar, with a certain intonation, &c. This act we may call a 'phatic' act, and the utterance which it is the act of uttering a 'pheme' (as distinct from the phememe of linguistic theory); and
- (A.c) generally to perform the act of using that pheme or its constituents with a certain more or less definite 'reference' (which together are equivalent to 'meaning'). This act we may call a 'rhetic' act, and the utterance which it is the act of uttering a 'rHEME'. (*Words*, p. 92 f.)

So the act of saying in the full normal sense, according to Austin's account, consists of the following three kinds of acts, or aspects of the act:

- (1) phonetic act,
- (2) phatic act, and
- (3) rhetic act.

Let me set out Austin's conceptions of these notions in some detail.

(1) The *phonetic act*, Austin says, is merely the act of "uttering noises". It seems not in any way to involve linguistic systems. This may be found to be in contrast to the name Austin gives to this act, "phonetic" act. For phonetics, one could argue, is mainly concerned with the noises made by speakers *in using linguistic devices*. Furthermore, the example Austin introduces may also be felt to suggest that language is meant to be involved in phonetic acts:

Obviously, to perform a phatic I must perform a phonetic act, or, if you like, in performing one I am performing the other [...]: but the converse is not true, for if a monkey makes a noise indistinguishable from 'go' it is still not a phatic act. (*Words*, p. 95 f.)

The monkey's "go" is here clearly associated to the respective word of the English language. Thus one might assume that the phonetic act already involves linguistic systems.

On the other hand, however, the issuance of the monkey is not represented as being made by the monkey *as* according to the English language: it is obviously assumed that the monkey makes the noise by pure chance, rather than by linguistic competence. Furthermore, even the restriction to sounds which could (regardless how they are viewed by the speaker) be associated with a certain language seems after all not to be intended: Austin *contrasts* the phonetic act with the phatic act *precisely with reference to the fact that* the latter is bound up to vocabulary and grammar:

⁹³ *Words*, p. 94.

⁹⁴ *Words*, p. 94.

We had made three rough distinctions between the phonetic act, the phatic act, and the rhetic act. The phonetic act is merely the act of uttering certain noises. The phatic act is the uttering of certain vocables or words, i.e. noises of certain types, belonging to and as belonging to, a certain vocabulary, conforming to and as conforming to a certain grammar. (*Words*, p. 95)

It seems then sufficient for the occurrence of a phonetic act that some sounds have been issued, regardless whether these sounds can be associated with some grammar, or lexicon; and the question whether such an association can be made seems already to go further, involving the phatic act.

(2) But "saying something" actually entails issuing sounds according to a certain grammar, sounds which have meaning. These aspects are covered by "*phatic act*" and "*rhetic act*". The distinction marked by these two notions seems to be the distinction between the *form* and the *content* of linguistic signs.

The *phatic act* is contrasted to the phonetic by reference to "noises of certain types, belonging to and as belonging to, a certain vocabulary, conforming to and as conforming to a certain grammar". The reference to vocabulary and grammar could then be understood as already involving the reference to the contribution of those vocables and the grammatical features to meaning – but Austin seems to restrict the phatic act to the *purely formal* features, without yet involving the meaning. He says that the phatic act, "like the phonetic, is essentially mimicable, reproducible (including intonation, winks, gestures, &c.). One can mimic, not merely the statement in quotation marks 'She has lovely hair', but also the more complex fact that he said it like this: 'She has lovely *hair*' (shrugs)"⁹⁵. With his reference to an act's being "mimicable", I think, he indicates that the phatic act entails formal features: these can be imitated without knowledge of grammar and vocabulary, although one performing a phatic act needs knowledge of the relevant grammar and vocabulary. Notice that, in contrast to the case of purely formal features, it would be somewhat strange to say that the issuance of words *with a certain meaning* is "mimicable".

The restriction of the phatic act to the formal side of linguistic tokens is strongly reinforced by the following example:

Correspondingly, it is clear that we can perform a phatic act which is not a rhetic act, though not conversely. Thus we may repeat someone else's remark or mumble over some sentence, or we may read a Latin sentence without knowing the meaning of the words. (*Words*, p. 97)

Incidentally, it is somewhat strange that Austin accepts here the case of repeating words *without* knowledge of the meaning as a phatic act. This may cast some doubts on his description of a phatic act as the issuance of sounds *as* conforming to⁹⁶ a certain grammar and vocabulary. Anyway, what Austin says here clearly entails that the *meaning* aspect of grammar and vocabulary is not intended to be involved in the phatic act.

(3) Thus one important aspect involved in cases of "saying something" is still not captured: the reference to the meaning of the words issued is missing. This is meant to be covered by the *rhetic act*:

⁹⁵ *Words*, p. 96.

⁹⁶ See *Words*, p. 95.

The rhetic act is the performance of an act of using those vocables with a more-or-less definite sense and reference. Thus 'he said "The cat is on the mat"', reports a phatic act, whereas 'He said that the cat was on the mat' reports a rhetic act. (*Words*, p. 95)

Austin contrasts the rhetic act with the phatic by the following examples:

'He said "The cat is on the mat"', He said (that) the cat was on the mat';

'He said "I shall be there"', 'He said he would be there';

'He said "Get out"', 'He told me to get out';

'He said "Is it in Oxford or Cambridge?"'; 'He asked whether it was in Oxford or Cambridge'. (*Words*, p. 95)

The phatic act is here identified (in the left half of each line) by quoting sentences and representing them as issued by the speaker, that is, with reference to the speaker's issuing linguistic tokens of a certain *form*. The rhetic act is captured by an indirect speech report, representing the speaker as involving *what those sentences mean*.

This table has provided opportunity to a very common misunderstanding about Austin's rhetic act into which I now want to go in some detail: the descriptions of rhetic acts in this passage have been associated with the description of *illocutionary* acts. Indeed, it has been claimed that no difference between the locutionary and the illocutionary act can be made out because the descriptions of locutionary acts in this table actually are already descriptions of illocutionary acts. – I shall now argue that this is wrong. Since one of those postulating this claim is Searle, and since the present text is especially concerned with Searle's reconstruction of Austin's account, I shall do so in direct objection to what Searle provides us with as arguments.⁹⁷ Making my case, I will take an assumption for granted which I defend in § 2.2: the assumption that illocutionary acts are nothing other than AUSTIN-acts.

Let me start by further strengthening Austin's distinction: I do not think it can be taken for granted that "saying", "telling", and "asking" necessarily specify illocutionary acts, that is, AUSTIN-acts. First, "saying" definitely does not. Two of the four examples are described by "say" in the right side, which side is blamed for involving descriptions of illocutionary acts. It is possible to "say" something without, for example, securing uptake by anybody, and without even addressing someone – and thus without performing an illocutionary act. But the objection is naturally made with reference to the assumption that "telling" and "asking" are already descriptions referring to illocutionary acts.

By way of a first reply, I would like to suggest that these expressions can be viewed as *ambiguous* between one meaning which refers to an illocutionary act and one which does not. It might be acceptable to say that someone has "asked" something merely on the basis of the fact that she has issued an interrogative sentence as, for example, one might argue in the case of rhetorical questions. And perhaps I might adequately be said to "tell" a story at a party without my telling the story involving any conventional consequences. If so then it would actually not follow from Austin's descriptions that he refers with them to illocutionary acts.

However, even if there were no possibility of speaking of "telling" and "asking" without referring to illocutionary acts, this would not show that there is no difference, but at most that in the passage we are concerned with Austin did not succeed in *making the*

⁹⁷ He is concerned with the matter in *Austin on Locutionary and Illocutionary Acts* (1971a). The main argument he puts forward in this article, that one cannot specify a locutionary act without specifying thereby an illocutionary act, is essentially the same as the one Hare puts forward; see Hare (1971a).

relevant difference clear. This would not be any reason to claim that *there is no* difference; and, in fact, Austin actually provides the difference at other places in a sufficiently clear manner: the locutionary act is said to be nothing more than what is commonly referred to as "saying", and the illocutionary act is a conventional act which necessarily involves the securing of uptake and conventional effects. Now I can clearly say something without thereby securing uptake and without thereby producing any conventional consequences, as when I say something in order to practice pronunciation or in soliloquy: there is not the least problem in seeing that there is a considerable difference between the two kinds of acts.

One might ask how come Austin uses those frivolous expressions for locutionary acts like "tell" and "ask". – I think that the reason why he uses those expressions is quite harmless. *What Austin can be expected to intend* by the examples, in the light of his general remarks about the concept of a rhetic act, is a description of the issuing of certain words *including the meaning aspect of the words*. Notice now that the sentences he uses as examples have *different sentence moods*. It is clear that a complete description of their semantic meaning must express this in some way. However, as Austin notices in connection with the rhetic act, it seems not possible, or at least difficult, to regard the contribution made by sentence mood when restricting oneself to the verb "say":

[T]he rhetic act is the one we report, in the case of assertions, by saying 'He said that the cat was on the mat', 'He said he would go', 'He said I was to go' (his words were 'You are to go'). [...] We cannot, however, always use 'said that' easily: we would say 'told to', 'advise to', &c., if he used the imperative mood, or such equivalent phrases as 'said I was to', 'said I should', &c. (*Words*, p. 96 f.)

Notice that this problem is entirely sufficient to explain the choice of those frivolous expressions like "tell" and "ask" for locutionary acts. In the table at issue there is a perfect systematic parallel between the terms "say", "tell", and "ask" on the one hand and the moods of those sentences in the examples on the other hand: There are two declarative sentences, and in these cases Austin uses "say". There is one directive sentence, and in this case he uses "tell". There is one interrogative sentence, and here Austin uses "ask". The reason why Austin uses those expression associated with illocutionary acts is obviously just that he intends to capture what is said in the full sense of the word, including the contribution made by the sentence mood.

To turn now to the argument Searle makes: In "Austin on Locutionary and Illocutionary Acts" he argues that the above descriptions of rhetic acts capture what the respective sentence issued means. And he claims further that – whatever Austin intended – *de facto* Austin failed to let a difference remain between rhetic, and hence locutionary, acts on the one hand and illocutionary acts on the other hand. His argument is this:

The description of the act as a happily performed locutionary act, since it involves the meaning of the sentence, is already a description of the illocutionary act, since a particular illocutionary act is determined by that meaning. They are one and the same act. (Searle (1968), p. 263)

In my opinion, Searle's claim, that a description of a "happily performed" locutionary act was already a description of an illocutionary act, both misses the point and fails. To start with, in using Austin's technical notion "happy" as applied to locutionary acts he blurs the distinction he attempts to dispute in advance: Austin defined "happiness" for performative *sentences* rather than for actions. Furthermore, even if we accept "happy" as

standing for "felicitous"⁹⁸ and thus applying to actions, it is defined for AUSTIN-acts (that is, for illocutionary acts) but not for locutionary acts. By applying the notion to locutionary acts Searle already foists upon us the objection he after all wants to defend in a question-begging way.

But the main point is: Searle argues that it was impossible to distinguish locutionary acts from illocutionary acts by arguing that *all sentences determined illocutionary acts*: but this is simply and obviously not true. Sentence meaning is far from being able to determine the (successful) performance of an illocutionary act. For the occurrence of a (successful) illocutionary act it is necessary that uptake in some audience is secured, and that the act must have certain conventional effects. Now it is obvious that one can say something – that is, perform a locutionary act – without either of these two conditions being satisfied. I may, for example, issue a sentence in soliloquy or in practising my pronunciation. To issue a sentence in such cases is to say something and thus to perform a locutionary act. However, in such a case there is neither an audience in which uptake is secured nor will there be any conventional effect of the action.

One might attempt to defend Searle's objection as follows: as I will show below,⁹⁹ Searle adopts at least two different conceptions of an illocutionary act. According to one of them, which I shall call his "little" illocutionary act conception, an illocutionary act is performed once a speaker has said something, meant what she said, and got herself understood in what she means. In this conception, conventional effects are not involved. Neglecting the problem that this conception is not in accordance with the one Austin introduces, and thus cannot be assumed in objection to Austin's actual account, one might now suggest that Searle's objection to Austin had to be understood in the light of this "little" conception. – However, this would still not support Searle's objection. For notice that even in the light of this conception, the difference between a locutionary act and an illocutionary act would be plain: for an illocutionary act to come into existence still "uptake" needs to be secured. Now if I perform a locutionary act in soliloquy or in practising pronunciation, no conventional consequences will come into being and thus no illocutionary act will be performed.

In fact, Searle himself not only accepts the demand for "securing uptake" as necessary for illocutionary acts, he also recognises that this might spoil his argument. However, assuming (unfoundedly, I think) that performing a locutionary act implies having a communicative intention, he argues that if the distinction between locutionary acts and illocutionary acts reduced to the difference between intending to communicate and getting understood then this would be "a much less interesting distinction than the original distinction"¹⁰⁰. – Now whatever Searle conceives of as the "original distinction", and however interesting the distinction between saying and getting understood may be, it seems to me in general a strange proceeding to neglect distinctions just because they appear to be "less interesting". However, even if the distinction were uninteresting, it would by no means follow that *there is no such distinction*. Thus Searle's argument, that it was difficult, or even impossible, to distinguish the locutionary act from the illocutionary act, fails.

⁹⁸ I have conceded that Austin himself does not entirely keep the two expressions distinct.

⁹⁹ See § 4.5.

¹⁰⁰ *AoLaIA*, p. 265.

§ 2.1.3 Perlocutionary and illocutionary acts

Let us turn to the perlocutionary act and what distinguishes it from the illocutionary act. In the first part of *Words*, Austin was concerned with two acts: the act of (merely) saying something and, contrasted with this, the AUSTIN-act, which is later called the illocutionary act. In the second part, where he examines our talk about actions connected with "saying" in more detail, he introduces a third kind of act:

[L]et us contrast both the locutionary *and* the illocutionary act with yet a third kind of act.

There is yet a further sense (C) in which to perform a locutionary act, and therein an illocutionary act, may also be to perform an act of another kind. 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; [...] (*Words*, p. 101)

Austin calls this third act the "perlocutionary act". The reason for the terminological choice of "il-locutionary" and "per-locutionary" is Austin's initial hope that we could distinguish the respective actions with a simple common-language test: The illocutionary act, he speculated, will adequately be reported by using "in": *In* saying this or that she performed that or this *illocutionary* act. In contrast, he hoped, the perlocutionary act could adequately be reported using "by":¹⁰¹ *By* saying this or that she performed that or this *perlocutionary* act. Unfortunately, as Austin recognises himself,¹⁰² common language withholds us from this test: we do not mark the difference between illocutionary and perlocutionary acts by our everyday language, or at least we do not do so by the antinomy Austin suggested. Thus, eventually, the terminological choice remains arbitrary.

At any rate, the difference between illocutionary and perlocutionary acts is the one about which Austin is most worried:

It is the distinction between illocutions and perlocutions which seems likeliest to give trouble, and it is upon this that we shall now embark, taking in the distinction between illocutions and locutions by the way. (*Words*, p. 110)

Austin introduces the following case descriptions in order to contrast the illocutionary act with the perlocutionary act (and with the locutionary act):

(E.1)

Act (A) or Locution

He said to me 'Shoot her!' meaning by 'shoot' shoot and referring by 'her' to *her*.

Act (B) or Illocution

He urged (or advised, ordered, &c.) me to shoot her

Act (C.a) or Perlocution

He persuaded me to shoot her.

Act (C.b)

He got me to (or made me, &c.) shoot her.

¹⁰¹ In Latin the English "by" can be expressed by "per".

¹⁰² See *Words*, p. 122 f.

(E.2)

Act (A) or Locution

He said to me, 'You can't do that'.

Act (B) or Illocution

He protested against my doing it.

Act (C.a) or Perlocution

He pulled me up, checked me.

Act (C.b)

He stopped me, he brought me to my senses, &c. He annoyed me. (*Words*, p. 101 f.)

Now in construing the difference in a systematic way, Austin focuses on the *kind of consequences* which are involved in performing these actions. Remember how Austin had introduced the perlocutionary act: Saying something, he recognised, will often produce effects "on the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons". These states of affairs, he suggests, can all be viewed as entirely "natural". Remember, on the other hand, the kind of effect I had ascribed to the AUSTIN-act: this was a conventional effect. Austin does not straightforwardly consider the contrast between natural and conventional states of affairs, but I have already shown how I think the distinction is to be construed.¹⁰³

The point of the distinction between illocutionary acts and perlocutionary acts is now made with reference to these consequences. Austin thereby presupposes that the effects bound up with the perlocutionary act, like being persuaded or being checked, can be considered as natural states of affairs. To make a suggestion how this could work: we might analyse such states of affairs like someone's being persuaded or being checked as her being in a certain brain-state.

So Austin stipulates as the point of distinction between illocutionary and perlocutionary acts the contrast between "conventional" and "natural" states of affairs: the effects involved in perlocutionary acts are *natural* consequences. The illocutionary act, in contrast, involves the production of *conventional* states of affairs. Indeed, the perlocutionary act is exempted from any essential connection to conventions even if it happens to be performed by verbal means, or even if it is performed by an illocutionary act (which both involve conventions by themselves). Austin makes this clear in contrasting the perlocutionary act to the illocutionary act:

Illocutionary acts are conventional acts: perlocutionary acts are *not* conventional. Acts of *both* kinds can be performed – or, more accurately, acts called by the same name (for example, acts equivalent to the illocutionary act of warning or the perlocutionary act of convincing) – can be brought off non-verbally; but even then to deserve the name of an illocutionary act, for example a warning, it must be a *conventional* non-verbal act: but perlocutionary acts are not conventional, though conventional acts may be made use of in order to bring off the perlocutionary act. (*Words*, p. 121 f.)

There are a number of questions concerning how the perlocutionary act is after all to be conceived of which are very difficult to decide on the basis of Austin's texts: among them is the question whether perlocutionary acts are essentially intentional acts, and the question whether a perlocutionary act can occur without being performed by means of an illocutionary act. For present purposes it is unnecessary to go into these question in any detail: our main issue is the illocutionary act, and thus I shall leave the matter of perlocutionary acts in the present text with these few remarks.

¹⁰³ See § 1.2.2.

§ 2.2 Illocutionary act and AUSTIN-act: identical

In my exposition I have constantly been proceeding from the assumption that we can equate the illocutionary act with what I have called the "AUSTIN-act", the act referred to in Austin's second criterion of performatives. Indeed, I think that the famous second part of *Words* is nothing other than an attempt to elaborate the notion of an AUSTIN-act in more detail: with his doctrine of illocutionary acts Austin just wants to further elaborate the conception of those acts which are mentioned in the second criterion of performatives, those acts which the issuance of the performative is part of.

If the equation between the illocutionary act and the AUSTIN-act were adequate this would be of great help in answering the question how the illocutionary act is actually to be conceived of: for Austin's presentation of the illocutionary act in the second part of *Words* is rather poor as regarding clear and meaningful statements about it. If my equation with the AUSTIN-act were adequate, then we would be justified in involving all passages concerning the AUSTIN-act as providing information about the illocutionary act as well – which would enable us to get much clearer a conception of this latter act. Actually my exposition of both the AUSTIN-act and the illocutionary act is based on the assumption that what is said of one of both is sound for both, and that examples of one of both are examples of both.

But there is a common reading to the effect that no close connection between AUSTIN-act and illocutionary act can be assumed, or at any rate that they cannot be considered as identical. Austin introduces the second part as a "fresh start" on the problem, and according to this reading, "fresh start" is to be understood in a very comprehensive sense, in the sense of a change of the subject matter. According to such a reading, the first part of *Words* could not be expected to be of any direct importance for the doctrine of illocutionary acts just because with the introduction of the name "illocutionary act" Austin is supposed to introduce something new and (more or less) unconnected.

Since my interpretation of the illocutionary act depends in part on the equation with the AUSTIN-act, I will now defend this view. I shall do so by reference to certain general remarks Austin makes, which seem to me to provide clear evidence in favour of the equation. I shall then secondly show that Austin's representation of the illocutionary act corresponds to the way in which I have described the AUSTIN-act.¹⁰⁴

Before presenting my arguments in favour of the equation, I must concede that Austin himself makes room for the idea of a crucial change of the matter. As I have just said, in introducing the second part he speaks of a "fresh start"; moreover, in his summary of Lecture IX he suggests that this fresh start entailed *forgetting about* the initial distinction between performatives and constatives:

¹⁰⁴ This second step is not strictly intended as an argument; if it were so meant it would be question-begging, for it already assumes the identity between illocutionary act and AUSTIN-act and consists in *illustrating* this identity.

Forgetting for the time the initial distinction between performatives and constatives and the programme of finding a list of explicit performative words, notably verbs, we made a fresh start by considering the senses in which to say something is to do something. Thus we distinguished the locutionary act (and within it the phonetic, the phatic, and the rhetic acts) which has a *meaning*; the illocutionary act which has a certain *force* in saying something; the perlocutionary act which is *the achieving of certain effects* by saying something. (*Words*, p. 121)

Since in my view the second part is to be valued as a new attempt to refine on the second criterion of distinction between performatives and constatives, this sounds wrong: the matter, in my interpretation, is not left behind but rather improved upon.

But notice also, and this time in favour of my view, that in the above passage the "fresh start" is represented as "considering the senses in which to say something is to do something": this clearly refers to the second criterion of performatives, which was that to issue the sentence is to do something (rather than merely to say something). Thus the above passage provides evidence both against and in favour of my view.

To start now making my main arguments, there are three special passages which seem to me sufficient for showing that my interpretation is justified:

- (a) a footnote from the beginning of the lectures, where Austin initially introduces the notion of a "performative"
- (b) again, in more detail, the passage in which Austin leads up from the first to the second part
- (c) a passage in which Austin sums up the bearings of the second part on the performative/constative distinction

(a) When first introducing the performative sentence, Austin leaps ahead in a footnote, introducing briefly the notion of a "constative" as well as already, in a glancing reference, the notion of an "illocutionary act":

'Sentences' form a class of utterances, which class is to be defined, so far as I am concerned, grammatically, though I doubt if the definition has yet been given satisfactorily. With performative utterances are contrasted, for example and essentially, 'constative' utterances: to issue a constative utterance (i.e. to utter it with a historical reference) is to make a statement. To issue a performative utterance is, for example, to make a bet. See further below on 'illocutions'. (*Words*, p. 6, Fn. 2)

The performative sentence is here characterised by contrast to the constative. The crucial difference is outlined by reference to the distinction between being issued in the course of a statement (constative) and being issued in the course of a bet. Betting obviously stands *pars pro toto* for a larger class, and it is obvious that it is the class of what I have called "AUSTIN-acts" which is meant. It is further obviously with reference to this class that Austin refers us to "illocutions", that is, illocutionary acts. Thus Austin assumes in this passage identity between what I have called "AUSTIN-act" and the illocutionary act.

(b) Secondly, I want to consider again the passage in which Austin announces his "fresh start on the problem". According to the competing view, Austin's "fresh start" consisted in a change of the matter, leaving the issue of (criteria for) performatives behind. In defence of my own view, I want now to argue that the "fresh start" consists in considering in more detail *the second criterion of performatives*. First of all, consider Austin's summary of the efforts made in the first part:

Now let us consider where we stand for a moment: beginning with the supposed contrast between performative and constative utterances, we found sufficient indications that unhappiness nevertheless seems to characterize both kinds of utterance, not merely the performative; and that the requirement of conforming or bearing some relation to the facts, different in different cases, seems to characterize performatives, in addition to the requirement that they should be happy, similarly to the way which is characteristic of supposed constatives.

Now we failed to find a grammatical criterion for performatives, but we thought that perhaps we could insist

that every performative *could* be in principle put into the form of an explicit performative, and then we could make a list of performative verbs. Since then we have found, however, that it is often not easy to be sure that, even when it is apparently in explicit form, an utterance is performative or that it is not; and typically anyway, we still have utterances beginning 'I state that ...' which seem to satisfy the requirements of being performative, yet which surely are the making of statements, and surely are essentially true or false. (*Words*, p. 91)

Notice that Austin entirely restricts his stock-taking to the *first* criterion, that the performative sentence is happy or unhappy instead of being true or false, which he probably took to be a "grammatical" one, and to the futile search for any precise grammatical, or at least purely formal, criteria. The stock-taking *entirely neglects* the view on sentences adopted in the second criterion, *as issued in the course of an action*. Any reference to the second criterion of performatives is missing. Austin then directly continues by suggesting the "fresh start" thus:

It is time then to make a fresh start on the problem. We want to reconsider more generally *the senses in which to say something may be to do something* (and also perhaps to consider the different case in which *by saying something we do something*). (*Words*, p. 91; my italics)

As I interpret the relation between these two passages, Austin *contrasts* the look at performatives with reference to the first criterion of being happy or unhappy with the view *adopted by the second criterion*, the view of it as issued in the course of an AUSTIN-act. The "fresh start" consists now just in concentrating in more detail on the second criterion: It is a *fresh* start in that the performative/constative dichotomy is now tackled *with reference to the second, rather than the first criterion*. The second criterion was that the performative is part of the doing of an AUSTIN-action – and the second part concentrates on the illocutionary act. As I shall show right below, both acts are described in very much the same way. We can then assume, I think, that they are meant to be just one and the same thing.

(c) This is reinforced at another crucial point of Austin's presentation. In Lecture XI Austin *summarises the consequences* of the doctrine of locutionary, perlocutionary, and illocutionary acts for the initial performative/constative-sentence antinomy. The mere fact that he expects such consequences, notice, is inconsistent with the view that his "fresh start" consisted in leaving the matter of performatives and constatives behind; it is, in contrast, fully consistent with my interpretation, that the second part was meant to *refine upon* the matter of performatives and constatives. But over and above this, most importantly, he now unambiguously assumes the one-to-one-equivalence between the locutionary act and "saying" on the one hand, and the illocutionary act and "doing" on the other hand:

Our subsequent discussion of doing and saying certainly seems to point to the conclusion that whenever I 'say' anything (except perhaps a mere exclamation like 'damn' or 'ouch') I shall be performing both locutionary and illocutionary acts, *and these two kinds of acts seem to be the very things which we tried to use, under the names of 'doing' and 'saying', as a means of distinguishing performatives from constatives*. If we are in general always doing both things, how can our distinction survive? (*Words*, p. 133; my italics)

He could, I feel, hardly have been more explicit. I think that in the light of this passage *it just cannot be denied that* Austin's illocutionary act is meant to be nothing other than what I have been calling the "AUSTIN-act", the act which is referred to as "doing" in the second criterion of performatives.

If, then, illocutionary acts and AUSTIN-acts are one and the same, we must expect that what is said about both kinds of act is consistent. I want now to argue that this is indeed the case. AUSTIN-acts are characterised by two features: firstly, they are conven-

tional acts in the sense of acts which are constituted by a convention and involve the production of conventional effects; secondly, they are acts which can succeed only if there is some audience in which, as Austin puts it, "uptake" is secured.

To start with, the illocutionary act is represented as a conventional act in the sense of being constituted by a convention: "We must notice", Austin, says, "that the illocutionary act is a conventional act: an act done as conforming to a convention"¹⁰⁵. And it has conventional effects: it is the very point of the distinction between perlocutionary acts and illocutionary acts that the consequences involved in the latter case are in some way not changes in the "normal" or "natural" course of events:

(2) The illocutionary act 'takes effect' in certain ways, as distinguished from producing consequences in the sense of bringing about states of affairs in the 'normal' way, i.e. changes in the natural course of events. Thus 'I name this ship the *Queen Elizabeth*' has the effect of naming or christening the ship; then certain subsequent acts such as referring to it as the *Generalissimo Stalin* will be out of order. (*Words*, p. 117)

At another place, these consequences are explicitly called "conventional consequences"; and the commitment involved in promises is taken as a paradigmatic example:

It will be seen that the 'consequential effects' here mentioned (see *C.a* and *C.b*) do not include a particular kind of consequential effects, those achieved, e.g., by way of committing the speaker as in promising, which come into the illocutionary act. Perhaps restrictions need making, as there is clearly a difference between what we feel to be the real production of real effects and what we regard as mere conventional consequences; we shall in any case return later to this. (*Words*, p. 102 f.)

So the illocutionary act is represented as a conventional act, and it is represented as conventional (at least) in that it has certain "conventional consequences", in contrast to "real effects".

Austin further represents the illocutionary act as an act for which the securing of "uptake" is an essential condition:

Unless a certain effect is achieved, the illocutionary act will not have been happily, successfully performed. [...] I cannot be said to have warned an audience unless it hears what I say in a certain sense. An effect must be achieved on the audience if the illocutionary act is to be carried out. [...] Generally the effect amounts to bringing about the understanding of the meaning and of the force of the locution. So the performance of an illocutionary act involves the securing of *uptake*. (*Words*, p. 116 f.)

Thus both essential properties which were ascribed to the AUSTIN-act are ascribed to the illocutionary act either.

It might still be that the illocutionary act is ascribed *further* essential features, such that it would be, not identical with, but a sub-type of, the AUSTIN-act. In order to reject this as well as I can, I shall now show, with regard to certain candidates for such features, that they are after all not to be ascribed to the illocutionary act.

To start with, in a most prominent passage, where Austin lists those criteria of the illocutionary acts which distinguish it from the perlocutionary act, he introduces, over and above conventional consequences and securing uptake, a third kind of effect with the production of which the illocutionary act "is connected" – I mention this merely to weed it out of the way:

¹⁰⁵ *Words*, p. 105.

(3) We have said that many illocutionary acts invite by convention a response or sequel, which may be 'one-way' or 'two-way': thus we may distinguish arguing, ordering, promising, suggesting, and asking to, from offering, asking whether you will and asking 'Yes or no?' If this response is accorded, or the sequel implemented, that requires a second act by the speaker or another person; and it is a commonplace of the consequence-language that this cannot be included under the initial stretch of action. (*Words*, p. 117)

Although Austin says that the responses in question are "connected" with the illocutionary act, he also points out that they "cannot be included under the initial stretch of action". Therefore this kind of effect, however *connected with* the illocutionary act, is not said to be *necessary for the performance of* an illocutionary act. This is explicitly reconfirmed later, at a place where Austin picks up, and thereby reconfirms, the criteria of conventional effects and securing "uptake" again.¹⁰⁶ Austin examines there whether stating is an illocutionary act by asking whether it satisfies those two criteria of illocutionary acts. And he says about the third effect of "inviting a response" that "[i]f perhaps a statement does not invite a response, that is not essential to all illocutionary acts anyway".¹⁰⁷

Furthermore, like AUSTIN-acts, illocutionary acts are represented as not requiring explicit performance. Austin often gives examples of acts which are meant to be illocutionary acts and which are not explicitly performed, as, for instance, urging, ordering, or advising someone to shoot someone else by saying "Shoot her!", and of protesting by saying "You can't do that"¹⁰⁸. These acts are meant to be illocutionary acts, and thus illocutionary acts cannot be meant to require explicit performance.

Finally, to anticipate the argument of the next section, illocutionary acts need not to involve the use of linguistic devices at all: they can be non-verbally performed. As far as I see, there are no candidates for any further essential features the illocutionary act could be ascribed in Austin's texts. If so, then not only is the illocutionary act ascribed the same two essential features as the AUSTIN-act, but all candidates for further essential features are to be rejected. Thus Austin represents illocutionary acts as being quite like AUSTIN-acts, and thus we are justified in equating the two concepts.

§ 2.3 Illocutionary acts and linguistic conventions

As I have just said I shall argue, it is not necessary for an illocutionary act to be verbally performed: this is what I shall now turn to. Let me emphasise a consequence this would have: if illocutionary acts need not to be verbally performed then it follows that the conventions involved cannot be linguistic conventions, the conventions which enable linguistic signs to have meaning. I mention this especially because Searle has suggested such a view. In his account there are "rules" constituting illocutionary acts, which rules are meant to be underlying the conventions of languages: thus the latter are represented as the conventions which constitute illocutionary acts.

The question crucial to the issue here is then whether the conventions which are involved in illocutionary acts are linguistic conventions or, weaker, whether illocutionary acts are conventional in more than one sense, one of which is that they must be verbally performed. Both could be true only if it were necessary for an illocutionary act that it be

¹⁰⁶ See *Words*, p. 139.

¹⁰⁷ *Words*, p. 139.

¹⁰⁸ *Words*, p. 101 f.

verbally performed. I shall deny both assumptions, arguing that it is not necessary for an illocutionary act to be verbally performed. However, I have to admit that Austin himself has some tendencies to associate illocutionary acts with the use of linguistic means. Consideration of this issue will be the task of the present section.

A first reason why one could take the illocutionary act to be essentially a verbal act is its name: Austin has built it out of the Latin words "loqui" (speak), respectively, "locutio" (speech), and the prefix "in". The name suggests then that this act is performed in speaking, and this by itself may be a good reason to speculate that the way in which it is meant to be conventional is precisely that the means used in performing the act will always be words, that is, devices which are subject to linguistic conventions.

But actually being subject to linguistic conventions cannot be the sense in which the illocutionary act is essentially meant to be conventional; Austin explicitly points this out in a passage we have already dealt with:

Illocutionary acts are conventional acts: perlocutionary acts are *not* conventional. Acts of *both* kinds can be performed – or, more accurately, acts called by the same name (for example, acts equivalent to the illocutionary act of warning or the perlocutionary act of convincing) – can be brought off non-verbally; but even then to deserve the name of an illocutionary act, for example a warning, it must be a *conventional* non-verbal act: but perlocutionary acts are not conventional, though conventional acts may be made use of in order to bring off the perlocutionary act. (*Words*, p. 121 f.)

If an act is conventional even if it is non-verbally performed then the conventions which make the act conventional cannot be linguistic conventions.

One might, however, still attempt to insist on the weaker claim: One might admit that there are at least two senses in which the illocutionary act is essentially bound up with conventions, and that one of these senses is that it must be performed by verbal means. And, of course, there is a passage in *Words* in which Austin unambiguously commits himself to the claim that illocutionary acts essentially involve the use of linguistic means:

It has, of course, been admitted that to perform an illocutionary act is necessarily to perform a locutionary act: that, for example, to congratulate is necessarily to say certain words; and to say certain words is necessarily, at least in part, to make certain more or less indescribable movements with the vocal organs. So that the divorce between 'physical' actions and acts of saying something is not in all ways complete – there is some connexion. (*Words*, p. 114)

The locutionary act is the act of saying in the full sense, and one cannot say something without using linguistic means. So if to perform an illocutionary act is necessarily to perform a locutionary act then illocutionary acts can be taken as essentially verbal acts. Of course, this passage is commonly brought to bear by authors who argue that illocutionary acts are essentially connected with language, and I frankly admit that it implies such a view. My argument against such an interpretation assumes that the above passage must be taken as unreliable and maintains that illocutionary acts must still be viewed as being capable of being non-verbally performed, that is, that linguistic conventions need not be involved.

Notice first that the claim Austin suggests straightforwardly contradicts several *observations* to the contrary Austin introduces. Austin admits that acts like marrying and betting¹⁰⁹, protesting¹¹⁰, doing obeisance¹¹¹, warning, ordering, appointing, giving, protesting,

¹⁰⁹ *Words*, p. 8.

¹¹⁰ *Words*, pp. 64, 111.

¹¹¹ *Words*, p. 69 f.

voting¹¹² can be performed by non-verbal means, and all these acts are clearly meant to be illocutionary acts. Now the locutionary act is intended as the act of saying "in the full sense". And to say something in Austin's "full sense" is necessarily to issue linguistic devices. Thus, since the above-mentioned acts are meant to be illocutionary acts, and since they are meant to be capable of non-verbal performance, the performance of an illocutionary act cannot necessarily require the performance of a locutionary act.

Remember, too, that the illocutionary act is said to be a conventional act *even if it is non-verbally performed*:¹¹³ this *presupposes* that there are illocutionary acts which are non-verbally performed. Furthermore, Austin explicitly makes a weaker claim which is inconsistent with the assumption that all illocutionary acts involve locutionary acts:

But the fact remains that many illocutionary acts cannot be performed except by saying something. This is true of stating, informing (as distinct from showing), arguing, giving estimates, reckoning, and finding (in the legal sense); it is true of the great majority of verdictives and expositives as opposed to many exercitives and commissives. (*Words*, p. 120)

If what we can insist on is merely that *many* illocutionary acts cannot be performed except by saying something then we are unable to insist that all of them are.

My interpretation of Austin's account is then faced with the fact that it ascribes a more or less open contradiction to Austin's representation: Austin explicitly says that the illocutionary act essentially involves a locutionary act; nevertheless, I ascribe to his account the rejection of this claim. This is, I admit, rather unfortunate a situation. Notice, however, that this problem can hardly be avoided by any alternative interpretation of Austin's account: if we assumed that illocutionary acts essentially involve locutionary acts then we would assume something which is inconsistent with many other passages in Austin's text.

The situation of my interpretation will become somewhat less unfortunate if I can explain how the passage causing the inconsistency with my interpretation could have arisen. Thus I shall now attempt to explain how, I think, Austin could have come to issuing the claim I reject, that illocutionary acts essentially involve a locutionary act. My first argument foists to Austin a reasoning which depends on a false assumption; it can be strengthened by showing that Austin has made the mistaken assumption at another place. The second argument claims that Austin has a tendency to simplify the matter we are concerned with by rigidly associating locutionary and illocutionary acts with each other; this, too, can be strengthened by showing that such a tendency is present in Austin's exposition at other places.

To start with, it seems that Austin had some problems in distinguishing different ways in which an action can be represented as "conventional", or as "not unconventional". Consider the following list of assessments bound up with the word "conventional" (which, indeed, does not need to be complete):

- (1) One may perform an act by means of saying something and thus involve linguistic conventions, or perform the same act without using linguistic means.
- (2) An act may be constituted by a convention, as the acts of bidding in bridge and marrying, or it may not, as the act of suggesting to someone a certain belief.

¹¹² *Words*, p. 119 f.

¹¹³ See *Words*, p. 121 f.

(3) An act may be performed according to social norms, or it may violate these norms, as when I am whistling a shabby song at a funeral. Here something like "moral" conventions are at issue.

(4) An act may just be performed in the way other people perform it, or else in a new, or uncommon way: fire brigades, for instance, have an unconventional way of opening doors if the key is not available.

Now it seems to me that in speaking about conventions Austin was not perfectly capable of keeping these (and perhaps other) different sorts in which conventions could be involved distinct from each other. Consider the following passage, in which Austin is concerned with the question in which ways the *perlocutionary* act could be taken to involve conventions:

More important is the question whether these responses and sequels can be achieved by non-conventional means. Certainly we can achieve the same perlocutionary sequels by non-conventional means (or as we say 'unconventional' means), means that are not conventional at all or not for that purpose; thus I may persuade some one by gently swinging a big stick or gently mentioning that his aged parents are still in the Third Reich. Strictly speaking, there cannot be an illocutionary act unless the means employed are conventional, and so the means for achieving it non-verbally must be conventional. But it is difficult to say where conventions begin and end; thus I may warn him by swinging a stick or I may give him something by merely handing it to him. But if I warn him by swinging a stick, then swinging my stick is a warning: he would know very well what I meant: it may seem an unmistakable threatening gesture. (*Words*, p. 119 f.)

Remember Austin's doctrines of locutionary acts and illocutionary acts: both are connected with conventions; the locutionary act involves *linguistic* conventions, and the illocutionary act involves (at least) *constituting* conventions. Now after all perlocutionary act are contrasted with illocutionary acts in that they do not have conventional consequences, that is, with reference to constituting conventions; so this sense is at any rate at issue. But in the above passage there is a clear reference to (the lack of) linguistic conventions, too, as in connection with those different ways of threatening. Furthermore, Austin introduces the word "unconventional", which is used rather in connection with point (4) of the above list. And it seems to me that (3) is somehow associated, too, as in the examples of persuading and warning.

That is, it seems to me that in the above passage Austin mixes up different senses of "conventional"; and it seems to me that he is unable to properly classify these senses: he says that "it is difficult to say where conventions begin and end", and what he seems to mean is that he is unable to distinguish the different senses in which we are tempted to apply the word "conventional" to given cases.

Now if we assumed that Austin was somewhat unclear about those different kinds of conventionality, it may be justified to speculatively foist to him something like the following reasoning – which could have led him to the claim that all illocutionary acts are at the same time locutionary acts:

- (1) Illocutionary acts essentially involve conventions.
- (2) If they essentially involve conventions, then they essentially must be performed by conventional means.
- (3) (It is difficult to say where conventions begin and end, but let us assume:) *Conventional* means are *linguistic* means.
- (4) So the illocutionary act must essentially be performed by linguistic means.
- (5) To use linguistic means is to say something, and "saying" is what the locutionary act is meant to represent.
- (6) So illocutionary acts essentially involve locutionary acts.

This reasoning involves mistakes, especially in (3), which might be based on too vague a consideration of the different senses in which matters can be "conventional".

The question is then whether there is any independent evidence that Austin could have assumed something like (3) – and, indeed, there is such evidence, as the next passage shows. The aim Austin is concerned with in this passage is to clarify the relation between actions and consequences – this matter itself is not essential for our present purposes; but in the course of the discussion he makes a remark which is, I think, treacherous in that it presupposes that if an action is not conventional *in the sense of being verbally performed* then it is not conventional *at all*:

We have then to draw the line between an action we do (here an illocution) and its consequences. Now in general, and if the action is not one of saying something but a non-conventional 'physical' action, this is an intricate matter. (*Words*, p. 111 f.)

As my above list shows, there are several alternative ways in which an action could be said to be conventional, or bound up with conventions. However, as the recent passage shows, Austin sometimes tends to make a strict association of conventions in general and the particular conventions of languages. Now if we know that Austin has no precise account of certain different senses of "conventional", and if we assume that Austin sometimes tends to rigidly associate conventions to linguistic conventions, then there is a way in which we could explain why he can say that illocutionary acts necessarily involve locutionary acts: we can assume that he failed to properly distinguish certain different senses of "conventional" and concluded, from the assumption that the illocutionary act needs to be conventional, that it needs to involve a locutionary act and thus linguistic conventions.

There seems to be another tendency in Austin's representation which would enable us to *question the relevance* of the problematical passage: he seems in general to tend to an over-simplified account of the relation between locutionary and illocutionary acts, *to the effect that these two acts always come together*.

The passage which my reconstruction of Austin's account contradicts says that all illocutionary acts are locutionary acts, too. Now at another place he also claims, *vice versa*, that "[t]o perform a locutionary act is in general, we may say, also and *eo ipso* to perform an *illocutionary act*"¹¹⁴. And he says, at the end of his investigation, that "whenever I 'say' anything (except perhaps a mere exclamation like 'damn' or 'ouch') I shall be performing both locutionary and illocutionary acts"¹¹⁵. In both cases he implies that one cannot perform a locutionary act without performing an illocutionary act.

But this claim is obviously false. *As he himself observes more than once*, to say something is *definitely not* sufficient for performing an illocutionary act. Let me cite just one of a number of clear statements he makes to this effect. After having introduced his examples of AUSTIN-acts he asks whether these acts are just acts of saying something (locutionary acts, as we can put it in his later terminology). And he rejects this with reference to examples which are clear cases of illocutionary acts:

But probably the real reason why such remarks ["To perform an AUSTIN-act is just to say a few words"] sound dangerous lies in another obvious fact, to which we shall have to revert in detail later, which is this. The uttering of the words is, indeed, usually a, or even *the*, leading incident in the performance of the act (of

¹¹⁴ *Words*, p. 98.

¹¹⁵ *Words*, p. 133.

betting or what not), the performance of which is also the object of the utterance, but it is far from being usually, even if it is ever, the *sole* thing necessary if the act is to be deemed to have been performed. Speaking generally, it is always necessary that the *circumstances* in which the words are uttered should be in some way, or ways, *appropriate*, and it is very commonly necessary that either the speaker himself or other persons should *also* perform certain *other* actions, whether 'physical' or 'mental' actions or even acts of uttering further words. Thus, for naming the ship, it is essential that I should be the person appointed to name her, for (Christian) marrying, it is essential that I should not be already married with a wife living, sane and undivorced, and so on: for a bet to have been made, it is generally necessary for the offer of the bet to have been accepted by a taker (who must have done something, such as to say 'Done'), and it is hardly a gift if I *say* 'I give it you' but never hand it over. (*Words*, p. 8 f.)

The point of Austin's argument is: Saying is not sufficient for the performance of an AUSTIN-act because of the possibility of failure of these acts. Regardless whether the AUSTIN-act is identical with the illocutionary act, he would certainly have classified the above examples as examples of illocutionary acts, and thus the claim is made about illocutionary acts as well: illocutionary acts can fail, for example, just because the speaker does not succeed in securing "uptake". Thus it is plainly not true that to perform a locutionary act is always to perform an illocutionary act. That Austin nevertheless makes such a claim I explain with his tendency to oversimplify the matter.

Given that Austin sometimes oversimplifies the relation between locutionary and illocutionary acts in saying that all locutionary acts are illocutionary acts then it is not that great a step to the assumption that his *vice-versa* claim, that all illocutionary acts involved locutionary acts, is due to the same kind of over-simplification.

Yet there still are several passages in which Austin speaks about the way in which his illocutionary act is conventional which do not straightforwardly support my interpretation. They do not, as far as I can see, support the association with linguistic conventions either, but they might with some justification be taken as evidence against my interpretation of how illocutionary acts are conventional, as long as I am unable to explain how Austin could issue them. Thus I shall now outline how I suggest they can be made compatible with my analysis.

(1) To start with, consider the following remark in which Austin attempts to distinguish the illocutionary act from the perlocutionary:

Speaking of the 'use of "language" for arguing or warning' looks just like speaking of 'the use of "language" for persuading, rousing, alarming'; yet the former may, for rough contrast, be said to be *conventional*, in the sense that at least it could be made explicit by the performative formula; but the latter could not. Thus we can say 'I argue that' or 'I warn you that' but we cannot say 'I convince you that' or 'I alarm you that'. (*Words*, p. 103 f.)

Notice that Austin, although he invokes the conception of an illocutionary act's being explicit, does not say here that illocutionary acts actually need to be made explicit, but only that it *must always be possible* that they are, or would have been, explicit: nothing is implied concerning the actual use of explicit means. This passage has given rise to quite a number of more or less extravagant interpretations and conclusions. And I frankly admit that it does not sound as if it would support my interpretation, according to which the conventions bound up with illocutionary acts are constitutive conventions: of course, it sounds as if it were concerned with entirely different matters than constitutive conventions. Furthermore, it must especially be recognised that the reference to the fact that illocutionary acts can be made explicit is here given *the whole burden of* representing the sense in which the illocutionary act is "conventional".

Nevertheless I think that the passage can be made compatible with my interpretation: With the "performative formula" which could make the act explicit, I think it is clear, Austin means the explicit performative sentence. I think then that the passage is to be interpreted with reference to the second test of performatives¹¹⁶, that the performative must be "reducible" to a (possible) explicit performative formula. For example, "Guilty!", Austin says, is "equivalent to", and can thus be reduced to, "I find, pronounce, deem you to be guilty".¹¹⁷ The background of this test, according to my interpretation, is that the performative must be issued in the course of an AUSTIN-act. And the AUSTIN-act must involve the securing of "uptake" of what act is performed. The explicit formula to which the performative can always be reduced is the formula which would make explicit what act is performed, that is, make explicit the matter of which uptake shall be performed.

When Austin now says that the illocutionary act is conventional *in that* it could be made explicit then he thereby wants to imply, I think, that it is conventional *in the sense he had assumed for the AUSTIN-act*, that is, he wants to refer to the findings made with respect to this act by reference to one of the tests connected with this act. The illocutionary act must be conventional in the sense of those acts of which it was peculiar that one must be able to make them explicit even if one does not make them explicit, that is, in the sense of the AUSTIN-act. As I have argued, the conventions involved in AUSTIN-acts are constitutive conventions.

(2) Another passage, which may seem even more mysterious, is the following.

[P]erlocutionary acts are not conventional, though conventional acts may be made use of in order to bring off the perlocutionary act. A judge should be able to decide, by hearing what was said, what locutionary and illocutionary acts were performed, but not what perlocutionary act were achieved. (*Words*, p. 121 f.)

It sounds quite similar to the following passage which, unfortunately, is not much clearer:

[T]he whole apparatus of 'explicit performatives' (see above) serves to obviate disagreements as to the description of illocutionary acts. It is much harder in fact to obviate disagreements as to the description of 'locutionary acts'. Each, however, is conventional and liable to have a 'construction' put on it by judges. (*Words*, p. 115 f., Fn. 1)

Austin seems here to use, in order to decide whether a given phenomenon is conventional or not, the feature that a judge is able to decide what has been going on. Let me admit that I do not have any completely satisfactory idea about what precise rationale lies behind these remarks. The best explanation I have found presupposes that Austin assumes something like that judges are in general, say, especially "competent" when conventions are at issue. So according to my interpretation, these passages would just be arguing that locutionary and illocutionary are conventional *in some sense*, by pointing out that they are of the kind of phenomenon for which judges are experts.

In neither of these two cases do I want to claim that my interpretation is fully satisfactory. However, let me again emphasise that neither case seems to support the essential demand for linguistic conventions either. Remember further that Austin's exposition seems to suffer from some confusion about different kinds of an act's being "conven-

¹¹⁶ See § 1.4.

¹¹⁷ See *Words*, p. 62.

tional": this might explain the unclear way in which he sometimes speaks about the conventions bound up with the illocutionary act.

To sum up: Although Austin says at one place that illocutionary acts essentially involve locutionary acts, there is much more evidence to the contrary: he brings many examples of illocutionary acts which are non-verbally performed, he says that illocutionary acts are conventional even if non-verbally performed, which presupposes that there are such non-verbal illocutionary acts, and he explicitly makes the weaker claim that merely some illocutionary acts are verbally performed. The fact that he makes a statement to the contrary I have attempted to explain mainly by arguing that he has no proper account of *different ways in which* actions can be conventional and by a tendency to oversimplify the connection between locutionary and illocutionary acts to the effect that both always come together.

§ 2.4 Summary of Part I

Let me summarise the central issues of the account Austin presents in *Words* according to my interpretation. Starting from the supposed distinction between what he calls "constatives", sentences which are truth-evaluable, and what he calls "performatives", certain sentences which, despite their look, are supposed not to be truth-evaluable, Austin stated the following criteria of a sentence's being a performative sentence:

1. (***T* is a performative sentence**) → (***T* is "happy" or "unhappy" rather than true or false**)
2. (***T* is a performative sentence**) → (**to issue *T* is to perform an AUSTIN-act**)

AUSTIN-acts are "conventional acts", and that an act is a "conventional act" means: it is an act constituted by a convention, this convention specifies, for some "conventional procedure", that the (correct and complete) execution of this procedure counts as the performance of the act; furthermore, the performance of the act entails the production of what I have called a "conventional effect". Austin's original examples are marrying, naming a ship, bequeathing and making a bet.

I have characterised "conventional" states of affairs as being not material, not having any spatial extension or spatial location, not being "caused" in the sense physicalists would be supposed to apply, not being observable with the five senses and the traditional methods of observation applied in physics, and, most crucially, depending for their existence on the common "acceptance" in some group *to the effect that* they exist. Austin's examples suggest that occurrences of *obligations* are prototypical instances of such conventional states of affairs.

Furthermore, AUSTIN-acts are *a special case* of "conventional acts": in order to perform them it is necessary that the actor "secures uptake", in some audience, that the act is performed. It is, in contrast, not necessary for the performance of AUSTIN-acts (*as* AUSTIN-acts) that the act is made explicit by the use of linguistic means; nor is it necessary that the actor uses any linguistic means in the performance of the act at all. It follows that the conventions constituting the act are not linguistic conventions – just because no such conventions need to be present for AUSTIN-acts to be performed.

I argued that the notion of an "illocutionary act" refers to nothing but what I have been calling the AUSTIN-act: in making a "fresh start" in the second part of the lectures, Aus-

tin does not abolish the performative/constative distinction: his new doctrine of locutionary, perlocutionary, and illocutionary acts is rather the attempt to improve on the matter of what we can do when we say something and, particularly, to examine in more detail the act mentioned in the second criterion of performatives, the AUSTIN-act. It is thereby obvious that the relevant act in the second doctrine is the "illocutionary act" and, in fact, the illocutionary act is ascribed the same two features by which the AUSTIN-act of the first part was characterised.

In the first Chapter I developed a statement of necessary and sufficient conditions for an act's being an AUSTIN-act.¹¹⁸ This statement already took in consideration what is said about the illocutionary act in Austin's second part. Given that the equation of the AUSTIN-act and the illocutionary act is adequate, we can adopt them as necessary and sufficient for an act's being an illocutionary act as well. To come then to the ultimate task of the first part, this is my suggestion for a definition of the illocutionary act:

Definition of the illocutionary act:

An act *A* is an illocutionary act iff the following conditions are satisfied:

- (1) *A* is a "conventional act"; it is constituted by a convention which specifies a "conventional procedure" for the performance of the act, and performing the act entails the production of a certain "conventional effect".**
- (2) *A* is a *special case of conventional act* in that it requires the securing of "uptake" by an audience of the information that an act is performed and what act that is.**

In order to conform to Austin's exposition, any account of "illocutionary acts" must demand these two conditions, and only these. Moreover, in the absence of good reasons for alterations, these two conditions must be demanded in order for a given account of "illocutionary acts" to be *adequate*.

¹¹⁸ See § 1.5.

PART II: Searle's account of illocutionary acts

In this second Part, I present what I shall call Searle's account of illocutionary acts. A few remarks about my exposition are to be made in advance. Let me start with the selection of texts on which my reconstruction of Searle's account will be based. Searle is concerned with the issue of illocutionary acts in a great number of texts, among them, *Speech Acts* (1969, henceforth *SA*), *Expression and Meaning* (1979, *EaM*), "Austin on Locutionary and Illocutionary Acts" (1968, *AoLaIA*), *Intentionality* (1983), *Foundations of Illocutionary Logic* (1985, together with Daniel Vanderveken, *Foundations*), "Meaning, Communication, and Representation" (1986, *MCR*), "How Performatives Work" (1989a) and several others. My exposition will be based mainly on *SA* and *EaM*, together with single references to other texts which, however, will remain more or less sporadic.

Why do I concentrate on the earlier of Searle's texts? – The reason is that the conceptions of illocutionary acts Searle sets out in his later texts are *incompatible* with his original account in fundamental respects.¹¹⁹ Hence it is impossible to derive any *coherent* account from all texts Searle provides us with. The reason why it is the earlier, rather than his later writings on which I concentrate should be rather obvious: Searle's earlier writings, especially *SA* and *EaM* are more well-known by far than the later writings; when people speak of "Searle's account" they are usually referring to the account outlined in these two texts, or even merely to the account presented in *SA*.

Over and above this, in the *Foundations* Searle and Vanderveken themselves say that "[t]he theory which follows is based on and is a development of the theory expressed in [...] *Speech Acts* [...] and *Expression and Meaning* [...]"¹²⁰. In my exposition I in fact merely aim at the basics of Searle's account. Any formal refinements, for example, like those provided in *Foundations*, or a possible foundation of the doctrine of illocutionary acts in a theory of intentionality, as aimed at in *Intentionality*, are beyond the scope of my text. And in concentrating my reconstruction on *SA* and *EaM* I am in accordance with the view of Searle and Vanderveken concerning where these basics are represented.

Furthermore, I should say a few words about the structure my second Part takes. Let me start with a remark about the status of Searle's account of illocutionary acts. This account is probably the most wide-spread one in terms of "illocutionary acts", and many (including Searle himself) use to call it a "theory" of illocutionary acts. This might suggest that Searle's account provides a tried and tested, elaborated framework for the analysis of illocutionary acts. However, I do not see that Searle actually has managed to present any *complete theory* of illocutionary acts. An account worth calling a "theory" of illocutionary acts should, for example, at least contain a straightforward definition of its

¹¹⁹ I shall back up this claim in the third part, § 7.2.

¹²⁰ *Foundations*, p. 1, Fn. 1.

subject, the illocutionary act. By "straightforward definition" I mean a statement which answers at least the following two questions:

- (1) What are the entities which can be illocutionary acts (what objects can be bearers of "illocutionary-actness")?
- (2) What are the essential properties by which phenomena of this wider group are identified as illocutionary acts (what is "illocutionary-actness")?

Now whereas question (1) is, more or less fruitfully, answered in Searle's account, the second question is not answered, it is only tackled in part: Searle has never provided any definition of "illocutionary act".¹²¹ The steps towards a definition Searle actually makes – and thus the issues with which we will be concerned in this Part – are the following:

(a) In *SA* Searle locates the notion of an "illocutionary act" inside the wider concept of a "speech act". If we assumed that it is clear what a "speech act" is, then we could admit that he thereby offers an answer to the first question: the illocutionary act is a special case of "speech act". The first thing I will do in this second Part is to give an account of what Searle says in order to make clear what a "speech act" is meant to be.

(b) In the place of presenting a general definition of the illocutionary act in general, Searle presents an analysis of one particular illocutionary act type, namely, promising. He assumes that promising is a paradigmatic case of illocutionary act and suggests that the way in which he construes the analysis uncovers general characteristics of illocutionary acts. However, the analysis of promising in question is not only restricted in its scope in various ways, it is also far from being an analysis of the mere act of promising. I will consider the most important restrictions of the scope as well as the qualifications to which the analysandum is subject in detail and then reconstruct the analysis of promising.

(c) Searle further emphasises that "many of the lessons to be learned from [this analysis] are of general application"¹²². This suggests that we are able to make analyses of further illocutionary act types somehow by recourse to the analysis of promising. What Searle seems particularly to have in mind is the following: The analysis of promising is made in terms of certain rather peculiar categories like "Preparatory", "Sincerity", "Essential", and so on. These categories are first applied to the conditions of the analysis of promising: the act is analysed into a "Preparatory condition", a "Sincerity condition", and so on. Furthermore, the analysis of promising includes a set of rules which Searle postulates, to which rules these categories are applied as well. Now over and above the analysis of promising Searle gives us a table with information about *further* illocutionary act types *ordered according to these special categories*. A further task will then be to see what the lessons provided by this table are.

(d) I said that the analysis of promising is subject to restrictions of scope. Two examples are: the analysis does not cover non-explicit or non-literally performed promises. Thus, whatever merits it has, it is, as it stands, not applicable to non-explicit or non-literal per-

¹²¹ Cp. Harnish (1990), p. 174. In *Foundations*, Searle and Vanderveken come nearest to a definition of the illocutionary act when defining the "successful and non-defective performance of an elementary illocutionary act", restricted to cases in which "all the conditions necessary and sufficient for hearer understanding are satisfied when the utterance is made" (*Foundations*, p. 21). The formulation of the analysandum already shows that they are not defining the illocutionary act in general but merely the *non-defective* performance. Moreover, the definition is valid only within a very restricted scope. – I will deal with further problems of this definition in the third part, § 7.1.1. In general, as I show there, despite a number of attempts, *Foundations* does not succeed in providing a general definition of the illocutionary act.

¹²² *SA*, p. 54.

formances of illocutionary acts. As Searle himself rightly emphasises, the analysis captures merely a "simple and idealized case"¹²³. In *EaM* Searle attempts to abstract from some of these restrictions, particularly, from the two restrictions I have just mentioned. I shall consider these attempts in Chapter 5.

(e) In the course of the exposition of his account in *SA* Searle uncovers, and explains, some of the fundamental assumptions underlying his account. He assumes, for example, that the illocutionary act is the minimal unit of linguistic communication, or that to say something and mean it is to have a number of intentions bound up with the performance of an illocutionary act. I will introduce these basic assumptions, and attempt to reconstruct them in some detail in Chapter 6.

One final comment: There are many issues Searle tackles in *SA* and *EaM* with which I shall not be concerned since I do not find them essential for the basis of an account of illocutionary acts. Just to give one example, Searle puts in *SA* considerable emphasis on the question "how it is possible" that a hearer understands the literal issuance of an explicit sentence by a speaker,¹²⁴ and in *EaM* he is concerned with the question how understanding is possible in the case of so-called "indirect illocutionary acts". Although it may be a fundamental question whether it is necessary for the obtainment (or "non-defectiveness") of an illocutionary act *that* the hearer "understands" what the speaker "means", the question *how* speakers actually achieve this aim is rather empirical than definitorial. For the core of a theory of illocutionary acts it suffices to know what the conceptual relations between "understanding" and "illocutionary act" are.

¹²³ *SA*, p. 56.

¹²⁴ His answer is rather simple: The speaker gets herself understood by relying on the hearer's knowledge of the words used. This works beautifully because in the case of a literal issuance, according to Searle's account, she means nothing other than what she says.

3

Searle's analysis of promising I

§ 3.1 What is a speech act?

Searle's illocutionary act is represented as a special case of what Searle calls "speech act". The first thing I shall now do is to set out how Searle conceives of a "speech act" in general.

In his exposition in *SA*, Searle does not only intend to take steps towards an account of illocutionary acts; apart from this, he wants to introduce, and make plausible, certain opinions he holds about the nature and supposed background of *human languages*. With his account of illocutionary acts and, more generally, "speech acts", he intends to elaborate these assumptions, and to provide evidence for them.¹²⁵ Thus Searle starts his investigation with one of these fundamental assumptions, a claim that sounds, in his formulation, almost like a revolution manifesto¹²⁶: "The unit of linguistic communication", he says, "is not, as has generally been supposed, the symbol, word or sentence, or even the token of the symbol, word or sentence"¹²⁷.

Note the explosive power Searle's claim seems to hold: Searle seems to be blaming all generations of grammarians within living memory to have made a dreadful, fundamental mistake: to have assumed that words, sentences, morphemes, in short, symbols were, and should be the subject of their investigation. As Searle insinuates, they have been mistaken right from the start. For "[t]he unit of linguistic communication is [...] *the production or issuance of the symbol or word or sentence in the performance of the speech act*"¹²⁸. That is, Searle suggests that the study of language must be pursued with reference, not to linguistic *types*, not even to linguistic *tokens*, but with reference to certain *actions* which we perform in issuing linguistic tokens. And Searle at once makes a substantial suggestion as to *what actions* are the unit of linguistic communication: the relevant actions are what he calls "speech acts". These speech acts, as the title already makes clear, are the subject of his main work. Now the illocutionary act, the act with which the present text is con-

¹²⁵ See *SA*, pp. 16, 21.

¹²⁶ The manifesto of a revolution which, of course, was in the air at that time.

¹²⁷ *SA*, p. 16.

¹²⁸ *SA*, p. 16; my italics. Actually, the claim is not as revolutionary as it may at first sound. Despite the opposition Searle introduces – between studying words and sentences on the one and studying "speech acts" on the other hand – his claim, as it stands, need not affect grammarians at all; for they are not primarily concerned with "linguistic communication", but rather with linguistic signs. In order to offend the traditional study of grammar he would need first to show that the study of linguistic signs is after all primarily a study of "linguistic communication".

cerned, is not only a special case of speech act but, as we shall see, it is also supposed to be some *especially central* phenomenon in the study of "speech acts" itself.

So what, according to Searle's account, is a "speech act" supposed to be? Unfortunately, the notion of a "speech act" is nowhere properly defined by Searle. The closest Searle comes to a definition in *SA* is in the following passage; the two subtypes with which Searle is mainly concerned, the "illocutionary act" and the "propositional act" (I shall presently say more about this latter act), can there be taken as standing, *pars pro toto*, for the speech act in general:

Illocutionary and propositional acts consist characteristically in uttering words in sentences in certain contexts under certain conditions and with certain intentions, as we shall see later on. (*SA*, p. 24 f.)

According to this passage, we may expect the speech act to have the following features:

- (a) it consists in the issuing of linguistic tokens, particularly, of words in sentences
- (b) it can obtain only if the circumstances are in some way appropriate (under certain conditions)
- (c) it can obtain only if the person issuing the linguistic token has certain intentions

Note that we cannot deduce from the quotation that any of these conditions by itself is a "necessary" one (in the definitorial sense). For although Searle uses the strong word "consist" – which suggests a definitorial claim – he at once weakens the statement by the qualification "characteristically" – thereby avoiding any commitment to the necessity of the conditions.

Instead of properly defining the concept, Searle characterises the speech act by way of introducing the subtypes it is supposed to have. In the last quotation, two of them have already been mentioned: illocutionary acts and propositional acts. In order to introduce the whole range of subtypes, Searle provides us with the following four examples of sentences:

Imagine a speaker and a hearer and suppose that in appropriate circumstances the speaker utters one of the following sentences:

1. Sam smokes habitually.
2. Does Sam smoke habitually?
3. Sam, smoke habitually!
4. Would that Sam smoked habitually. (*SA*, p. 22)

When one issues any of these four sentences, according to Searle, one is performing an instance of any of the following subtypes of speech act:

(1) The most basic thing one is doing in issuing one of these sentences is to issue "a sentence formed of words in the English language"¹²⁹. Searle dubs this kind of act the "*utterance act*". He characterises this act as being "merely mouthing words"¹³⁰ and as "consist[ing] simply in uttering strings of words"¹³¹. Since it is meant to be restricted to the "mere mouthing" of words we can perhaps assimilate Searle's "utterance act" to Austin's "phatic act".

(2) Furthermore, in issuing one of the four sentences, ...

[...] the speaker *refers to* or mentions or designates a certain object Sam, and he predicates the expression "smokes habitually" (or one of its inflections) of the object referred to. Thus we shall say that in the utterance

¹²⁹ *SA*, p. 23.

¹³⁰ *SA*, p. 23.

¹³¹ *SA*, p. 24.

of all four the reference and predication are the same, though in each case the same reference and predication occur as part of a complete speech act which is different from any of the other three. (SA, p. 23)

So we have two further kinds of act which one can perform in issuing these sentences: acts of "*referring*" to objects, and acts of "*predicating*" something.

(3) The next kind of act Searle introduces is the so-called "*propositional act*". This act is meant to be related to the acts of referring and predicating in a rather simple way: It *consists* of acts of referring and predicating, as Searle laconically suggests:

(b) Referring and predicating = performing *propositional acts*. (SA, p. 24)

The propositional act, according to the way in which Searle speaks, can also be described as the act of "expressing"¹³² a proposition.¹³³

The picture of *the connection* between referring, predicating, and performing a propositional act is meant to be something like this: If someone says the words "... that Napoleon died at Elba" (under certain conditions and with certain intentions) then she is thereby performing a propositional act. In thereby saying "Napoleon" (under certain conditions, and if the issuance is made with certain intentions) she performs an act of referring to Napoleon. And in saying "died at Elba" (given certain circumstances, and intentions) she performs the act of predicating, to Napoleon, (that he) "died at Elba". The propositional act is a combination of both latter acts: in referring to Napoleon and predicating "died at Elba" one performs a propositional act, namely, the act of "expressing" the proposition that Napoleon died at Elba.

(4) With the next kind of "speech act" we turn to the main subject of the present text, the "*illocutionary act*". Searle emphasises that in the issuance of sentences, over and above issuing morphemes, referring and predicating, speakers perform acts like making an assertion, asking, ordering and so on. As applied to Searle's examples, ...

[...] [i]n uttering 1 a speaker is making (what philosophers call) an assertion, in 2 asking a question, in 3 giving an order, and in 4 (a somewhat archaic form) expressing a wish or desire. (SA, p. 22 f.)

According to Searle, all these examples – making an assertion, asking a question, giving an order, and expressing a wish or a desire – are instances of "illocutionary acts".

When introducing the illocutionary act, Searle explicitly refers to Austin as the one who has introduced the notion:

We thus detach the notions of referring and predicating from the notions of such complete speech acts as asserting, questioning, commanding, etc., and the justification for this separation lies in the fact that the same reference and predication can occur in the performance of different complete speech acts. Austin baptized these complete speech acts with the name "illocutionary acts", and we shall henceforth employ this terminology. (SA, p. 23)

From the fact that, in introducing the illocutionary act, Searle explicitly refers to Austin it is easy to get the impression that he conforms, or at least intends to conform, to Austin's doctrine of locutionary, perlocutionary, and illocutionary acts.¹³⁴ Searle is conscious of the fact that the reader will get this impression. This is shown by the fact that he at once makes a cautious qualification. He points out that he adopts the notion "illocutionary act" "with some misgivings":

¹³² Searle does not analyse "express".

¹³³ See SA, p. 29.

¹³⁴ As we shall see with respect to the "illocutionary act", Searle's account – as represented in IA – at least strikingly resembles Austin's conception in many respects.

I employ the expression, "illocutionary act", with some misgivings, since I do not accept Austin's distinction between *locutionary* and *illocutionary* acts. (SA, p. 23, Fn. 1)

At the present point I mention Searle's caveat only in order to point out that it actually does not concern his conception of the "illocutionary act".

Searle expounds his misgivings against the distinction between "locutionary" and "illocutionary" acts in *AoLaIA*. The supposed problem Searle is concerned with in this paper is that one cannot perform a locutionary act without by the same token being performing an illocutionary act. Searle's main task is to defend why he does not make use of Austin's term "locutionary act".

Notice, however, that this supposed problem does *not* in any way affect the notion of an illocutionary act, but would, if actually present, merely affect the notion of a locutionary act. Thus we can assume, forgetting about the "locutionary act", that with "illocutionary act" Searle means to conform to Austin's conception.

(5) There is a still further kind of "speech act". Recall Austin's account: As a kind of "counterpart" to the concept of an "illocutionary act" he had introduced the so-called "*perlocutionary act*". Searle adopts this notion from Austin's doctrine, too. Again he does not define it but introduces it by way of examples:

To these three notions I now wish to add Austin's notion of the *perlocutionary act*. Correlated with the notion of illocutionary acts is the notion of the consequences or *effects* such acts have on the actions, thoughts, or beliefs, etc., of hearers. For example, by arguing I may *persuade* or *convince* someone, by warning him I may *scare* or *alarm* him, by making a request I may *get him to do something*, by informing him I may *convince him* (*enlighten, edify, inspire him, get him to realize*). The italicized expressions above denote perlocutionary acts. (SA, p. 25)

To sum up: The "speech act" is characterised as an act which characteristically consists in the issuance of words in sentences, characteristically succeeds only if the circumstances are in some way appropriate, and characteristically comes into being only if the person issuing the linguistic token has certain intentions. Altogether, Searle introduces six kinds of acts as subtypes of the "speech act": the utterance act, the act of referring, the act of predicating, the act of "expressing" a proposition, the illocutionary act, and the perlocutionary act.

§ 3.2 Scope and analysandum of the analysis of promising

The illocutionary act is a kind of "speech act", but only one of a number of different kinds. Let us then come to the question what the special nature of the illocutionary speech act, according to Searle, is supposed to be. I have already pointed out that Searle does not provide any proper general definition of "illocutionary act". But in *SA* he at least provides us with an analysis of a particular illocutionary act type, namely, promising. He chooses promising because he assumes that it has a *paradigmatic* status among illocutionary acts:

The ground has now been prepared for a full dress analysis of the illocutionary act. I shall take promising as my initial quarry, because as illocutionary acts go, it is fairly formal and well articulated; like a mountainous terrain, it exhibits its geographical features starkly. But we shall see that it has more than local interest, and many of the lessons to be learned from it are of general application. (SA, p. 54)

However, as I already noted, it is not a straightforward analysis of promising, with which Searle provides us: he analyses a *special case* of promising. Moreover, the scope of

Searle's analysis is *restricted* in various ways. The original wording in which Searle presents his analysis is this:

Given that a speaker S utters a sentence T in the presence of a hearer H, then, in the literal utterance of T, S sincerely and nondefectively promises that p to H if and only if the following conditions 1-9 obtain: [...] (SA, p. 57; my italics)

This passage already shows that the scope of Searle's analysis is restricted in various ways. It is, for example, taken as given that a speaker issues a sentence, and that she does so in the presence of a hearer. Furthermore, according to the quotation what is analysed is, not the act of promising in general, but the *sincere and non-defective* performance of a promise. Over and above this, there are several further qualifications and restrictions to be noted. In the following I will first consider which restrictions of the scope must be assumed, and then the ways in which the analysandum "S promises that p" is qualified.

§ 3.2.1 Restrictions of the scope

(1) Let me start with the restriction to cases in which a sentence is issued. It is plain that we can issue units which are not (complete) sentences and thereby perform a promise. Imagine, for example, Mary urges Mark, who is about to leave the house, by saying "Promise me that you'll not drink more than ten pints this evening", and Mark answers with "Well, if you wish ...", smiles kindly, takes his coat and leaves. I think we can imagine that he thereby has promised to drink not more than ten pints, and he did not need, in order to do so, to issue a (complete) sentence.

In general, Searle simply ignores cases in which no complete sentence has been issued. In accordance with this tendency, in SA Searle explicitly announces in advance that his analysis will *presuppose* the issuance of a sentence.¹³⁵ The restriction is made explicit in Searle's actual statement of the analysis, where the issuance of a sentence is presupposed; so the scope of the analysis of promising must be viewed as restricted to cases in which a speaker has issued a sentence.

This tendency, to ignore performances of illocutionary acts where no complete sentence is issued, is not limited to Searle's first presentation in *Speech Acts* but appears throughout the texts we are dealing with. I want to show this with reference to two cases. Consider first the following passage from *AoLaIA*:

Since a rhetic act involves the utterance of a sentence with a certain meaning and the sentence invariably as part of its meaning contains some indicator of illocutionary force, no utterance of a sentence with its meaning is completely force-neutral. Every serious literal utterance contains some indicators of force as part of meaning, which is to say that every rhetic act is an illocutionary act. (*AoLaIA*, p. 267 f.)

Searle intends to argue here that every rhetic act is an illocutionary act because any sentence contains some so-called "IFIDs".¹³⁶ From the fact that *all sentences* contain IFIDs it follows at best that every rhetic act *performed in the issuance of a sentence* must be an illocutionary act. However, it is clear that one can perform a rhetic act by issuing an

¹³⁵ See SA, p. 54.

¹³⁶ IFIDs ("illocutionary force indicating devices") are linguistic devices which "indicate" a certain illocutionary act type. The declarative sentence mood, for example, according to Searle "indicates" a statement of the speaker, and if a sentence starts with the words "I hereby promise" then a promise is "indicated". I consider the notion of IFIDs in detail in §§ 3.7, 4.1.

incomplete sentence or just a word. In order for Searle's argument in the above passage to be *conclusive* it must be presupposed that a sentence is issued. Searle's "model" in the above reasoning, we can conclude, is restricted to issuances of sentences and does not contain issuances of non-sentential linguistic units.

In another place, the neglect of the possibility of issuances of non-sentential linguistic tokens leads him to a second incorrect argument. In "Speech Acts and Recent Linguistics" (1975a) he argues against John R. Ross as an advocate of the "performative deletion analysis". Ross proposes¹³⁷ that all sentences contain, in their deep structure, a performative verb. In the case of a declarative sentence, for example, the deep structure contains the "prefix" "I state that ...", and in the case of a directive sentence the deep structure contains "I request/order ...". Searle restates this account literally as follows:

Every sentence of English and presumably of every other language has a performative main verb in its deep structure. (Searle (1975a), p. 167)

From this statement Searle then draws the conclusion that every performance of an illocutionary act needs to involve such a performative prefix:

It has the consequence that in an important sense of "saying" you can only perform an illocutionary act by saying that you are performing it, for the deep structure of every sentence you utter contains "an explicitly represented performative main verb". (ibid.)

The reasoning Searle suggests here is obviously not conclusive, particularly because of the possibility of performing illocutionary acts without using any (complete, grammatical) sentence.

From the fact that all *sentences* contain an "explicit" element in their deep structure one can conclude that *all illocutionary acts* involve such an element only if one adopts the further (incorrect) assumption that all illocutionary acts are performed in the issuance of sentences. We can, however, assume that Searle does not deny that illocutionary acts can be performed without the issuance of a sentence: he even admits illocutionary acts in the performance of which no linguistic token is issued at all.¹³⁸ But he never attempts to account for these cases, and at some places, as in the above cases, he obviously neglects the possibility of these cases.

(2) Another restriction of the analysis of promising concerns the form of the sentence which, according to the first scope restriction, must be issued. This sentence is assumed to be "*well-formed*", as Searle already announces in advance:

As our inquiry is semantical rather than syntactical, I shall simply assume the existence of grammatically well-formed sentences. (SA, p. 56)

It is certainly possible to perform a promise by use of sentence-like linguistic units which, however, are grammatically incorrect. Mark might, for example, promise Mary to drink less than ten beers by saying "Oh, dear, I will stay abstinent this evening, I will not again drink them ten beer" – if, for example, he is not perfectly familiar with English. Cases like these are excluded from consideration in Searle's analysis. In his actual statement of the analysis, however, Searle fails to make this restriction explicit: I will therefore add it in my reconstruction of the scope below.

¹³⁷ See Ross (1970).

¹³⁸ Cf., e.g., SA, p. 38.

(3) The next restriction of the scope concerns again the sentence issued: *ambiguous* sentences are excluded, too. Searle mentions this restriction pretty much by the way, in a footnote commenting on condition (9) of the analysis of promising. In order to explain the matter I shall have to anticipate a few points which are established later.

In condition (9) of the analysis of promising Searle demands (in effect) that the sentence issued must (as he puts it) "indicate" a certain illocutionary act type, namely, the type of promising. Searle's way of expressing this in condition (9) is somewhat peculiar – just because his conception of linguistic meaning is peculiar. The basic conception roughly runs as follows: Searle assumes that the meaning of sentences consists of sets of rules; if these rules apply to a given sentence they make it the case that the issuance of this sentence is either *correctly and sincerely made* or not, dependent on whether a certain illocutionary act is *non-defectively and sincerely* performed in issuing it; this illocutionary act *required* by the rules for issuances of the sentence is particularly the one which is "*indicated*" by the sentence. So if, for example, a sentence "indicates" (exclusively) a promise to go, then this sentence is correctly issued if and only if in issuing it the speaker non-defectively promises to go.

Given this account of sentence meaning, the demand posed in condition (9), that the sentence issued "indicates" a promise, can be put by Searle as follows:

9. The semantical rules of the dialect spoken by S and H are such that T is correctly and sincerely uttered if and only if conditions 1-8 obtain. (SA, p. 61)

The conditions Searle refers to in this statement are (niceties aside) the conditions of his analysis of non-defectively promising: thus condition (9) demands in effect that the sentence "indicate" a promise by literally demanding that the sentence issued is correctly and sincerely issued if and only if a non-defective promise is performed.

But notice now the following complication: the application of "if *and only if*" in the statement of the condition entails that the sentence must "indicate" a promise, *and only a promise*. Sentences which are ambiguous as to the "indicated" type *are excluded* by condition (9) because they will hardly satisfy what is demanded by the "only if". To take an example: consider a sentence which "indicates" both a promise *and a statement* – "I promise to go" might be an example. We will expect that to issue such a sentence *in stating* (satisfying the conditions for non-defectively and sincerely stating, rather than those for promising) can be a correct and sincere usage. Thus the fact that it contains IFIDs of promising cannot be expressed by saying that it is issued correctly "if and *only if*" a promise is performed. The account of IFIDs implicit in the statement of condition (9) suggests that certain ambiguous sentences generally cannot be issued correctly – which would be a rather strange assumption. At any rate, in the way in which it is actually stated, condition (9) is adequate only in cases where the sentence is not ambiguous with respect to the illocutionary act type.

Searle notices this problem, as the following comment on condition (9) shows: "[T]he use of the biconditional in this condition", he says, "excludes ambiguous sentences. We have to assume that *T* is unambiguous"¹³⁹. That we "have to assume" this I interpret as saying that we must view the restriction to unambiguous sentences as a restriction *of the*

¹³⁹ SA, p. 61, Fn. 1.

scope of the analysis: If the conception of sentence meaning applied in condition (9) is not applicable to ambiguous sentences then the whole analysis, which includes condition (9), is not applicable to issuances of ambiguous sentences either.

As we shall see below,¹⁴⁰ there is a second reason why the analysis of promising must be viewed as restricted to issuances of unambiguous sentences: the analysis contains, in condition (8), Searle's concept of the "literal utterance of a sentence", and Searle's analysis of this concept is itself restricted to issuances of unambiguous sentences. Since Searle's statement of the analysis does not regard this presupposition, I will add it in my reconstruction of the scope of the analysis.

(4) The fact just mentioned, that Searle's analysis of promising is in terms of his concept of the "literal utterance of a sentence", is the reason for another restriction of this analysis: It is also presupposed that the sentence issued is, as I shall say, "Searle-explicit". I shall back up this claim below, in connection with condition (8).¹⁴¹ But, of course, the term "Searle-explicit" requires explanation. To say that a sentence "indicates" an illocutionary act, in Searle's terms, is (at least roughly) to say that it "indicates" a certain illocutionary act with respect to both its *illocutionary act type* as well as its *propositional content*. Such sentences, which "indicate" both an illocutionary act type and a propositional content I shall call "Searle-explicit" sentences. Two comments:

On the one hand, I do not use the plain word "explicit" because that a sentence "indicates" a complete illocutionary act is not sufficient for its *making the act completely explicit* (in the sense of "explicit" usually applied). For example, according to Searle's account, declarative sentences "indicate" a statement (or, generally, an assertive illocutionary act type). So "The cat is on the mat", according to Searle's account, "indicates" an assertion to the effect that the cat is on the mat. However, the sentence is not what is usually viewed as a fully "explicit" means for stating. The declarative sentence mood is not sufficient to make the assertive type "explicit". For this we need further a word, or expression, which explicitly refers to the act type, as in "I hereby *state* that Napoleon is dead", or in "I *promise* to go".

On the other hand, I do make use of the word "explicit" in the above-mentioned qualified way because *in Searle's usage of "explicit"* mere "indication" seems sometimes to suffice. Consider the following example Searle provides in "Indirect Speech Acts" (1975b, henceforth *ISA*):

I want you to stop making that noise, please
Could you please lend me a dollar?

When "please" is added to one of these sentences, it explicitly and literally marks the primary illocutionary point of the utterance as directive, even though the literal meaning of the rest of the sentence is not directive. (*ISA*, p. 40)

A sentence like "I want you to stop making that noise, please" *does not make "explicit"* (in the sense usually applied to "explicit") that the hearer performs a directive. It may, in contrast, be adequate to say, in Searle's terms, that the sentence "*indicates*" a directive issuance, and this seems to be the point of Searle's usage of "explicit" – the sense for which I use "Searle-explicit".

¹⁴⁰ § 3.4.2.

¹⁴¹ See § 3.4.2.

(5) According to my interpretation, further restrictions of the scope are hidden in condition (1) of Searle's analysis. This condition demands literally "[n]ormal input and output conditions"¹⁴². More particularly, it aims at the following requirements:

1. Normal input and output conditions obtain.

I use the terms "input" and "output" to cover the large and indefinite range of conditions under which any kind of serious and literal linguistic communication is possible. "Output" covers the conditions for intelligible speaking and "input" covers the conditions of understanding. Together they include such things as that the speaker and hearer both know how to speak the language; both are conscious of what they are doing; they have no physical impediments to communication, such as deafness, aphasia, or laryngitis; and they are not acting in a play or telling jokes, etc. It should be noted that this condition excludes *both* impediments to communication such as deafness and also parasitic forms of [linguistic] communication such as telling jokes or acting in a play. (SA, p. 57)

The particular conditions Searle aims at are the following four:

- (a) Speaker and hearer both know how to speak the language (used by the speaker).
- (b) Speaker and hearer are conscious of what they are doing.
- (c) Speaker and hearer do not suffer from physical impediments to communication.
- (d) Speaker and hearer are not acting in a play, telling jokes, etc.

Let me start with a comment on the fourth of these demands: in referring to acting in a play and joking, Searle is obviously thinking of a class of cases which he calls "*non-serious utterances*", further examples of which are teaching a language, reciting poems, and practising pronunciation.¹⁴³ A further preliminary comment on my interpretation of all four demands as a whole: Since (b) and (d) are clearly conditions *concerning the surroundings* of the speaker's issuance, rather than the issuance itself, I shall interpret conditions (a) and (c) similarly, as demanding, not that the issuance is made and heard consciously, but that speaker and hearer are conscious during an entire period, and not that the issuance is actually a "serious" one but that it is not made during a time-slice in which both are engaged in any non-serious business.

In the heading Searle characterises the demands posed in condition (1) as aiming at "normal input and output conditions". What do the rather technical terms "input" and "output" mean? – As Searle comments in the above passage, "output" is meant to cover the conditions for intelligible speaking, and "input" the conditions of understanding. Condition (1) would then be supposed to demand the conditions of intelligible speaking and of understanding. But is this really an adequate way of referring to the demands which after all are posed? In particular, are (a) to (d) really conditions of intelligible speaking, respectively, understanding? I want to argue that they are not. Let me examine all four demands singularly.

To start with, it suffices for both intelligible speaking and understanding that speaker and hearer know a few chunks of the language the speaker is using. Actually, for a case of both intelligibly speaking and understanding it suffices that there is one single sentence of a language which both speaker and hearer know. Furthermore, it suffices for both intelligible speaking and understanding that speaker and hearer are conscious in making, and hearing, respectively, the issuance. It may be that the speaker falls asleep immediately after the issuance, and that the hearer has awakened right from the issuance of the speaker: nevertheless, it is still possible both that the speaker has spoken intelligibly and

¹⁴² SA, p. 57.

¹⁴³ See SA, p. 57, Fn. 1.

that the hearer understands her. Thirdly, it is certainly *possible* to speak intelligibly even when having laryngitis; in general, there seems to be no relevant sense in which we could dispute that deaf people, people suffering from laryngitis, and so on, can be involved in intelligible speaking and understanding.

Notice that in all the three cases considered so far, despite the fact that they are not conditions of intelligible speaking or understanding, they at least *have some connection* to intelligible speaking and understanding: they are conditions under which *it is fairly probable* that a given speaker speaks intelligible and a given hearer understands. If Mark attempts to promise Mary to go in English then he will be *more likely* to speak intelligibly if he knows how to speak English than if he does not, and Mary's understanding what he means will be *more probable* given she knows English than if she does not.

The fourth condition, though, *is entirely unrelated* to the problem of intelligible speaking and understanding: A speaker can certainly speak intelligibly, and a hearer can understand a speaker, even if both are involved in a "non-serious" activity: moreover, being involved in such an activity has simply nothing to do with the possibility, or probability, of intelligible speaking and understanding.

In sum, the description of the demands as conditions of intelligible speaking and understanding is inadequate: demands (a), (b), and (c) might be demands the satisfaction of which makes intelligible speaking and understanding fairly probable: but this does not make them *conditions of intelligible speaking and understanding*; demand (d) has nothing to do with the matter at all.

Actually, Searle gives another description of the four demands which may seem to justify the statement of the fourth demand: He describes demands (a–d) as "the large and indefinite range of conditions under which any kind of *serious and literal linguistic communication* is possible". Are, then, the demands necessary for the possibility of serious and literal linguistic communication? I think again that they are not. Let me again go into each of the four demands.

(a) If both Mark and Mary know merely one English sentence, namely, "I promise to go", and Mary uses this sentence in order to promise to go, then linguistic communication may certainly have occurred, and the fact that they do not know any further English sentences will certainly not make the issuance either "non-serious" or non-literal.

(b) Furthermore, consider the following situation: Mark awakes in Mary's bed and says, for certain good reasons, "I promise to go"; Mary, who has also been sleeping, awakes at Mark's words, realises the situation, understands what Mark means, and, relieved, falls asleep again – whereupon Mark again falls asleep also: although in this situation Mark and Mary are not conscious during most of the time, there seems no reason to dispute the possibility that this is a case of literal and serious linguistic communication: it suffices that Mark is conscious *in making his issuance* and that Mary is conscious *in taking it up*.

(c) Thirdly, the fact that I am deaf while something is said may make my understanding less probable, but it does not prevent *its possibility* as, for example, when deaf Mark is capable of reading Mary's lips.

(d) Finally, although the fourth demand has to do with seriousness, in the general way in which I think the demand is to be interpreted it need not be satisfied for literal and serious communication to be possible. Consider Peter, Mark and Mary are acting in a play, and while Peter is holding a monologue, Mary whispers to Mark "By the way, I promise to

drive you home this night": I think she could thereby well have promised to drive him home that night by communicating literally and "seriously" with him: if people are engaged in a "non-serious" business this does not prevent the possibility of a "serious" action in between times.

The point of these remarks is this: Although the four demands are handed off as conditions of intelligible speaking and understanding and, alternatively, as conditions of the possibility of serious and literal linguistic communication, they are after all plainly none of both. What, then, is the purpose they actually serve? To start with, a more adequate description of the four demands seems to me that they are conditions under which serious and literal communication, including intelligible speaking and understanding, are *rather probable*. That is, it appears to me that in stating condition (1) Searle implicitly confuses *necessity* with *contingent probability*.

The crucial question is then: What have these demands to do with an analysis of the non-defective performance of a promise, as which the analysis we are concerned with is intended? I think the answer is after all: nothing essential. Admittedly, it may be essential for an issuance's being made as part of a non-defective promise that *the issuance itself* is not made as part of any "non-serious" business. Secondly, I do not dispute that it might be necessary for a certain promise to succeed that the hearer *actually* understands what the speaker means. However, if we take the general interpretation which, I think, we must apply to the demands posed in condition (1) then none of the four demands is necessary for non-defectively promising.

In fact, Searle himself appears to have at least some vague intuition to this effect, as a footnote on condition (9) suggests. Remember condition (9), in which he demands that the sentence issued by the speaker "indicate" a promise in the indirect way mentioned above, with reference to the conditions of his analysis: "The semantical rules of the dialect spoken by S and H are such that T is correctly and sincerely uttered if and only if conditions 1–8 obtain"¹⁴⁴. Searle comments on this formulation:

As far as condition 1 is concerned, this is a bit misleading. Condition 1 is a general condition on any serious linguistic communication and is not peculiar to this or that dialect. (SA, p. 61, Fn. 1)

Although, on the one hand, he does not explicitly say that condition (1) is not a condition of non-defectively promising, he on the other hand seems at least to have some intuitive misgivings concerning it. Another hint that Searle has recognised – more or less clearly – that condition (1) is not a condition of non-defectively promising is given when he derives rules of IFIDs of promising from the conditions of his analysis of non-defectively promising: He comments there as follows:

Obviously, not all of our conditions are equally relevant to this task. Condition 1 and conditions of the forms 8 and 9 apply generally to all kinds of normal illocutionary acts and are not peculiar to promising. Rules for the illocutionary force indicator for promising are to be found corresponding to conditions 2-7. (SA, p. 62)

Again he does not explicitly say that condition (1) is not a condition of non-defectively promising, but he suggests at least that it is "not peculiar to promising".

However Searle himself thinks about the matter, as I have argued, condition (1) *actually is not* a condition of non-defectively promising: it only poses demands which make the satisfaction of serious and literal communication, including intelligible speaking and

¹⁴⁴ SA, p. 61.

understanding, *probable*. If it is not a condition of non-defectively promising, what other role could such a condition play? I think that we must value condition (1) as a restriction of the scope of the whole analysis, rather than as a condition of the analysans. Remember that all those demands are of a quite general kind. It is demanded that speaker and hearer know how to speak the language, are conscious during the situation in which the issuance is made, do not suffer from any impediments to communication, and are not involved in any non-serious business: What condition (1) seems to be aimed at is the construal of a situation in which a number of cases is excluded, cases which *perhaps might* involve certain complications, which complications, however, would seem to be inessential to the analysis of the performance of a non-defective promise. It seems to me that Searle intends to comfortably get rid of such problems like aphasia, hardness of hearing, lack of linguistic competence and the like, which seem inessential in connection with the matter of promising – *without having to examine* whether these problems would prevent the instantiation of a non-defective and sincere promise. It follows from this interpretation that the demands posed in condition (1) are to be valued as restrictions of the scope of the whole analysis, rather than as part of the analysans. Thus I shall include them in my reconstruction of the scope.

Two final caveats have to be entered: I admitted that, although the demands, in the general way in which they are posed, are not essentially tied to non-defectively promising, two of the conditions are associated with conditions which might be taken to be essentially connected. First, I said, it may be essential for an issuance's being made as part of a non-defective promise that the issuance itself is "seriously" intended. And, indeed, according to Searle's account an issuance's being "non-serious" generally prevents it from resulting in an illocutionary act.¹⁴⁵ Thus we must be careful that the reconstruction of Searle's analysis excludes promises performed by "non-serious" issuances. In my reconstruction this is meant to be secured by a strong reading of the respective restriction of the scope: excluding that speaker and hearer are not acting in a play, and the like, shall be meant as excluding the possibility of there being any non-serious issuance, including the actual issuance of the speaker made in order for the promise.

Secondly, I admitted that it might be necessary for a promise to succeed that the hearer actually understands what the speaker means, and in Searle's original account this demand seems in fact to be intended. As we shall see below, Searle indeed supposes condition (1) to do the job. I have made clear that I think it does not; but I shall add an according condition as "condition (1.*)" below.¹⁴⁶

Let me now make a statement of all the restrictions of the scope which I have suggested; they result in the following reconstruction of the scope of Searle's analysis of promising:

Scope of Searle's analysis of promising:

Given a situation with a speaker *S* and a hearer *H*, who are both conscious of what they are doing, know how to speak the language (which *S* will use), do not have any impediments to communication and are not acting in a play, joking or the like, and further given that *S* issues a well-formed, unambiguous and Searle-explicit sentence *T* in the presence of *H* then, [...]

¹⁴⁵ See § 5.5.

¹⁴⁶ See § 3.5.

§ 3.2.2 Qualifications of the analysandum

Next we turn to the analysandum. Searle analyses, not the "pure" act of promising, but only a special case of promising: his analysandum is in some ways qualified. Searle's literal statement of the analysandum is: "In the literal utterance of *T*, *S* sincerely and non-defectively promises that *p* to *H*"¹⁴⁷. According to this statement, what Searle provides is an analysis of a (1) *non-defective* promise, which (2) is *sincerely* performed, and which (3) is performed *in the literal issuance of the sentence*. A few comments on these qualifications will be useful, and a fourth qualification, which Searle makes in passing, will have to be added.

(1) A first important qualification of the analysandum is that it is, as Searle puts it, the "*non-defective*" promise which the analysis aims at. Searle announces this in advance:

In order to give an analysis of the illocutionary act of promising I shall ask what conditions are necessary and sufficient for the act of promising to have been successfully *and non-defectively* performed in the utterance of a given sentence. I shall attempt to answer this question by stating these conditions as a set of propositions such that the conjunction of the members of the set entails the proposition that a speaker made a successful and non-defective promise, and the proposition that the speaker made such a promise entails this conjunction. Thus each condition will be a necessary condition for the successful *and non-defective* performance of the act of promising, and taken collectively the set of conditions will be a sufficient condition for such a performance. (SA, p. 54; my italics)

(I assume that any promise is a "successful promise" and *vice versa*.) Searle does not define the notion of "non-defectiveness". He merely says that his concept of "defectiveness" is "closely related to Austin's notion of an 'infelicity'", thereby particularly referring to *Words*.¹⁴⁸ The restriction to non-defective promises, we saw, is already made explicit by Searle in the analysandum.

(2) In the original version of the conditions Searle also installs a restriction to sincere promises. (He then attempts to generalise the analysis: I shall consider this directly below.) Searle does not state any definition of the concept of sincerity, but he indicates that insincerity is (at least) present if a speaker, in performing an illocutionary act, "expresses" some psychological state *without having it*, and he provides a number of examples:

Wherever there is a psychological state specified in the sincerity condition, the performance of the act counts as an *expression* of that psychological state. This law holds whether the act is sincere or insincere, that is whether the speaker actually has the specified psychological state or not. Thus to assert, affirm, state (that *p*) counts as an *expression of belief* (that *p*). To request, ask, order, entreat, enjoin, pray, or command (that *A* be done) counts as an *expression of a wish or desire* (that *A* be done). [...] To thank, welcome or congratulate counts as an *expression of gratitude, pleasure* (at *H*'s arrival), or *pleasure* (at *H*'s good fortune). (SA, p. 65) In connection with promising, at least *prima facie*, it is not difficult to guess what sincerity is meant to be: it consists in the speaker's having the intention to do what she promises. Searle poses this demand in the analysans by means of the so-called "sincerity condition" ("*A*" is meant to refer to the act the speaker promises to execute):

6. *S* intends to do *A*. (SA, p. 60)

Searle comments on this condition:

¹⁴⁷ SA, p. 57.

¹⁴⁸ See SA, p. 54.

The distinction between sincere and insincere promises is that, in the case of sincere promises, the speaker intends to do the act promised; in the case of insincere promises, he does not intend to do the act. Also, in sincere promises, the speaker believes it is possible for him to do the act (or to refrain from doing it), but I think the proposition that he intends to do it entails that he thinks it is possible to do (or refrain from doing) it, so I am not stating that as an extra condition. I call this the *sincerity condition*. (SA, p. 60)

The restriction to sincere promises, we have seen, is explicitly considered by Searle in the analysandum.

Immediately after his presentation of the analysis of promising, however, Searle attempts to withdraw the qualification that the promise is sincerely performed from the analysandum. The plain and simple way to do so, one might expect, would be to *omit* the sincerity condition. Searle, in contrast, seems to find it necessary, instead of just omitting condition (6), to provide a *replacement* for it. The assumption implicit in his suggestion is that it is at least necessary for the obtainment of a non-defective promise that the speaker "takes responsibility" for the state of affairs specified in the original sincerity condition. He says:

To allow for the possibility of an insincere promise, then we have only to revise condition 6 so that it states not that the speaker intends to do A, but that he takes responsibility for intending to do A [...]. (SA, p. 62)

He ends up with the following condition (6.a), which is intended to replace the sincerity condition (6):

6a. *S intends that the utterance of T will make him responsible for intending to do A.*

Now if the replacement of condition (6) by condition (6.a) had the consequence that the analysis was generalised to let in non-sincere promises, too, then we now could drop the restriction to sincere cases from the analysandum, and Searle in fact assumes that this is the case:

Thus amended (and with "sincerely" dropped from our analysandum and from condition 9), our analysis is neutral on the question whether the promise was sincere or insincere. (SA, p. 62)

As I have already indicated, I think that there is a serious problem with this attempt to abstract from sincerity. Agreeing with a critical question Gabriel Falkenberg has put forward, I cannot see for what reason Searle introduces condition (6.a), as a replacement of the sincerity condition (6). Falkenberg puts it thus:

It may [...] be asked why try to invent a substitute for the sincerity condition in the general case at all? Sincere speech necessarily demands a sincerity condition for its description, as insincere speech demands a corresponding insincerity condition; but why should the general case (where it does not matter whether the speaker is sincere or not) be thought to deserve a corresponding clause? (Falkenberg, (1990), p. 135)

An attempt to understand Searle's measure could perhaps run as follows. To start with, Searle's analysis of promising serves a double purpose. It is on the one hand intended to be an analysis of promising as a paradigmatic case of an illocutionary act. On the other hand it is also intended to provide the basis for the derivation of what Searle calls *rules of IFIDs of promising* – which rules are meant to be identical with those parts of the meaning of certain sentences by which they "indicate" that the speaker promises. Now as we shall see in some detail below, Searle adopts the outline of his account of rules of IFIDs from William P. Alston, and according to Alston's account the rules applying to a given sentence are to be derived (at least roughly speaking) from the conditions of the non-defective performance of the linguistic act "indicated" by the sentence. That is, according to Alston's rationale the meaning of a sentence like "I promise to go" is to be determined by reference to the conditions of non-defectively promising to go.

The crucial point is now: According to Alston's conception, and if the sincerity condition were dropped, rather than amended, it would follow from Searle's account that sentences "indicating" the act of promising would not reflect the sincerity condition. We might now speculate that Searle after all holds, and maintains, the assumption that (in)sincerity must play *some* role in the meaning of sentences "indicating" a promise, and to suppose that this is the reason why he wishes to maintain the connection to (in)sincerity in *some* way in the analysis by maintaining some replacement of condition (6) which saves the reference to sincerity at least in an indirect manner.

Notice, however, that these considerations concerning the desired outcome *in the account of the rules of the IFIDs of promising* would not suffice as an appropriate *justification* for the statement of a corresponding condition *in the analysis of promising*. Apart from this, condition (6.a) is faced with another problem: in the actual statement of the rules of the IFIDs of promising Searle *actually does not proceed from it*. If he did so, we would be to expect that Searle derives the respective rule (rule (4)) of IFIDs of promising from condition (6.a). In this case it would have to read something like this:

Pr is to be uttered only if *S* intends to make herself responsible for intending to do *A*.

However, in its actual statement rule (4) is obviously derived from the original condition (6):

Rule 4. Pr is to be uttered only if *S* intends to do *A*. I call this the *sincerity rule*, and it is derived from the sincerity condition 6. (SA, p. 63)

The same problem holds with respect to the rules of the IFIDs of further illocutionary acts which Searle outlines later. For instance, the sincerity rule of the IFIDs of requesting is that the speaker "wants" the hearer "to do" the act she is requesting, rather than that the speaker intends that the issuance of the sentence makes herself responsible to intend so, and the sincerity rule of the IFIDs of asserting is that the speaker "believe" what she asserts, rather than that she intends to *make herself responsible* for this.¹⁴⁹ That is, Searle does not make use of the amended version of the sincerity condition in deriving the rules of IFIDs.

To summarise: although Searle obviously intends to abstract sincerity out of his analysis, the way in which he proceeds seems to me unacceptable; it is dubious why any replacement is needed at all; Searle's reason for the statement of condition (6.a) is not appropriate, and the way in which he further develops his account in any case proceeds from the original condition (6). In the absence of any justified alternative solution, I suggest sticking to the initial version and view Searle's account to be restricted to sincere promises – with the original version of the sincerity condition, condition (6), occurring in the analysandum.

(3) Searle's analysandum is further restricted to what Searle calls "literal" issuances of sentences. Searle introduces this in advance when he announces to "ignore promises made by [...] hints, metaphors, etc."¹⁵⁰. With "hints, metaphors, etc." Searle probably refers, *pars pro toto*, to the general phenomenon of what he calls "non-literal" issuances:

¹⁴⁹ See *Words*, p. 66 f.

¹⁵⁰ SA, p. 55 f.

"hints" and "metaphors" seem in Searle's view to be, say, *prototypical* examples of "non-literal" issuances, as the following passage from *ISA* suggests:

But, notoriously, not all cases of meaning are this simple: In hints, insinuations, irony, and metaphor – to mention a few examples – the speaker's utterance meaning and the sentence meaning come apart in various ways. (*ISA*, p. 30)

The point of Searle's conception of "non-literality", this passage entails, is that "speaker's utterance meaning" and "sentence meaning" come apart. In the case of literal issuances of sentences, in contrast, the speaker means just what the sentence issued means, that is, the speaker's utterance meaning and the sentence meaning do *not* come apart. As Searle puts it in one place, in the literal case the speaker just "means what he says"¹⁵¹. Notice that to say that the speaker means *what she says*, in effect, is to say that sentence meaning and utterance meaning are *identical*.

In Searle's analysis of promising, the possibility that the speaker means something different from what the sentence issued means is actually excluded (at least) by virtue of condition (8) of the analysis of promising. This condition applies Searle's concept of the "literal utterance of a sentence" and thereby demands the speaker to mean, in issuing the sentence, what she says. Since Searle does not deny the possibility of non-literally performed illocutionary acts, the restriction to literal issuances must be expressed in the analysandum. Searle does so by way of a parenthesis: "Given that a speaker *S* utters a sentence *T* in the presence of a hearer *H*, then, *in the literal utterance of T*, *S* sincerely and nondefectively promises that *p* to *H* if and only if the following conditions 1–9 obtain"¹⁵². (4) The final qualification I want to consider is not made explicit in Searle's actual statement of the analysandum – he introduces it in passing: the analysis is restricted to "explicit" promises. Searle announces this restriction in advance:¹⁵³ "[I]n the analysis", he says, "I confine my discussion to full blown explicit promises"¹⁵⁴. In Searle's analysans, the demand for explicit means seems to be aimed at by conditions (9), (2), and (3). Condition (9) seems to aim at explicitness with respect to the illocutionary act type (we come to this in detail below); and with respect to the propositional content, the demand for explicitness seems to be posed in conditions (2) and (3), where the speaker is required to "express the proposition that *p* in the utterance of *T*", and where she is required "to predicate", "in expressing *p*", a future act of the speaker.¹⁵⁵

The restriction to explicit performance is not mentioned in the analysandum but merely in the laconic comment just cited. I shall add it in my restatement of the analysandum.

To sum up, according to my brief discussion the analysans Searle actually deals with goes as follows:

In the literal utterance of *T*, *S* explicitly, sincerely and nondefectively promises that *p* to *H*.

¹⁵¹ See *SA*, p. 49 f.

¹⁵² *SA*, p. 57; my italics.

¹⁵³ Remember that the scope of the analysis, as I have argued above, is already restricted to issuances of Searle-explicit sentences. One may be tempted to ask whether an additional qualification in the analysandum is not superfluous: If we are confined to issuances of Searle-explicit sentences, how can the speaker then perform an illocutionary act non-explicitly? In reply: This is indeed possible, if only in the case of nonliteral issuances. When Mary says "I hereby solemnly make known to thee that salt is needed in the upper half of this room", thereby requesting Mark to hand the salt, although she issues a Searle-explicit sentence she does not explicitly request.

¹⁵⁴ *SA*, p. 55 f.

¹⁵⁵ *SA*, p. 57.

Together with the restrictions of the scope the entire left half of the analysis will read as follows:

Scope and analysandum of Searle's analysis of promising:

Given a situation with a speaker *S* and a hearer *H*, who are both conscious of what they are doing, know how to speak the language (which *S* will use), do not have any impediments to communication and are not acting in a play, joking or the like, and further given that *S* issues a well-formed, unambiguous and Searle-explicit sentence *T* in the presence of *H* then, in the literal utterance of *T*, *S* explicitly, sincerely and nondefectively promises that *p* to *H* iff [conditions (1–9) obtain].

With this long-winded phrase as its left half, it is fairly obvious that Searle's "analysis of promising" is far from being an analysis of promising (*simpliciter*). As Searle himself recognises, his analysis captures merely an "idealised case" of promises.¹⁵⁶ Nevertheless, I shall, as I have done up to now, usually refer to Searle's analysis simply as his "analysis of promising". Incidentally, although some of the restrictions, especially some of those regarding the scope, seem rather inessential or may perhaps easily be withdrawn, we shall see that some of the restrictions will – as soon as we attempt to abstract from them under the premises of Searle's underlying over-all-conception of language, communication, and illocutionary acts – turn out to be very obstinate.

§ 3.3 The analysans, original version

So much for the left half; the next step will be to consider the right half of Searle's analysis of promising. Searle splits the whole thing into nine conditions. In the original statement they run as follows:

1. Normal input and output conditions obtain.
2. *S* expresses the proposition that *p* in the utterance of *T*.
3. In expressing that *p*, *S* predicates a future act *A* of *S*.
4. *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer his doing *A* to his not doing *A*.
5. It is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events.
6. *S* intends to do *A*.
7. *S* intends that the utterance of *T* will place him under an obligation to do *A*.
8. *S* intends (i-1) to produce in *H* the knowledge (*K*) that the utterance of *T* is to count as placing *S* under an obligation to do *A*. *S* intends to produce *K* by means of the recognition of i-1, and he intends i-1 to be recognized in virtue of (by means of) *H*'s knowledge of the meaning of *T*.
9. The semantical rules of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 1-8 obtain. (Cf. *SA*, p. 57–61)

(Recall that I have interpreted condition (1), as it is presented by Searle, as stating demands on the scope of the analysis, rather than being part of the analysis.) In what follows I will be concerned with each of Searle's conditions in more or less detail and make some corrections, as well as some exegetical remarks. I will deviate from Searle's order of presentation:

(1.a) I will take as my first concern a certain group of conditions which are given a special status in my exposition: together they make up what I am going to call Searle's "little" conception of an illocutionary act. This conception can be roughly outlined thus: The speaker says something, she thereby means what she says, and she succeeds in perform-

¹⁵⁶ See *SA*, p. 56.

ing an "illocutionary act" by getting herself understood. According to the "little" conception, further conditions are not generally necessary for success. Let me hasten to emphasise that Searle does not explicitly adopt the "little" conception in *SA*. I claim, however, that he *strongly suggests* such a conception at some places, in *SA* as well as in later writings. I will present my arguments for this claim in § 4.5.

(1.b) As part of his analysis of promising, Searle presents us with an analysis of what he calls "*rules of IFIDs of promising*", rules which are supposed to represent those parts, or aspects, of certain sentences by which these sentences "indicate" the act type of promising; my exposition of the "little" conception will include a presentation of these rules – in a slightly amended version which suits the "little" conception. In this slightly amended version, Searle's conception of IFID-meaning is roughly the same as the account of certain rules William P. Alston originally introduced in his paper "Linguistic Acts" (1964); I shall first devote some sections to an introduction of Alston's account of these rules, and then represent Searle's account of rules of IFIDs (in the version fitting to his "little" illocutionary act conception). (1.a) and (1.b) are the remaining tasks of the present Chapter.

(2.a) Searle's "large" conception of illocutionary acts – the one he finally adopts – goes together with a modification of Alston's account of these rules: Searle "enriches" Alston's conception of the rules by adding a further "purpose": according to Searle's representation the rules of IFIDs of a given type *constitute* illocutionary acts of this type. I will continue my exposition in the next Chapter by adding those elements of the rules of IFIDs which distinguish the "large" conception from the "little".

(2.b) After this I shall complete the reconstruction of Searle's analysis of promising by considering *the further conditions* I ascribe to the "large" conception. My presentation of the conditions of the analysis will include attempts to decide, of any single one of them, whether it is meant to be necessary for the mere obtainment of a promise, or merely a condition of the non-defectiveness of the act.

§ 3.4 "Searle-S-meaning" and condition (8)

§ 3.4.1 Searle's conception of speaker meaning

In Searle's analysis of promising it is presupposed that the speaker has issued a certain sentence. The first condition of the analysis I want to introduce is that the speaker must, as Searle puts it, "mean"¹⁵⁷ something particular – namely, *that* she promises that *p*. This demand is posed in condition (8), which is stated as follows:

¹⁵⁷ By taking up "meaning" in his conception of an illocutionary act, Searle follows Peter F. Strawson's article "Intention and Convention in Speech Acts" (1964). Strawson assumes there that Austin's "uptake" can be equated with the "understanding" aimed at in cases of a Gricean "meaningNN" intention, thereby suggesting that "meaningNN" is involved in illocutionary acts. In accordance with Strawson's outline, Searle develops the conception of "meaning" involved in his analysis of promising from Grice's concept.

8. S intends (i-1) to produce in H the knowledge (K) that the utterance of T is to count as placing S under an obligation to do A. S intends to produce K by means of the recognition of i-1, and he intends i-1 to be recognized in virtue of (by means of) H's knowledge of the meaning of T. (SA, p. 60)

The conception of what it is to "mean" something Searle presents in SA¹⁵⁸ is the result of a critical discussion of the famous suggestion Paul Grice made for an analysis of "meaningNN"; Searle provides a discussion of this analysis in Chapter 2, Section 5, of SA. Let me give a rough outline of how Searle develops his account out of this discussion of Grice's conception. The analysis Searle ascribes to Grice is this:

Grice's original analysis

Speaker S means *m* something by X =

(a) S intends (i-1) the utterance U of X to produce a certain perlocutionary effect PE in hearer H.

(b) S intends U to produce PE by means of the recognition of i-1. (SA, p. 49)

Searle has two objections to this analysis.

(1) Firstly, and most importantly for our purposes, Searle complains about the fact that in Grice's analysis *conventions* do not play any role. As Searle puts it:

[Grice's analysis of "meaning"] fails to account for the extent to which meaning can be a matter of rules or conventions. This account of meaning does not show the connection between one's meaning something by what one says, and what that which one says actually means in the language. (SA, p. 43)

According to Searle, an analysis of "meaning" must somehow reflect the possibility that the speaker, in order to get what she means understood, *may* use linguistic devices. The consequence for Searle is that he includes in his analysis the demand that the speaker *must* intend to achieve his main goal of getting herself understood "in virtue of" the meaning of the sentence issued.¹⁵⁹

(2) Secondly, according to Searle the "primary" intention demanded in Grice's analysis aims at the wrong kind of reaction, or response, in the hearer. In Grice's initial view¹⁶⁰, when a speaker "meansNN" something, she primarily intends, for example, to get the hearer to believe something (this would be typical for the cases of stating, or asserting something), or the speaker primarily intends the hearer to do something (this would be typical for requests and orders). Searle calls these effects "perlocutionary effects" and concludes that Grice demands speakers, in "meaning" something, to aim at a perlocutionary act:

In effect, the account says that saying something and meaning it is a matter of intending to perform a perlocutionary act. In the examples Grice gives, the effects cited are invariably perlocutionary. I wish to argue that saying something and meaning it is a matter of intending to perform an illocutionary act. (SA, p. 46)

Searle's alternative suggestion is that the speaker, in saying something and meaning it, must primarily intend to perform an *illocutionary* act. And he says further that the effect

¹⁵⁸ Searle uses an amended conception in ISA, where he appears to have recognised that his analysis is much too strong for an analysis of speaker meaning; see § 5.3.

¹⁵⁹ It is fairly obvious, I think, that the conclusion implicit in Searle's reasoning is a case of *non sequitur*: from the fact that *it is possible* that a certain action A has a certain feature ϕ it hardly follows that an analysis of A *must be in terms of* ϕ (must "show the connection", as Searle puts it).

¹⁶⁰ See Grice (1957).

produced in the relevant cases¹⁶¹ is, not a perlocutionary effect, but an "illocutionary effect"¹⁶².

What Searle has in mind when he speaks of the "illocutionary effect" is, at least roughly, the *understanding by the hearer of what the speaker means*. As Searle puts it, the primary intention must be the "understanding the utterance":

[T]he 'effect' on the hearer is not a belief or response, it consists simply in the hearer understanding the utterance of the speaker. It is this effect that I have been calling the illocutionary effect. (SA, p. 47)

He attempts to support his objection by way of the example of greeting:

When I say "Hello" and mean it, I do not necessarily intend to produce or elicit any state or action in my hearer other than the knowledge that he is being greeted. But that knowledge is simply his *understanding* what I said, it is not an additional response or effect. (SA, p. 46)

Searle ends up with the following conditions:

Revised analysis

S utters sentence *T* and means it (i.e., means literally what he says) =

S utters *T* and

(a) *S* intends (*i-1*) the utterance of *T* to produce in *H* the knowledge (recognition, awareness) that the states of affairs specified by (certain of) the rules of *T* obtain. (Call this effect the illocutionary effect, *IE*)

(b) *S* intends *U* to produce *IE* by means of the recognition of *i-1*.

(c) *S* intends that *i-1* will be recognized in virtue of (certain of) the rules governing (the elements of) *T*. (SA, p. 49 f.)¹⁶³

In what follows I shall refer to the conditions in this statement as Searle's "revised analysis". Searle applies a somewhat different version in condition (8) of the analysis of promising. When I intend to refer to Searle's intention complex ((a), (b), and (c) in the quotation) *regardless* in which version, I will use the term "*Searle-S-meaning*". A speaker "*Searle-S-means*" something if and only if she has an intention complex of the kind aimed at in Searle's "revised analysis" or an intention complex of the kind suggested in condition (8).

§ 3.4.2 "Searle-S-meaning": restrictions of the scope

I want now to go into somewhat more detail: first, Searle's analysis is restricted in its scope; furthermore, he presents us more than one version of the analysis; and finally several further questions must be dealt with. Let me start with my remarks about the scope of the analysis:

(1) Searle-S-meaning is meant to analyse the intentions of a speaker in meaning *what she says*. So it is presupposed that the speaker says something, which of course entails that

¹⁶¹ The reader may excuse that I am not more precise about which cases are "relevant". The problem is that Searle is concerned with *entirely different* cases than Grice. As we shall see, whereas Grice intends to analyse the general intention to communicate, Searle is fixated on cases in which the speaker communicates *by use of linguistic means* and, moreover, he actually analyses only cases in which the speaker means exactly what the sentence means.

¹⁶² See SA, pp. 45–49, *passim*.

¹⁶³ The canny reader will have recognised that Searle ends up with an analysandum different from the one the analysis of which he is objecting to. Whereas what Searle ascribes to Grice is an analysis of "meaning_{NN}", a notion which is introduced mainly because it is meant to serve as part of a *foundation* of linguistic meaning, Searle ends up with an analysis of "meaning *what one says*" – an analysandum which seems already to *entail* the notion of linguistic meaning by way of using the expression "what he says". This fact renders Searle's second "objection" to Grice's analysis (that linguistic conventions must be involved) dubious *as an objection* – Searle seems to disregard the very aim of Grice's analysis: his suggestion would make Grice's program circular.

she issues a linguistic token (rather than, for example, that she just makes a spontaneous gesture). Moreover, according to the revised analysis what the speaker particularly issues is a *sentence*.

(2) In Searle's analysis there is a variable standing for a certain hearer: this variable needs to be bound. In the analysis of promising Searle introduces the hearer in the restriction of the scope, where it is introduced as a presupposition that the speaker issues the sentence *in the presence of a hearer*. I suggest introducing the hearer in Searle's analysis of meaning in the same way.

(3) Furthermore, as they stand, the conditions of the analysis are too weak: they let in cases *as literal* which clearly are not. Consider a given speaker mistakenly assumes that "premise" meant the same as "promise". Because of this mistake she issues "I *premise* to come", meaning this as a *promise* to come. She may thereby satisfy Searle's conditions of the literal issuance of a sentence. For in order to guarantee literalness of the issuance, Searle merely demands that *the speaker intends to* get herself understood "in virtue of (certain of) the rules governing (the elements of) *T*". It may thereby be guaranteed that *the speaker assumes*, of the sentence, that its meaning were such-and-such, but it is not guaranteed that what the speaker thinks *will actually be correct*. For a "literal" issuance, however, this must be demanded, too. In order to guarantee this, I suggest making use of the same method Searle uses in the analysis of promising, where he demands that both the speaker and the hearer "know how to speak the language". If the speaker knows how to speak the language then she will ascribe to the sentence issued precisely the meaning which the sentence actually has; so the counter-example I have mentioned appears thereby to be dealt with.

(4) Furthermore, as I want now to argue, Searle's analysis must be viewed as restricted to cases in which the sentence issued is "*Searle-explicit*"¹⁶⁴. According to the (a) part of the intention complex, *S* intends the utterance of *T* primarily to produce in *H* the knowledge that "*the states of affairs specified by (certain of) the rules of T*" obtain. Note that the speaker is thereby demanded to *presuppose* that *there actually is* such a state of affairs.

According to Searle's conception of meaning, the states of affairs which hearers are primarily intended to know of are always of a certain kind, namely (technical niceties aside, and at least roughly)¹⁶⁵, that the speaker performs a certain illocutionary act. For example, when a speaker requests someone to reach her the salt, she primarily intends the audience to know that she is requesting her to pass the salt, and when a speaker promises to go she intends the audience to know that she is promising to go.

Let me explain in some more detail how matters stand in the terminology of Searle's account: In this account illocutionary acts usually consist of, (1) an illocutionary act *type*, which type is "complemented" by (2) a certain propositional *content*. So if it is presupposed that a certain illocutionary act is "specified by" the rules of the sentence (its meaning) then it is presupposed, concerning those "usual" cases, (1) of a certain illocutionary

¹⁶⁴ *I.e.*, the sentence indicates both an illocutionary act type and a propositional content; cf. § 3.2.1.

¹⁶⁵ In the above statement Searle literally demands that the speaker let the hearer know, not that she performs this or that illocutionary act, but "that the states of affairs specified by (certain of) the rules of *T* obtain". Moreover, in the analysis of promising the speaker is demanded to let the hearer know, not that a promise is performed, but "merely" that an obligation is undertaken. But what Searle aims at in all these cases is indeed that the speaker communicates what act is performed; cf. the example of greeting on p. 46 in *SA*. I present what I suppose are Searle's reasons for the variations in § 3.4.4.

act type, that it is "specified" by the meaning of the sentence, and, (2) of a certain propositional content, that it is "specified" by the rules as (appropriate) complement to this type. So if a speaker presupposes that the sentence "specifies" the performance of a certain illocutionary act, she thereby at the same time presupposes that the sentence is what I have above called a *Searle-explicit* sentence, a sentence which "indicates" both an illocutionary act type and a propositional content.

Now since, as I argued, the analysis must be restricted to cases in which the speaker knows how to speak the language, it follows that if the speaker presupposes that the sentence is Searle-explicit, this presupposition is correct. And in stating the (a) condition of the analysis *we* seem to presuppose that the sentence is Searle-explicit as well: it makes no sense to demand, of a speaker who is supposed to know the language, that she intends an audience to know that *the* state of affairs specified by the meaning of a certain sentence is realised unless the sentence actually does specify an appropriate state of affairs. So Searle's analysis after all presupposes that the sentence issued is Searle-explicit.

(5) Finally, it is also presupposed that the sentence issued is *unambiguous*. According to the (a) part of the analysandum, the speaker intends to produce the knowledge that "*the* states of affairs specified by (certain of) the rules of *T*" obtain. The speaker is thereby demanded, among other things, to presuppose that it is one *and only one* state of affairs that is specified by the sentence. We further assume that she knows how to speak the language: so in stating the condition we presuppose ourselves that the sentence "indicates" only one state of affairs. In the case of ambiguous sentences, however, there is more than one state of affairs "indicated" by the sentence. So in order for the condition not to be nonsensical, non-ambiguity must be taken as presupposed.

To sum up: the scope of Searle's analysis of "meaning" seems restricted to cases in which a speaker *S* issues an (5) unambiguous and (4) Searle-explicit (1) sentence (2) in the presence of a certain hearer *H*, where (3) both speaker and hearer know how to speak the language (*S* is going to use).

§ 3.4.3 "Searle-S-meaning": the analysans

Let us secondly consider the analysans of Searle-S-meaning itself in some more detail. Searle provides us with two considerably different versions of it. The first version is the "revised analysis" Searle develops out of his objections against Grice's notion "meaning_{NN}". To recall it:

(a) *S* intends (*i-1*) the utterance of *T* to produce in *H* the knowledge (recognition, awareness) that the states of affairs specified by (certain of) the rules of *T* obtain. [...]

(b) *S* intends *U* to produce *IE* by means of the recognition of *i-1*.

(c) *S* intends that *i-1* will be recognized in virtue of (certain of) the rules governing (the elements of) *T*. (*SA*, p. 49 f.)

The second version is the application of this analysis within the analysis of promising:

8. [a] *S* intends (*i-1*) to produce in *H* the knowledge (*K*) that the utterance of *T* is to count as placing *S* under an obligation to do *A*.
 [b] *S* intends to produce *K* by means of the recognition of *i-1*, and
 [c] he intends *i-1* to be recognized in virtue of (by means of) *H*'s knowledge of the meaning of *T*.
 (SA, p. 60)

As we can see, the (a) parts and the (c) parts of these two versions differ in some details from each other. In order to get a unified account of the analyses I will now consider the differences and attempt to decide in each case which version is to be preferred.

Let us begin with the (a) part of the analysis, the primary intention of the speaker. The two versions Searle provides are:

["Revised analysis"]:

- (a) *S* intends (*i-1*) the utterance of *T* to produce in *H* the knowledge (recognition, awareness) that the states of affairs specified by (certain of) the rules of *T* obtain.

[Condition (8) of the analysis of promising:]

- [a] *S* intends (*i-1*) to produce in *H* the knowledge (*K*) that the utterance of *T* is to count as placing *S* under an obligation to do *A*.

The most important differences are, I think, the following two:

(a.1)(Only) in the "revised analysis" it is "in the utterance of *T*" that *S* intends to produce some knowledge. The point of this complement, I think, is that the intention is represented as an intention *in doing something*¹⁶⁶ rather than an "intention" in the sense of a plan.¹⁶⁷ I assume that all three intentions have to be viewed as intentions in doing something and thus I suggest adopting the qualification "in the utterance of *T*" with respect to all three intentions.

(a.2)In the "revised analysis" the speaker intends to produce the knowledge that *the states of affairs specified by (certain of) the rules* is realised, whereas in condition (8) the hearer is intended to recognise that *S* is *undertaking an obligation* to do what she promises. – One may think that the latter formulation is just a specification of the former, but there is a small difference in effect as well as an important difference from a technical point of view. Over and above these two versions Searle suggests two further versions. The next section will be devoted to a more detailed discussion as to which is to be preferred.

Let us turn to the (c) part:

["Revised analysis"]:

- (c) *S* intends that *i-1* will be recognised in virtue of (certain of) the rules governing (the elements of) *T*.

[Analysis of promising:]

- [c] he intends *i-1* to be recognised in virtue of (by means of) *H*'s knowledge of the meaning of *T*.

There are three differences:

(c.1)A perhaps rather marginal difference is this: In the "revised analysis" the speaker intends to get understood "*in virtue of*" the meaning of the sentence issued, whereas in the analysis of promising Searle suggests in brackets as an alternative "*by means of*". Searle does not tell us what the reason for his alternative suggestion is: probably he just assumes

¹⁶⁶ This "intention" occurs only in cases in which someone has done something, and the intention provides her reason for doing it. For example, when Mary presents Mark with flowers *in order to* make him happy then in presenting him with the flowers she has an intention of the relevant kind to make him happy.

¹⁶⁷ This "intention" is not bound to any actual behaviour of a person: I can "intend" to go to Ireland next year without yet having done anything towards realising the task of my intention.

that both versions can be applied. In the absence of any reason for changing the initially proposed wording I suggest sticking to "*in virtue of*".

(c.2) In the "revised analysis" the speaker intends the hearer to "understand the utterance" in virtue of "*the rules governing (the elements of)*" the sentence issued. In the analysis of promising this is replaced by a reference to "*the meaning of*" the sentence. I suggest sticking to the latter version. Notice that we are concerned with an intensional context: whether we choose "the rules governing ..." or "the meaning of" is a matter of what intention we ascribe to the hearer. Now it is hardly plausible to attribute to speakers that they generally are familiar with Searle's peculiar conception of sentence meaning, that is, that they generally know that the concept of sentence meaning is to be analysed in terms of rules. Adherents of a truth conditionalist view, for instance, usually lack this knowledge. So it is better to stick to the plain version and refer to the "*meaning of*" the sentence.

(c.3) The third point seems again to be a rather marginal one: In the analysis of promising it is *H's knowledge of the meaning of the sentence* which is supposed to bring about the understanding of the hearer, whereas in the "revised analysis" it is *the meaning of the sentence itself* (the "rules governing" its elements). Whereas it makes good sense, I think, to say that the knowledge of the meaning of a sentence issued enables a hearer to "understand the utterance", I do not even understand what it could mean that the meaning itself does so. Therefore I suggest adopting the reference to *H's knowledge of the meaning*.

§ 3.4.4 How to refer to the content of meaning?

Let us come back to the question what it is that speakers are represented as intending to let the hearer know when they have a Searle-S-meaning intention. Searle is rather generous in this respect: he provides us with no less than four different versions. The differences between Searle's suggestions concern particularly the following two questions:

Question (a): What is it that the speaker intends to let the hearer know?

Question (b): How are we to refer to what the speaker intends to let the hearer know in the analysis?

The knowledge with which the speaker intends to provide the hearer I will call the "*content*" of Searle-S-meaning. So the question I intend to consider is what precisely the content of Searle-S-meaning is meant to look like and how it is to be determined in stating the analysis of Searle-S-meaning. I want first to introduce Searle's original conception as to what the content is (his original answer to question (a)) and show that Searle suggests two ways of referring to this content, thereby raising question (b). I will then show how Searle raises question (a) again by suggesting differing answers, and finally consider how to decide.

Searle's analysis, remember, was made in delimitation of Grice's analysis of "meaningNN". Searle complained about this analysis that it defined "meaning" in terms of perlocutionary acts. Searle's analysis, in contrast, is to be stated *in terms of illocutionary acts*: "Put crudely", he says, "Grice in effect defines meaning in terms of intending to perform a perlocutionary act, but saying something and meaning it is a matter of intend-

ing to perform an illocutionary, not necessarily a perlocutionary, act."¹⁶⁸. In accordance with this, in the first version of the content of Searle-S-meaning we are provided with, Searle refers to a certain illocutionary act performance of the speaker. His example is greeting:

3. Uttering "Hello" and meaning it is a matter of (a) intending to get the hearer to recognize *that he is being greeted* [...] (SA, p. 49; my italics)

Searle suggests here that in "meaning" something a speaker always intends some hearer to know, of some illocutionary act, that she is performing it; for example, in greeting the speaker intends to let the audience know that she is being greeted, and in promising to go the speaker intends to let the audience know that *S* is promising to go.

Now recall, in contrast, the (a) part of Searle's "revised analysis":

S utters sentence *T* and means it (i.e., means literally what he says) =

S utters *T* and

(a) *S* intends (i-1) the utterance of *T* to produce in *H* the knowledge (recognition, awareness) *that the states of affairs specified by (certain of) the rules of T obtain*. (SA, p. 49 f.; my italics)

Here the speaker does *not* refer *directly* to the illocutionary act she is performing. But notice that nevertheless it is assumed that she does so *indirectly*. For the "states of affairs specified by" the meaning of *T* is obviously meant to be nothing other than the performance of some illocutionary act by the speaker. For example, the speaker issues "I promise to go", thereby promising to go, and what the rules of the sentence are supposed to specify is just that the speaker promises to go.

The reason why Searle amends his initial version is the fear of *circularity* of his account of meaning. After introducing the first description of meaning, where the speaker intends the hearer to know *that she is "being greeted"*, Searle hastens to point out that in an analysis of meaning the reference to illocutionary acts must be avoided. The underlying reason is his intention to define, not (only) meaning by reference to illocutionary act performance, but (also, especially) illocutionary acts of certain types in terms of meaning. In order to avoid circularity, he suggests modifying the first of these two projects, the analysis of Searle-S-meaning in terms of illocutionary acts:

In the characterization of the example, I used the word "greeting", which is the name of an illocutionary act, and so the example would be circular if it were presented by itself as an analysis of meaning, since the notion of greeting already involves the notion of meaning. (SA, p. 49)

The solution Searle then suggests is precisely the one he adopts in the "revised analysis": He now refers to the performance of the illocutionary act indirectly, by a reference *to the meaning (rules) of the sentence issued*:

But [the reference to "greeting"] is only a feature of the example and not of the analysis, since ultimately the analysis is in terms of rules and the hearer's knowledge of the rules and therefore makes no explicit use in the analyses of any term that involves "means" as part of its own meaning. (SA, p. 49)

To see why this solution may be supposed to actually work, recall that Searle's analysis is restricted to cases in which the speaker performs an illocutionary act *in the literal issuance of an unambiguous and Searle-explicit sentence*. In literal cases, according to Searle's account, what the sentence issued "indicates" is nothing other than what the speaker means. Searle's idea is now to specify the content of Searle-S-meaning, not di-

¹⁶⁸ SA, p. 44.

rectly to the illocutionary act performance, but indirectly so, by a direct reference to the meaning of the sentence issued – which "indicates" this performance. For the following discussion, I will call the original solution, with direct reference to the illocutionary act, "solution (b.i)", and the solution with reference to the meaning of sentence "solution (b.ii)":

Solution (b.i): straightforward reference to an illocutionary act

Solution (b.ii): indirect reference to an illocutionary act (by detour over sentence meaning)

Apart from the question how to determine the content of Searle-S-meaning, Searle offers different versions of what precisely the content of Searle-S-meaning is supposed to refer to, that is, different answers to question (a). In the initial statement it was suggested that the content refers to (the performance of) a certain illocutionary act.

Solution (a.i): reference to the speaker's performance of an illocutionary act

A second version is adopted in the analysis of promising:

8. S intends (i-1) to produce in H the knowledge (K) that the utterance of T is to count as placing S under an obligation to do A. [...] (SA, p. 60)

Instead of referring to the fact that she is promising, the speaker here refers to the fact *that she is undertaking an obligation*. Remember Austin's account: according to that, illocutionary acts have certain "conventional effects". Searle's second solution seems now to be based on the assumption that in meaning something speakers refer to *the conventional consequences* associated with the illocutionary act they aim at, rather than to the whole act.¹⁶⁹ So we have the following second solution to question (a):

Solution (a.ii): reference to the conventional effect of the illocutionary act aimed at

Searle does not say anything about why this second version becomes necessary. I suppose, however, that the reason is again the fear of circularity.

By his paradigmatic analysis of promising Searle suggests defining illocutionary act types in terms of meaning (what one says) – this demand is implicit in his statement of condition (8). Now according to solution (a.i), this concept of "meaning" (what one says) is again to be analysed in terms of illocutionary acts. This seemed to him to involve circularity of the account, and he attempted to capture the reference to an illocutionary act by detour through a reference to the meaning (rules) of the sentence issued.

But according to his conception of the rules of IFIDs, as we shall see below, these rules are again to be determined in terms of illocutionary act types, and it seems that the relevant type will be the very same which is actually to be analysed. As applied to the present case: if we define promising in terms of a meaning intention the content of which refers to promising, and further reduce this reference to a reference to the meaning of IFIDs of promising, we seem not to be rid of the peril of circularity: for the rules of IFIDs of promising are themselves to be determined in terms of the analysis of promising. The actual statement of condition (8) of the analysis of promising may now be viewed as a further attempt to escape from the peril of circularity by avoiding both the reference to

¹⁶⁹ Undertaking an obligation is clearly not the same as promising. One can undertake an obligation without promising as, for example, by signing a promissory note or by a declaration: from the fact that someone has undertaken an obligation it does not follow that she had made a promise.

promising and the reference to the rules of IFIDs of promising. It instead refers to the conventional consequences which are associated with promising.¹⁷⁰

Searle suggests yet a further version of what the content of Searle-S-meaning is. In the example of greeting, in which he provided the first version, the speaker is also once said to have the intention "to get [the hearer] to recognize [his] *intention to greet* [the hearer] in virtue of his knowledge of the meaning of the sentence 'Hello'"¹⁷¹. Here what the content refers to is merely the *intention to perform the act*. So we have a third solution concerning question (a):

Solution (a.iii): reference to the intention to perform a certain illocutionary act

Searle again does not tell us what the reasons for this variation are. Two speculations come to my mind:

(1) In his initial example, the case of greeting, Searle depicts the speaker as intending to "produce in a hearer the *knowledge* that he is being greeted"¹⁷². The speaker thereby presupposes that the illocutionary act (actually: the greeting) will succeed. However, according to Searle's conception of an illocutionary act it is possible that speakers intend to perform an illocutionary act but *fail to succeed*. There can be facts external to the speaker's actions, intentions and beliefs which are necessary for the success of illocutionary acts as, for example, what Searle calls "*preparatory conditions*" of illocutionary acts. Since speakers, knowing the nature of illocutionary acts, know that they can fail, it is unrealistic to demand that they always presuppose that the act will succeed. It may be more realistic to assume that speakers always presuppose that they *intend to perform the act* (at least if we define "intend" with appropriate caution).

(2) A second, and quite different consideration Searle could have had in mind is this: He could have started from the assumption that *some* illocutionary acts actually *do not* have any external conditions as, for instance, preparatory conditions. If so, it could be that such acts can *actually succeed* simply by making the hearer *recognise one's intention* to perform the act. Searle suggests such a view in SA, when saying that "[s]ome very simple sorts of illocutionary acts can indeed be performed apart from any use of any conventional devices at all, simply by getting the audience to recognize certain of one's intentions in behaving in a certain way"¹⁷³. The decision to ascribe to Searle such an alternative, simpler conception of the illocutionary act is supported by the fact that he suggests at some places what I call the "little" illocutionary act conception¹⁷⁴, which in fact seems not to require the satisfaction of any external conditions for success.

Searle's example in introducing the third version is greeting, and it is not implausible to assume that Searle has a conception of greeting of precisely this kind, as not involving any external conditions for success, over and above the recognition of the intention to

¹⁷⁰ In *What is a Speech Act*, an earlier version of chapters 2 and 3 of *IA*, Searle used a similar solution; the content of the "meaning" intention in promising refers there to both the "essential" intention, to become obliged (cf. condition (7)), and the "sincerity" intention, to carry out what one promises (cf. condition (6)) (Searle (1965), p. 50). This solution is similar in that it assumes that the content refers *merely to a part of* the whole state of affairs, that the speaker promises. I ignore this suggestion here because I find at least the particular restriction to conditions (7) and (6) implausible, and from the fact that Searle does not hold, nor even mention, this solution in SA, we can conclude that he after all rejects it as well.

¹⁷¹ SA, p. 49; my italics.

¹⁷² SA, p. 43; my italics.

¹⁷³ SA, p. 38.

¹⁷⁴ Cf. § 4.5.

perform the act. Since according to this conception it may be sufficient for the success of an illocutionary act that the speaker makes the hearer recognise the intention to perform the act, one may perhaps even be tempted to argue that making the hearer recognise the intention *is the same like* performing the whole act.

Let me summarise the findings of this section so far. Searle's different solutions raise the following two questions:

Question (a): What is it that the speaker intends to let the hearer know?

Question (b): How are we to refer to what the speaker intends to let the hearer know in the analysis?

And Searle suggests to them the following answers:

Solution (a.i): reference to the speaker's performance of an illocutionary act

Solution (a.ii): reference to the conventional effect of the illocutionary act aimed at

Solution (a.iii): reference to the intention to perform a certain illocutionary act

Solution (b.i): straightforward reference to an illocutionary act, its effect, or the intention to perform it

Solution (b.ii): indirect reference (by detour over sentence meaning)

How, then, are we to decide in the light of these alternatives? As a first step, I suggest declining (a.ii) and (a.iii) as neither positively justified nor anyway plausible. My arguments are these:

(1) Solution (a.i) seems to represent the *original basic idea* from which Searle proceeds in *SA*. His first rough outline of the matter of speaker meaning goes thus:

In speaking I attempt to communicate certain things to my hearer by getting him to recognize my intention to communicate just those things. I achieve the intended effect on the hearer by getting him to recognize my intention to achieve that effect, and as soon as the hearer recognizes what it is my intention to achieve, it is in general achieved. He understands what I am saying as soon as he recognizes my intention in uttering what I utter as an intention to say that thing.

I shall illustrate this with a simple example. When I say "Hello", I intend to produce in a hearer the knowledge that he is being greeted. If he recognizes it as my intention to produce in him that knowledge, then he thereby acquires that knowledge. (*SA*, p. 43)

In this passage he assumes solution (a.i) ("that he is being greeted"). Accordingly, he poses his second objection to Grice in terms of illocutionary acts:

Secondly, by defining meaning in terms of intended effects [Grice's analysis] confuses illocutionary with perlocutionary acts. Put crudely, Grice in effect defines meaning in terms of intending to perform a perlocutionary act, but saying something and meaning it is a matter of intending to perform an illocutionary, not necessarily a perlocutionary, act. (*SA*, p. 43 f.)

The original outline of Searle's objection to Grice suggests the replacement of the reference to perlocutionary acts by a reference to illocutionary acts. If we apply this to the analysis Searle ascribes to Grice and stop at that point we will arrive at solution (a.i).

(2) In contrast to solution (a.i), both solution (a.ii) and solution (a.iii) are introduced rather furtively and not defended.

(3) A number of external arguments against (a.ii) and (a.iii) – which, let me hasten to admit, are at a *prima facie* level – can be stated by way of exploiting the fact that Searle's analysis is restricted to *literal* issuances of Searle-explicit sentences. In the case of literal issuances, remember, *sentence meaning* is (supposed by Searle to be) *identical* with speaker meaning. So in these cases to specify the form of speaker meaning can be regarded as at the same time specifying the form of what the sentence issued means.

(a) In general, then, solutions (a.i–iii) suggest the following different results for the meaning of Searle-explicit sentences: If we stick to solution (a.i) we assume that such

sentences "indicate" *the performance of an illocutionary act*. "I promise to go", for example, will then "indicate" that the speaker promises to go. If we adopt version (a.ii) then we suggest that sentences "indicate" *conventional effects of illocutionary acts*. The sentence "I promise to go" then "indicates" that the speaker commits herself to going. If we choose solution (a.iii) then we suggest that sentences "indicate" *an intention to perform* a certain illocutionary act. For example, the sentence "I promise to go" then "indicates" the intention of the speaker to promise to go. I think the results of the applications of versions (a.ii) and (a.iii) are from the outset rather implausible.

(b) Furthermore, if we assumed version (a.ii) we could expect that "I hereby promise to go" had the same meaning as "I commit myself to go", and in the case of version (a.iii), respectively, "I intend to promise to go". Neither of these seems to me plausible either.

(c) Another consideration (which may be rejected, for instance, by people who assume the existence of special "performative" sentences) is this: Notice the grammatical connection between such sentences as "Mary promises to go" and "I promise to go". These two sentences seem very similar to each other with respect to their grammatical make-up and thus, one may conclude, with respect to their meaning. Now the former sentence will, I think, not be supposed to mean that Mary *commits herself* to go or that Mary *intends* to promise to go rather than that Mary performs a promise to go. If we assumed (a.ii) or (a.iii) we could hardly analyse these two sentences in a closely parallel manner, as I think we should do. If we adopted (a.ii) and (a.iii) they would seem different with respect, not only to the subject and the person of the main verb, but additionally with respect to the role of the main verb itself.

In sum, versions (a.ii) and (a.iii) markedly differ from the initial basic thought (that the speaker communicates what act she performs); they are introduced quite by the way and not justified by any argument; and the consequences their adoption would have for sentence meaning in Searle's account seem *prima facie* rather unpleasant. Therefore I suggest declining them.

We are then left with solution (a.i), reference to the whole illocutionary act, and with two ways of referring, namely, solution (b.i), direct reference to the act, and solution (b.ii), reference by detour through sentence meaning. The solution I suggest is to refer to the illocutionary act by detour through sentence meaning, but to enrich the resulting formula by use of the direct reference to the act – as a kind of "attendant of adequacy".

Remember why the detour through sentence meaning actually came into play: Searle seems to have suggested it *merely* because the original formulation was supposed to make his account of speaker meaning circular. That is, the introduction of this detour is *not* meant to represent any change of the basic rationale, that the speaker communicates what act she performs. Notice also the following danger: if it ever happened that the detour through the reference to sentence meaning would result in a speaker meaning *not identical to the one selected by a direct reference*, then the "detour reference" would just be inadequate. The direct reference to the act straightforwardly expresses the basic thought Searle had, and the detour through sentence meaning is introduced, not because this thought was doubted, but merely because of Searle's fear of circularity.

Accordingly, in *ISA*, where Searle is concerned in some detail with illocutionary acts which are *not* performed in the *literal* issuance of a sentence, Searle returns to solution (a.i) (together with (b.i)):

In [...] cases [of indirectly performed requests] it is important to emphasize that the utterance is meant as a request; that is, the speaker intends to produce in the hearer the knowledge *that a request has been made to him*, and he intends to produce this knowledge by means of getting the hearer to recognize his intention to produce it. (*ISA*, p. 30 f.; my italics)

My suggestion is now to make use of *both* solutions. I will choose solution (a.i) together with solution (b.ii) as the "official" version (which is supposed not to be circular), and complement it with solution (b.1) in brackets – in order to remind us what the meaning of the sentence mentioned in (1) *needs to* specify in order for the whole thing to be adequate. That is, I suggest spelling out the (a) part of the analysis in the following form:

(a) *S* intends (i-1) the utterance of *T* to produce in *H* the knowledge (*K*) that the states of affairs specified by the meaning of *T* obtain (*S* is performing *F* relative to *P*).

My final reconstruction of Searle's analysis of "meaning" (what one says) goes then as follows:

Re-statement of Searle's conception of speaker meaning in SA:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, *F(P)*,

S utters sentence *T* and means it =

In the utterance of *T* ...

- (a) *S* intends (i-1) the utterance of *T* to produce in *H* the knowledge (*K*) that the states of affairs specified by the meaning of *T* obtain (*S* is performing *F* relative to *P*).
- (b) *S* intends to produce *K* by means of the recognition of i-1.
- (c) *S* intends that i-1 will be recognised in virtue of *H*'s knowledge of the meaning of *T*.

§ 3.4.5 Condition (8)

In the previous sections I considered in detail Searle's conception of the Searle-S-meaning intention, the intention speakers are supposed to have, according to Searle, when they issue a sentence and mean what they say. In Searle's analysis of promising, condition (8) demands that the speaker have such a Searle-S-meaning intention:

8. *S* intends (i-1) to produce in *H* the knowledge (*K*) that the utterance of *T* is to count as placing *S* under an obligation to do *A*. *S* intends to produce *K* by means of the recognition of i-1, and he intends i-1 to be recognized in virtue of (by means of) *H*'s knowledge of the meaning of *T*. (*SA*, p. 60)

The version in Searle's "revised analysis", made in response to Grice's analysis of "meaningNN", as I have noted above, differs from the analysis on which condition (8) is based. I have attempted to arrange a unified version, and it is this version which I suggest we apply, too, in condition (8) of the analysis of promising. Condition (8) will then read as follows:¹⁷⁵

¹⁷⁵ The restrictions to which the scope of Searle's analysis of "meaning" is subject are included in the restrictions I assume for the scope of the analysis of promising as well.

8. In the utterance of T ...

- (a) S intends (i-1) the utterance of T to produce in H the knowledge (K) that the states of affairs specified by the meaning of T obtain (S is promising to do A).
- (b) S intends to produce K by means of the recognition of i-1.
- (c) S intends that i-1 will be recognised in virtue of H's knowledge of the meaning of T.

Condition (8) is meant to be necessary for the *success* of a promise, rather than merely a condition of the act's being *non-defective*. In the next section we shall see that Searle originally took it to be a necessary condition of illocutionary acts that the hearer "understands the utterance" of the speaker. This "understanding of the utterance" consists in the satisfaction of a Searle-S-meaning intention of the speaker: thus the necessity of "understanding the utterance" could not conveniently be postulated unless Searle-S-meaning itself is necessary.

§ 3.5 Condition (1*) and understanding

We have dealt with the meaning intention which a speaker, according to Searle, has if she promises. Another condition, closely connected with this, is that the hearer "understands the utterance". This requirement is related to condition (1) of the analysis of promising. Condition (1), remember, demands "normal input and output conditions". According to Searle's comment on it, quite a number of rather diverse conditions are thereby meant to be covered as, for example, that the speaker and the hearer know how to speak the language, or that the speaker does not have laryngitis and that the hearer is not deaf. However, I argued, these demands are to be considered as restrictions of the scope, rather than as part of the analysandum. Thus at the present state of the discussion condition (1) does not appear in the analysandum at all. As we shall now see, it must be reinstated, or rather, replaced by a similar condition.

It is perhaps the very aim at which the demand for "normal input and output conditions" was originally directed, that the hearer, as Searle usually puts it, "understand the utterance". At least, as Searle notes in passing, he *takes* condition (1) to "guarantee" actual "understanding of the utterance":

I am construing condition 1 broadly enough so that together with the other conditions it guarantees that *H* understands the utterance [...]. (SA, p. 61)

Now, on the one hand, when Searle says that the condition (together with further conditions) "guarantees" the hearer's understanding *in the course of an analysis* then this can hardly mean anything but that understanding is supposed to be *logically implied*. On the other hand, however, Searle does not show *how* he thinks it follows, nor *from which* (further) conditions it should follow, that the hearer "understands the utterance"; and frankly I do not see how this might be supposed to work. Although Searle's "normal input and output conditions" may make it *probable* that the hearer "understands the utterance", this outcome is not *logically implied*.

Searle himself seems to have recognised this problem – at least he tells us what to do in the case that condition (1) is not sufficient for securing that the hearer "understands the utterance":

[Condition 1] could always be stated as a separate condition, and if the reader thinks that I am asking too much of my input and output conditions that they should guarantee that the hearer understands the utterance, then he should treat this as a separate condition. (SA, p. 61)

I think indeed that Searle asks too much of condition (1) and thus suggest following his advice.

In order to state the demand we should know what "understanding the utterance" is supposed to consist in. At the same place at which Searle makes clear that understanding is aimed at in condition (1), he provides an analysis of how he conceives of "understanding the utterance":

I am construing condition 1 broadly enough so that together with the other conditions it guarantees that *H* understands the utterance, that is, together with 2-9 it entails that the illocutionary effect *K* is produced in *H* by means of *H*'s recognition of *S*'s intention to produce it, which recognition is achieved in virtue of *H*'s knowledge of the meaning of *T*. (SA, p. 61)

This formulation, obviously, is suited to what I call "Searle-S-meaning", that is, those intentions speakers are supposed to have when they mean something: to "understand the utterance" is just to fulfil the intentions which make up Searle-S-meaning. Remember that Searle-S-meaning actually captures merely those cases in which the speaker means what the sentence issued means – as Searle puts it, it captures merely "literal" cases. It follows that the application of Searle's conception of "understanding the utterance" is restricted in its scope in the same way as the analysis of Searle-S-meaning: for it captures "understanding" *for these cases*.

Searle's conception of "understanding an utterance" is meant to consist in the fulfilment of the intention the speaker has in "meaning what she says": thus its precise formulation must be suited to the actual analysis of Searle-S-meaning. Since I have made a reformulation of *this* analysis above, I will, in stating the demand for understanding, fit the formulation to the wording of my amended version. A general analysis of "understanding the utterance" would then look like this:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, *F*(*P*), and *S* utters sentence *T* and means it,

H understands the utterance of *T* by *S* =

the knowledge *K* that the states of affairs specified by the meaning of *T* obtain (that *S* is performing *F*(*P*)) is produced in *H* by means of *S*'s intention to produce it, which recognition is achieved in virtue of *H*'s knowledge of the meaning of *T*.

Since the "understanding of the utterance" seems originally supposed to be ascribed to condition (1), I will dub the condition demanding understanding "condition (1.*)". This condition reads then as follows:

(1.*) The knowledge *K* that the states of affairs specified by the meaning of *T* obtain (that *S* is promising that *P*) is produced in *H* by means of *S*'s intention to produce it, which recognition is achieved in virtue of *H*'s knowledge of the meaning of *T*.

The condition that the hearer "understand the utterance" (or a similar condition) is in Searle's account a *necessary* requirement for the success of illocutionary acts in general. This follows from a certain line of argument he puts forward in *AoLaIA*. Concerned with the question what the actual difference between just saying something and performing an illocutionary act could be, he examines the possible suggestion that we interpret this dif-

ference as the difference between *attempting* to perform an illocutionary act and actually *succeeding*:

As it stands there is an easy, but in the end unsatisfactory, way out of this difficulty. A locutionary act is defined by Austin as the uttering of certain vocables with a certain sense and reference. But if that is absolutely all there is to the definition, then, it could be argued, the objection just raised is not really valid; because even for such cases as an utterance of "I hereby order you to leave" there is still a distinction between uttering the sentence with (that is, as having) a certain sense and reference on the one hand (the locutionary act) and actually bringing off a *successfully* performed illocutionary act. For example, I might utter the sentence to someone who does not hear me, and so I would not succeed in performing the illocutionary act of ordering him, even though I did perform a locutionary act since I uttered the sentence with its usual meaning (in Austin's terminology in such cases I fail to secure "illocutionary uptake"). (*AsLALA*, p. 264)

The difference Searle suggests here is the difference between an act which has been understood and is a successful illocutionary act, on the one hand, and an act which has not been understood and *therefore* is not a successful illocutionary act on the other hand. He thereby clearly assumes that understanding is a condition *necessary* for illocutionary acts.

One final remark on the hearer's understanding of the utterance: In developing and stating his revised analysis of meaning Searle repeatedly uses the notion of an "illocutionary effect".¹⁷⁶ This effect is meant to consist in nothing more¹⁷⁷ than the hearer's "understanding the utterance". This terminological choice may strike one as somewhat queer in the light of the conception of illocutionary acts Searle finally commits himself to. To call understanding the "illocutionary effect" suggests that it was the only, or at least in some sense the only "central", effect aimed at in the performance of an illocutionary act. But according to the account Searle finally commits himself to, to perform illocutionary acts is additionally to produce some conventional effects. Below¹⁷⁸ I shall refer to this terminological choice as an argument for my claim that Searle suggests an alternative conception of the illocutionary act, the "little" illocutionary act conception: according to this conception illocutionary acts need not involve any conventional effects, and thus it may make more sense in this conception to call "understanding the utterance" the "illocutionary effect".

§ 3.6 Explicit performance and conditions (9), (2), and (3)

It is presupposed in Searle's analysis of promising that a sentence is issued by the speaker. We have dealt with condition (8), which is an application of his analysis of "meaning what one says" and which demands that the speaker mean *what the sentence issued means*. According to Searle's underlying conception of "meaning", the speaker must intend to make the hearer know, *of some illocutionary act, that she (the speaker) is performing it*. So in the case of promising that *p* the speaker must intend the hearer to recognise that the speaker is promising that *p*. Now if, as is the case in Searle's model, the speaker thereby means what the sentence means then the sentence must itself, as Searle puts it, "*indicate*" a promise that *p*. According to my interpretation this demand is realised

¹⁷⁶ See pp. 45-49, *passim*.

¹⁷⁷ Perhaps the "illocutionary effect" is to be viewed as the mere satisfaction of the (a) part of Searle-S-meaning. But I do not propose to go into such details: Searle himself does not either.

¹⁷⁸ See § 4.5.

by conditions (9), (2), and (3) of the analysis of promising, which read, in Searle's original formulation, as follows:

2. *S* expresses the proposition that *p* in the utterance of *T*. [...]
3. In expressing that *p*, *S* predicates a future act *A* of *S*. [...]
9. The semantical rules of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 1-8 obtain. (cf. *SA*, pp. 57, 61)

These conditions secure that the sentence the speaker uses not only is a Searle-explicit sentence but, more particularly, that it is a Searle-explicit means *for promising that p*. So if a speaker satisfies, in promising, conditions (9), (2), and (3), she thereby performs the promise *explicitly* (or at least Searle-explicitly¹⁷⁹) – the restriction to explicit performance was announced by Searle in advance, and I have added it to the analysandum.

The state of affairs that the sentence is explicit and "indicates" a certain illocutionary act is in Searle's conception of illocutionary acts subdivided. Recall Searle's subdivision of speech acts, and particularly the relation between the illocutionary act on the one hand and the "propositional act" on the other hand: Searle assumes a rather similar subdivision in the meaning of sentences. For example, the sentence "I state that Nick is sick" can be divided into "I state" and "that Nick is sick", where "I state" "indicates" a certain illocutionary act type and "that Nick is sick" "indicates" a certain propositional content. Searle explicitly introduces this subdivision as follows (because of his peculiar conception of sentence meaning he refers to it as "rules"):

[The] distinction between illocutionary force indicators and proposition indicators will prove very useful to us in chapter 3, when we construct an analysis of an illocutionary act. Since the same proposition can be common to different kinds of illocutionary acts, we can separate our analysis of the proposition from our analysis of kinds of illocutionary acts. There are rules for expressing propositions, rules for such things as reference and predication, but I think that those rules can be discussed independently of the rules for illocutionary force indicating, and I shall postpone their discussion until chapters 4 and 5. (*SA*, p. 31)

So there are sentence meaning components (rules) "for illocutionary force indicating" on the one hand, and "for expressing propositions" on the other hand. The former "indicate" the *illocutionary act type*, whereas the latter "indicate" a propositional *content*.

In my interpretation, the relation between conditions (2), (3), and (9) reflects this subdivision: on the one hand, condition (9) secures that the relevant *type* is "indicated" by the sentence issued, that is, that the sentence "indicates" a promise; conditions (2) and (3), on the other hand, secure the same thing for the respective *propositional content*. More precisely, condition (2) demands that the speaker "expresses" a proposition, and condition (3) demands that this proposition be suited to the illocutionary act type of promising. The reason why condition (3) is necessary is that not any proposition will be a possible complement in the case of the illocutionary act type of promising. For example, you cannot promise that grass is green. The proposition must be about an action of the speaker. Furthermore, you cannot promise to have made the beds: the action must be in the future.¹⁸⁰

According to my interpretation, I have said, conditions (2) and (3) demand that the sentence "indicate" a certain propositional content. I have cautiously added the qualification "in my interpretation", and the reason for my reservation is the following. The formulations Searle has chosen for conditions (2) and (3) in *SA* are not sufficiently transpar-

¹⁷⁹ Condition (9) is probably not sufficient to secure that the performance is "explicit", in the normal sense of the word, with respect to the type. But in the present context we can ignore this detail.

¹⁸⁰ Both are sound at least with respect to "promising" in a *close sense*, which Searle obviously aims at.

ent to me for categorically deny certain other interpretations. The possibility of some quite different interpretations of conditions (2) and (3) is particularly caused by Searle's use of the rather vague, or general, word "express"¹⁸¹. This word could, in the absence of further information, well be taken to aim at a restriction on the Searle-S-meaning intention of the speaker, or at some other intention of the speaker. Notice especially a detail which might in fact seem to weaken my interpretation: Both conditions *literally* demand something *about the speaker* rather than about (the meaning of) the sentence issued. This may seem at odds with my interpretation, for this takes them as concerning, not the speaker, but (the meaning of) *the sentence issued*. Let me then provide what I think are the crucial arguments for my interpretation.

(1) How can I claim that Searle intends to demand that a sentence have a certain meaning by saying that *the speaker issuing it* predicates something, as Searle does in condition (3)? My answer is: this peculiarity derives just from Searle's somewhat special conception of "predicate". Consider Searle's comment on condition (3):

Strictly speaking, since expressions and not acts are predicated of objects, [condition (3)] should be formulated as follows: In expressing that *P*, *S* predicates an expression of *S*, the meaning of which expression is such that if the expression is true of the object it is true that the object will perform a future act *A*. (*SA*, p. 57 f.)

It seems quite emphatically that "expression", as used here, is meant in the sense of "linguistic token". So despite its surface structure, condition (3) seems actually intended to make a claim about a linguistic token. And if so, then the questions whether the speaker predicates and what she predicates seem just to be questions about a certain part of the meaning *of the linguistic token issued*.

(2) Another reason why I think that conditions (2) and (3) are conditions of sentence meaning is that Searle announces in advance that his analysis will be restricted to "full blown explicit promises".¹⁸² This is a demand which clearly concerns the meaning of the sentence issued. It entails the demand that the sentence (fully) "indicates" the act performed. Now it is clear that an illocutionary act is *not* "full blown explicit" *unless* both its illocutionary type and its propositional content are explicit. Furthermore, condition (9) demands explicitness with respect to the *type* of illocutionary act performed by the speaker – but plainly it does not say anything with respect to the propositional content of the speaker's promise. And *there is no other* condition apart from conditions (2) and (3) which could serve to pose the demand for explicitness *of the propositional content*. So if we expect the analysans to secure that the promise is "full-blown explicit", it must be conditions (2) and (3) which are meant to do the job with respect to the propositional content.

(3) My third argument refers to Searle's "What is a Speech Act?", which contains a former version of chapters 2 and 3 of *SA*. He comments there on condition (3):

In the case of promising the function-indicating device is an expression whose scope includes certain features of the proposition. In a promise an act must be predicated of the speaker and it cannot be a past act. (Searle (1965), p. 48)

¹⁸¹ Searle nowhere explains what he means by "express".

¹⁸² See *SA*, p. 55 f.

This formulation comments on condition (3) as being a restriction on a "function-indicating device". Furthermore, the "rules for the use of the function-indicating device" are to be equated¹⁸³ with what Searle later presents as "rules of IFIDs" – which latter are meant to spell out (part of) sentence meaning. So it is obvious that with "function-indicating devices" he refers to what he later calls "IFIDs", namely, certain (parts of) linguistic devices. The above quotation seems then to assume that condition (3) is concerned with the sentence issued, rather than with the speaker issuing it.

§ 3.7 Rules of IFIDs and condition (9)

Next I shall turn in detail to condition (9), which demands that the sentence issued contain IFIDs of promising. As to the precise nature of the meaning of IFIDs: Searle has a rather peculiar conception of it, which I shall now first outline in general. The following exposition will thereby be split into two parts. These parts parallel two special¹⁸⁴ "purposes" Searle ascribes to IFID-rules:

(a) According to Searle's conception of IFID-meaning, it consists of sets of rules. These rules are ascribed a certain, say, "normative force": given a set of rules applies to a certain sentence, then by these rules speakers are "required" to issue this sentence *only under certain conditions*. Since Searle adopts this part of his conception of IFID-meaning from an account put forward by William P. Alston, I will first introduce the account as Alston originally stated it and then show how Searle adapts it.

(b) Over and above this "normative force", in Searle's account, the rules of IFIDs are ascribed a further "purpose": Searle suggests that these rules additionally *constitute illocutionary acts* (or at least the conventional consequences of these acts). In assuming this second "purpose" Searle obviously takes up Austin's account of "illocutionary acts", according to which these acts involve conventional effects, and he introduces the further assumption that these effects are constituted by linguistic rules, namely, the rules of IFIDs. In my reconstruction of Searle's account of IFID-meaning I will for the moment restrict the discussion to the former "purpose", as if the latter were not present. There are two reasons for this:

(1) According to Alston's account, the rules assumed to be connected with linguistic means can be derived according to some certain clear underlying rationale from which the first purpose, "normative force", follows. From the viewpoint of this account, the second "purpose" is ascribed to these rules by way of an implicit modification, or "expansion". However, *Searle does not argue* for his "expansion" at all: his modification of Alston's account remains unexplained. The split between the two representations of "purposes" is then paralleled by a split between one "purpose" which is explained by Alston's rationale, and another one which remains unexplained.

¹⁸³ See SA, p. 47.

¹⁸⁴ That Searle's rules have *special* "purposes" is supposed to mean: They are associated with two "purposes" *over and above* what seems to me obvious for linguistic meaning: that it makes the tokens to which it applies "*indicate*" something. Despite the fact that Searle constantly speaks about "indication", he does not explicitly introduce this aspect, or "purpose", of meaning. I nevertheless ascribe it to his account as obviously present.

(2) Remember that my exposition of the analysis of promising is preliminary concentrated on a certain *selection* of the conditions of promising, namely those which make up what I call the "little" *illocutionary act conception*. This conception involves *only part of* the features Searle actually suggests are necessary for illocutionary acts in *SA*. According to the "little" conception the illocutionary act consists (at least roughly) in saying something, meaning what one says, and being understood. The success of the act is obtained as soon as the audience "understands the utterance". From the viewpoint of Austin's account it is particularly striking that the speaker need not have any intention to produce a conventional effect, and that no such effect needs to be involved. However, if we assume that illocutionary acts do not have any conventional effect then it is unnecessary to assume any entities constituting such an effect and thus unnecessary to ascribe this purpose to the rules of IFIDs. According to the "little" illocutionary act conception we do not have any motivation to actually involve the second "purpose".

Thus according to the "little" conception Searle's license in postulating the "purpose" of constitution is just due to an unmotivated and unjustified amendment of Alston's account. We have then a parallel distinction between Alston's account in its original form and Searle's modified version on the one hand and Searle's "little" illocutionary act conception and the conception he finally adopts on the other hand. I shall reflect these parallels in my exposition: In the remainder of this Chapter I shall finish my reconstruction of those conditions which I ascribe to the "little" conception, treating the "purpose" of constitution as if it was not present. The next Chapter will then start completing the reconstruction of the "large" account by adding the further "purpose" of constitution.

§ 3.7.1 Alston's account of linguistic rules (in *LA*)

Restricting our view for the time being to the "normative purpose" of the meaning of IFIDs, Searle's conception can be viewed as an adoption of an account of certain rules William P. Alston developed during the sixties. I shall start with an outline of Alston's conception of these rules. One reason why it is necessary for us to go back to Alston's account is that, as I shall argue below,¹⁸⁵ Searle's actual statement of the rules of IFIDs of promising takes a number of liberties in detail. In order to recognise these liberties we must have a conception of the principal outline according to which these rules originally are to be determined. Searle himself says almost nothing about the rationale according to which he derives the rules, but since he adopts Alston's account, and since Alston represents the matter sufficiently clearly, we will be able to rely on Alston's exposition in examining Searle's adaptation.

My reconstruction of Alston's account will be restricted to Alston's article "Linguistic Acts" (1964, henceforth *LA*): as we can infer from a passing note,¹⁸⁶ Searle was familiar

¹⁸⁵ See §§ 3.7.4, 4.1.3.

¹⁸⁶ See p. 56, Fn. 1.

with this text.¹⁸⁷ Let me begin with some general remarks made in order to roughly locate Alston's account.

It is a quite common assumption that human languages are, in some sense, "conventional". Accordingly, we may seem to be justified in assuming the existence of *conventions* of languages. It is further a familiar assumption in traditional grammar that "*rules*" (in some sense of the word) play some or the other role in connection with languages. For example, one may describe how the perfect tense is built in Latin by reference to certain rules. It seems then that there is a traditional sense in which we can assume both conventions of languages and rules connected with languages.

There is, however, a further way of associating "rules" to language, one which is considerably different from the sense which I have applied in my example of Latin perfect tense. This further sense has been introduced by Wittgenstein in his *Philosophical Investigations*. In this book, language is notoriously represented as, or paralleled to, a game. Now if we view language as a game, and given we usually analyse languages in terms of "rules", it may seem convenient to identify, or associate, (some of) those rules involved in language with the rules involved in games – and Wittgenstein actually suggests such a parallel.¹⁸⁸ In the Wittgensteinian outline, the talk of "rules" involves some most peculiar new aspects. Note that the rules involved in games are to a great extent rules which *regulate* the behaviour of the participants in the game. Furthermore, some of these rules can perhaps be viewed as *constituting* the game itself, or certain parts of the game, or certain actions which are peculiar to the game.

Regardless how the talk of "rules" was (and is) intended in traditional grammar, it has probably not been meant in these senses. For example, the traditional rules of grammar usually tell us how to *build* certain kinds of sentences, rather than telling us how certain sentences which are already (conceived of as) built *are to be used*. And if those traditional rules constitute anything, it is at least not actions, or moves of a game. As we shall see, one origin of Alston's account of rules is Wittgenstein's suggestion that speaking a language is governed by rules similar to the rules of games.

Another starting point of Alston's account is Austin's notion of an "illocutionary act": Alston starts, roughly speaking, with an analysis of an illocutionary act, attempts then to motivate the introduction of certain rules by making an analogy to tennis, and finally includes these rules into the analysis of the illocutionary act. Thus he after all suggests – again roughly speaking – certain analytic connections between certain Wittgenstein-style rules and the analysis of certain "illocutionary act" types which may, for example, lead us to an account of sentence meaning in the following of Wittgenstein.

The topic with which Alston's text starts is what he calls the "linguistic act". He characterises this kind of act by saying that "it is something which one can do only when one utters a sentence, or sentence-surrogate, but which is not simply the uttering of that sentence"¹⁸⁹. Alston delimits the act from Austin's perlocutionary act by emphasising that it

¹⁸⁷ Alston later developed his account of semantic rules in a number of respects. Since Searle cannot have regarded these later publications, they need not be considered here. Alston later provided a elaborated versions of his account in id. (1994) and, especially, id. (2000).

¹⁸⁸ Cf., e.g., Wittgenstein (1953), §§ 82 ff; Wittgenstein associates there our use of words, which may sometimes have certain somewhat chaotic features, to the behaviour of people who follow the rules of different ball-games in an informal entertainment.

¹⁸⁹ Alston, *LA*, p. 138.

"does not consist in, or require, the production of any particular effect of the utterance"¹⁹⁰, and he provides as examples the following list: "report, announce, predict, admit, opine, reprimand, ask, request, suggest, order, propose, express, congratulate, promise, thank, exhort"¹⁹¹. Alston connects his notion of a "linguistic act" with Austin's notion of an illocutionary act, although he also emphasises that there are "important differences" between his account and Austin's doctrine of locutionary, illocutionary, and perlocutionary acts.¹⁹²

What Alston provides us by way of investigating the "linguistic acts" (similarly to how Searle later proceeds in *SA*), is mainly the analysis of a particular linguistic act, "in the hope that what emerges will be generalizable in one way or another to others"¹⁹³. The particular instance of a "linguistic act" he chooses to consider is the act of asking someone to open the door.

That much to my introducing remarks. Let us turn to Alston's analysis of asking someone to open the door. Alston initially introduces two conditions which, he says, are necessary for asking someone to open the door: The speaker must (1) "utter a sentence or sentence-surrogate, i.e., some other conventional device which is functioning as a substitute for a sentence"; and (2) "the person addressed" must be "in the vicinity"¹⁹⁴. He further introduces a set of further conditions as "*related in some intimate way*" to asking to open the door:

- (a) There is a particular door to which something in the context is calling H's (the hearer's) attention.
- (b) That door is not open.
- (c) It is possible for H to open that door.
- (d) S (the speaker) has an interest in getting the door open.¹⁹⁵

He assumes that these further conditions, in contrast to the ones initially introduced, are *not necessary* for the act:

Even if the only door in the vicinity is already open, it is not impossible for me to ask you to open the door. It would be a pointless request to make, but if, e.g., I were under the mistaken impression that the door was closed (perhaps because I hadn't looked), I might still make the request. And in such a situation you would not deny that I had asked you to open the door. You wouldn't reply, "You're not making any request", or "I suppose you think you're asking me to do something; but rather "What a silly thing to ask", or "How can I? The door is already open." These replies carry the presupposition that I have made the request. (Alston, *SA*, p. 139)

Nonetheless, he postulates an "intimate relation" between these conditions and requesting someone to open the door, and he poses the question what this intimate relation may consist in.

A first suggestion he makes is that if one of these further conditions is not satisfied, "something has gone wrong with the request"¹⁹⁶. Or, to put it another way, these conditions must be satisfied for the "non-defective", or "not untoward" performance of the act¹⁹⁷. In the following I will stick to the word "*non-defective*". So a first thing is that the

¹⁹⁰ Alston, *LA*, p. 138.

¹⁹¹ Alston, *LA*, p. 138.

¹⁹² See Alston, *LA*, p. 138, Fn. 1.

¹⁹³ Alston, *LA*, p. 138.

¹⁹⁴ Alston, *LA*, p. 138.

¹⁹⁵ See Alston, *LA*, p. 138 f.

¹⁹⁶ Alston, *LA*, p. 139.

¹⁹⁷ Alston, *LA*, p. 139.

conditions are supposed to be conditions of *the non-defective performance* of a request to open the door.

However, Alston insists that the conditions have still some closer, more essential, relation to the act of asking someone to open the door (the *plain* performance – as contrasted to the *non-defective* performance of this act). In order to "sharpen the issue" he introduces the example of a sentence that can be used, not merely to perform *one* particular linguistic act, but in the performance of *different* kinds of act. His example is "You're not going out this evening". This sentence, he assumes, can be used either to make a prediction or to give an order to someone. For the sake of finding out some strictly essential connection, he then asks how we would be able to decide which of these two actions is performed in a given situation.

A "crucial test", he suggests, would be "whether S will take certain retorts, cavils, criticisms, complaints to be relevant"¹⁹⁸. He suggests that *if*, in issuing "You're not going out this evening", *the speaker is performing an order* then the speaker will accept certain complaints of the audience as relevant, such as: "You have no right to be ordering me around"¹⁹⁹. This complaint would not be adequate if she was making a prediction. In this latter case, the reply of the speaker could be, for example, "That's beside the point", or "What does that have to do with it?". On the other hand, *if*, in issuing the same sentence, the speaker is making a prediction she will rather accept certain different complaints as, for example, "How do you know what I'm going to do?". This latter complaint, in turn, she would not accept as relevant if she was ordering.

So Alston assumes that acts of ordering and acts of predicting can be distinguished from each other on the basis of what kinds of conditions "should" be satisfied in the performance of the act (such that, if they are *not* satisfied, the speaker will accept statements of this failure as complaints). Alston now applies this to the example of asking someone to open the door. The "intimate relation" between the act and the conditions, he claims, entails that the speaker will accept complaints about the non-satisfaction of the conditions as relevant.

From the fact that the speaker is ready to accept complaints about the non-satisfaction of these conditions Alston makes a further conclusion: in having requested to open the door, the speaker must have *taken "responsibility"* for these conditions being satisfied. His suggestion for the "intimate relation" between asking to open the door and these conditions is then:

One is performing the action (of asking someone to open a door) only if in uttering the sentence in question he takes responsibility for the satisfaction of the following conditions.

1. There is a particular door to which something in the context is calling the hearer's attention.
2. That door is not open.
3. It is possible for the hearer to open that door.
4. The speaker has an interest in getting that door open. (Alston, *LA*, p. 140)

Recall now the first conditions Alston had introduced, that the speaker must issue a sentence, or "sentence-surrogate", and that the person addressed must be in the vicinity. A summary of all conditions of the analysis of the act of requesting to open the door would so far go as follows:

¹⁹⁸ Alston, *LA*, p. 140.

¹⁹⁹ Alston, *LA*, p. 140.

- (1) The speaker is uttering some sentence, or sentence-surrogate.
- (2) The person addressed is in the vicinity.
- (3) In uttering the sentence(-surrogate) the speaker takes responsibility for the satisfaction of the following conditions.
 - (a) There is a particular door to which something in the context is calling the hearer's attention.
 - (b) That door is not open.
 - (c) It is possible for the hearer to open that door.
 - (d) The speaker has an interest in getting that door open.

Up to this point, Alston has introduced certain conditions which are supposed to be necessary for an act of asking someone to open the door. He now continues by pointing out that if we reconstruct asking someone to open the door the way he does, this act exhibits "a striking analogy with a move in a game"²⁰⁰. The underlying motive for making the analogy to games is that he intends to construe *rules* as connected with the act. More particularly, he intends to investigate the connection between the move in a game and certain rules of the game in order to then make a *parallel* derivation of certain rules in the case of asking someone to open the door. One might feel tempted to ask why he does not directly construe the rules connected with asking someone to open the door: it seems to me that he finds the relation between moves in a game and rules to be rather transparent and clear, and that in contrast he assumes the relation between asking someone to open the door and certain rules to be not so directly accessible.

At any rate, as an example of a "move in a game" he introduces the performance of a service in tennis. Serving, he assumes, is not a matter of purely physical facts, and he asks what else is needed. Quite like the case of asking to open the door, he finds, what makes a given action an act of serving is that in performing it the player *takes responsibility for certain conditions* (which, when unfulfilled, would make the service defective, as we can add). In the case of serving these conditions are, for example, that the player does not step on the baseline, that the opponent is ready, that the ball drops in a certain area, etc.²⁰¹

Now in the case of games, Alston assumes, the defects arising when such conditions fail will be complained about *with reference to rules*:

In games, at least in well-established ones of the sort we have been considering, when such complaints are made, the objector is said to be charging the player with a violation of the rules. And he can, if necessary, back up his charges by referring to a list of rules for the game in question. That is, in this area the practice of making and accepting complaints has been "formalized" in an official set of conditions, for the satisfaction of which he will be taken to task. (Alston, *LA*, p. 141)

And one is serving only if one thereby *takes responsibility for having observed the rules*:

With this formalization behind us, we can give this part of the analysis of serving in the following form. One is serving only if in hitting the ball he takes responsibility for observing the following rules And this in turn can be restated – only if he recognizes that the following rules apply to what he is doing. (Alston, *LA*, p. 141)

Now we come to the crucial point, namely, the introduction of certain rules into the analysis of asking someone to open the door. In the light of the analogy between moves in games and linguistic acts, and since moves in games are governed by rules, Alston *does not see any "reason why we should not"* analyse linguistic acts, such as the act of asking someone to open the door, in terms of rules, too. And he takes this lack of a reason to the

²⁰⁰ Alston, *LA*, p. 140.

²⁰¹ See Alston, *LA*, p. 140 f.

contrary as a positive reason to *assume the existence of* similar rules, to the observance of which a speaker performing a linguistic act makes herself responsible:

There is no reason why we should not use the same terminology for linguistic acts, and give a third formulation in terms of rules for the observance of which he is taking responsibility, i.e., rules which he recognizes to govern what he is doing. It is true that there are no manuals in existence which list such rules. But we should not confuse a rule with a formulation of a rule. (Alston, *LA*, p. 141)

Let me emphasise how these rules are to be conceived of according to Alston's account. Alston assumes that the conditions for which the actor takes responsibility are the key to the rules. So the question is, more precisely, what the relation between these conditions and the rules is. Alston's answer is: The rules are derived by just *letting them demand* these conditions in the performance of the act:

We [...] *formulate* the rules by putting these conditions in the form of stipulations about the conditions which are to be satisfied if the actions are to be performed. (Alston, *LA*, p. 141)

As applied to the example of serving in tennis, the rules demand that the person acting serve *non-defectively*: thus the actor is demanded by the rules not to step on the baseline, not to hit the ball when the opponent is not ready, not to be standing on the wrong side of the court, and so on.

Alston now construes the rules involved in asking to open the door accordingly, by just letting them demand that the conditions of a non-defective request to open the door are satisfied:

The speaker recognizes the following rule (or rules, depending on how you want to count rules) to govern his action.

s (the sentence uttered by the speaker) is not to be uttered unless the following conditions hold.

1. There is a particular door to which something in the context is calling the hearer's attention.
2. That door is not open.
3. It is possible for the hearer to open that door.
4. The speaker has an interest in getting that door open. (Alston, *LA*, p. 141)

Assuming this version of condition (3), the whole analysis of requesting someone to open the door would read thus:

- (1) The speaker is uttering some sentence, or sentence-surrogate.
- (2) The person addressed is in the vicinity.
- (3) The speaker recognises the following rule (or rules) to govern his action.

s (the sentence uttered by the speaker) is not to be uttered unless the following conditions hold.

- (a) There is a particular door to which something in the context is calling the hearer's attention.
- (b) That door is not open.
- (c) It is possible for the hearer to open that door.
- (d) The speaker has an interest in getting that door open.

Now that Alston has developed a set of rules he supposes to exist and to be connected with asking someone to open the door, he returns to the first condition, that the speaker must issue some *sentence* (or sentence-surrogate). He starts with the question whether we could, in performing linguistic acts, use *any* sentence, or whether we could use merely *certain* sentences:

Now I want to go back to the first condition for the performance of a linguistic act, viz., that some sentence, or sentence-surrogate be uttered. Is it enough to stipulate that some sentence be uttered, or is a further restriction in order? This amounts to asking: "Can one say something by uttering *any* sentence? Or can he do it only with some sentences and not with others?" (Alston, *LA*, p. 142)

Alston introduces the example of someone who wants to say "My battery is dead" but, by a slip of the tongue, issues "My beagle is dead". She will not, Alston points out, have performed the act of telling us that the battery is dead. The reason he assumes is that the sentence would *not* "normally be used"²⁰² to perform the act. Alston concludes that we cannot use any sentence: It is necessary, he claims, that the sentence is one which "would normally be used"²⁰³ for performing a request to open the door.

Furthermore, according to Alston this formulation, that the sentence must be "normally used" for the performance of a certain act, involves the implicit reference to a language community:

The phrase "which would normally be used to perform L" carries an implicit reference to a language community within which this norm exists. That is, in adding this restriction we are stipulating that there be a language community within which the sentence is normally used to do L. (Alston, *LA*, p. 143)

Condition (1) of the analysis, he concludes, must be that the sentence issued is one which, *in a language community*, is "normally used" to ask someone to open the door. As it stands, this formulation seems to involve us in the peril of circularity, as Alston notes:

As formulated above, "S utters a sentence which would normally be used to ask someone to open the door," the condition is circular. For it mentions the act in the definition of which it occurs. (Alston, *LA*, p. 143)

In order to avoid this peril, Alston suggests that we individuate the act (for which the sentence is said to be normally used) *by reference to the rules*²⁰⁴ he has already introduced in condition (3):

For what makes a sentence usable for the performance of a certain linguistic act and not others is the fact that in the community utterances of the sentence are regularly held subject to certain rules, viz., the ones which enter into the definition of the act via the third condition. (Alston, *LA*, p. 143)

Including some qualifications which are of minor importance for our issue, Alston ends up with the following analysis of asking someone to open the door (in issuing a certain sentence):

To sum up, to say that A has asked someone to open the door is to say that the following conditions have been satisfied:

- (1) A has uttered a sentence, *s*, in a certain kind of context; in some language community *s* is regularly held subject to the following rule when uttered in that kind of context:
 - s* is not to be uttered unless the following conditions hold.
 1. There is a particular door to which something in the context is calling the hearer's attention.
 2. That door is not open.
 3. It is possible for the hearer to open that door.
 4. The speaker has an interest in getting that door open.
- (2) The person addressed is actually in the vicinity.
- (3) A recognizes the rules listed in (1) to govern his utterance. (Alston, *LA*, p. 144)

The reason why I introduced Alston's account of rules was my assumption that Searle has adopted this account and that we can thus rely, in judging his version, on Alston's outline. In order to be able to show the similarity between the two accounts below, let me summarise some of the most striking peculiarities of Alston's account of rules.

(1) In the final version of the analysis Alston's rules are said to apply to a sentence issued by the speaker. This suggests, at least *prima facie*, that these rules can be called "*semanti-*

²⁰² Alston, *LA*, p. 142.

²⁰³ Alston, *LA*, p. 142.

²⁰⁴ As we saw (§ 3.4.4), this way of attempting to avoid circularity in the determination of these acts was later adopted by Searle: It is the way of reducing the reference to a certain illocutionary act (type) by a reference to certain semantical rules, which rules apply to *sentences indicating* this act (type).

cal" rules in the sense that they make up (part of) the meaning of certain linguistic devices.

(2) Alston associates the rules with those sentences which are "normally used" to perform requests to open the door. This suggests that we can take the rules as analysing *those (supposed) parts of sentence meaning which (make the sentence) "indicate" a certain act.*

(3) The determination of the rules is *in terms of conditions connected with the "linguistic act" of asking someone to open the door.*

(4) Particularly, the rules are derived from conditions of the *non-defective performance* of this act.

(5) Note that the rules *demand* something. They are therein different from (at least many of) the rules assumed in traditional grammar, which define, or describe, things like perfect tense forms, but do not demand that anyone do anything, and the knowledge of which enables us to know how to build sentences, rather than to know under which conditions a given sentence is (not) to be issued.

(6) The rules are formulated by letting them demand the conditions we assume for the non-defective performance of the linguistic act they "indicate".

§ 3.7.2 Searle's general account of the rules of IFIDs

Let us turn to Searle's account of what he calls "rules of illocutionary force indicating devices" ("IFIDs"): devices which, as we can initially say, "indicate" the performance of a certain illocutionary act type. Searle does not systematically explain his conception of them; we can, however, reconstruct it from several scattered hints he gives. To start with, according to one remark these rules are "extracted" from sets of conditions of the performance of "kinds of speech act":

To put it more briskly, talking is performing acts according to rules. In order to substantiate that hypothesis and explicate speech, I shall state some of the rules according to which we talk. The procedure which I shall follow is to state a set of necessary and sufficient conditions for the performance of particular kinds of speech acts and then extract from those conditions sets of semantic rules for the use of the linguistic devices which mark the utterance as speech acts of those kinds. (SA, p. 22)

He thereby adopts the third of the features of Alston's account I have listed.

The "particular kinds of speech acts" from which Searle derives rules include not only the illocutionary act, from which rules *of IFIDs* are derived, but also the acts of referring and predicating, from which respectively *rules of referring and predicating* are derived. Our task here is restricted to the first kind of rules.

In the above passage, Searle describes the conditions as being *necessary and sufficient for the performance* of particular kinds of speech acts – this is somewhat inexact. At another place he is more accurate: actually Searle's rules of IFIDs are to be derived from the conditions of the successful *and non-defective* performance of illocutionary acts:

In order to give an analysis of the illocutionary act of promising I shall ask what conditions are necessary and sufficient for the act of promising to have been successfully and non-defectively performed in the utterance of a given sentence. I shall attempt to answer this question by stating these conditions as a set of propositions such that the conjunction of the members of the set entails the proposition that a speaker made a successful and non-defective promise, and the proposition that the speaker made such a promise entails this conjunction. [...] If we get such a set of conditions we can extract from them a set of rules for the use of the illocutionary force indicating device. (SA, p. 54 f.)

This conforms to feature (4) of Alston's account.

It is opportune to point out that, according to Searle's overall conception, the rules of the IFIDs of a given type are to be derived from *all, or at least nearly all*, conditions of the analysis of this type. His presentation of these rules in condition (9) of the analysis of promising roughly supports this picture:

9. The semantical rules of the dialect spoken by S and H are such that T is correctly and sincerely uttered if and only if conditions 1-8 obtain. (SA, p. 61)

According to this formulation, for any of conditions (1–8) there must be a corresponding rule demanding the satisfaction of the condition for the correctness of the issuance (the only condition to which no according rule seems to be derived is condition (9) itself – I shall come back to this peculiarity).

According to the formulation of condition (9), the rules of the IFIDs of promising are actually *posing demands*: they tell people under which conditions a given sentence is to be issued, or not to be issued. Moreover, the sentence is to be issued if and only if a certain act is non-defectively performed: So Searle's conception conforms to features (5) and (6) of Alston's account.

If a sentence is subject to the rules of IFIDs of a certain type then one can call it a sentence "used to perform"²⁰⁵ this act, and this is the case by virtue of the "semantical rules of the language", as Searle suggests commenting on condition (9):

This condition is intended to make clear that the sentence uttered is one which, by the semantical rules of the language, is used to make a promise. (SA, p. 61)

The first formulation seems to take up feature (1) of Alston's account, that the rules apply to sentences which are "normally used" to perform certain "linguistic acts"; and the second formulation confirms with respect to Searle's conception that the rules are meant to be linguistic rules (feature (2)).

As we see, Searle adopts Alston's conception of certain rules rather precisely for his account of rules of IFIDs. But one might make the following suggestion for a difference in detail: Searle represents his analysis of promising as the relevant analysis from which the rules of IFIDs of promising are to be derived. And this analysis, as we saw, is an analysis of the non-defective *and sincere* performance of a promise, whereas in Alston's exposition of the rules the reference to sincerity of the linguistic act is missing. – After all, however, there is no substantial difference in this respect either. In contrast to Searle, Alston just *includes* insincerity under the range of "defects": One of his conditions of the non-defective performance of the request to open the door is that "S (the speaker) has an interest in getting the door open", and he explicitly identifies this condition as the condition of sincerity of the speaker.²⁰⁶ Thus the supposed difference between Alston and

²⁰⁵ SA, p. 61.

²⁰⁶ See Alston, LA, p. 139.

Searle is a merely terminological matter: Alston includes insincerity among the "defects", whereas Searle prefers not to do so but instead, in formulating the demand, to mention insincerity explicitly.

So in its general outline, Searle's account of the rules of IFIDs is a fairly true adoption of the account Alston had suggested: In order to formulate the semantical rules connected with a given sentence we first consider which act is "indicated" by the sentence. We then develop a set of conditions for the "non-defective" (and sincere) performance of this act and just let the rules demand that these conditions be satisfied if the sentence is issued for the issuance to be correct. As the relevant set of conditions in the case of sentences "indicating" a promise Searle announces precisely the analysis of (non-defectively, etc.) promising with which we are at present concerned.

That a sentence is one "used to make" a promise can in Searle's terminology also be captured by saying that this sentence "indicates" a promise. I expressed this by saying that linguistic means are ascribed the "purpose" of "indicating" certain illocutionary acts. Although Searle does not explicitly discuss the matter, he obviously assumes this "purpose" as involved: he speaks of both "illocutionary force *indicating* devices" (constantly) and "propositional *indicators*"²⁰⁷. He further says such things as that semantical rules "mark" issuances "as speech acts" of a certain kind²⁰⁸ or that the rules of IFIDs of promising "indicate that the illocutionary force is that of a promise"²⁰⁹. Let me illustrate the obvious and simple connection between a sentence's being "used to" perform a certain act and the "purpose" of "indicating" by an example: a typical sentence Searle has in mind would be "I hereby promise to go". This sentence can be viewed as a sentence "used to make" a promise (to go), and it "indicates" a promise (to go). The "indicating" function comes somewhat more explicitly into the scope of Searle's attention in later articles as, for example, in *ISA*, where Searle considers the question how the hearer can "understand the utterance" even in cases in which what the speaker means is not identical with what the sentence means.

If a sentence "indicates" a certain illocutionary act as, for example, a promise (to go) then a second "purpose" will be present, too. The rules make it the case that this sentence will be correctly and sincerely issued only if in issuing it the speaker performs a non-defective and sincere promise (to go).

As we shall see, (most of) Searle's rules of IFIDs of a certain illocutionary act type take the form "X is to be issued only if Y", where "Y" refers (roughly) to conditions of non-defectively performing an act of this type. This seems to suggest that we have to conceive of them as, say, "*normative*", or "*regulative*" rules, and Searle supports this impression: he constantly emphasises as the main thesis of his account that "speaking a language" (conceived of as a kind of human behaviour) is "*rule-governed*", thereby referring with "rule" (among other rules²¹⁰) to the rules of IFIDs. He connects the "normative force" of the rules with the conception of "defectiveness", and "defective" appears to be intended as involving a "normative" aspect. Furthermore, he *delimits* the rules he is concerned with from mere statements of regularity in the following way:

²⁰⁷ SA, p. 30.

²⁰⁸ SA, p. 22.

²⁰⁹ SA, p. 61.

²¹⁰ Remember that there are rules connected with referring and predicating, too.

Two of the marks of rule-governed as opposed to merely regular behavior are that we generally recognize deviations from the pattern as somehow wrong or defective and that the rule unlike the past regularity automatically covers new cases. Confronted with a case he has never seen before, the agent knows what to do. (SA, p. 42)

One might make an objection with reference to the form of the rules: I have said they take the form "X is to be issued only if Y", and one could point to the fact that this is not the form of "regulative" rules – which, one may assume, must take the imperative form. This objection assumes that "regulative" rules need to take the imperative form, but at least Searle himself does not demand this for "regulative" rules: as we shall see,²¹¹ for him it is sufficient that one can "reformulate" a given rule in the imperative mood, and he himself assumes that, for example, "Non-wearing of ties at dinner counts as wrong officer behavior" is a "regulative" rule.²¹² He further gives an explicit indication that he conceives of some of his rules of IFIDs as "regulative" ones. I shall come back to this issue in more detail in § 4.1.2.

We have then so far two "purposes" connected with (rules of) IFIDs:

- (1) the rules *regulate*: they demand speakers to issue sentences only in the non-defective and sincere performance of an illocutionary act of a certain type (otherwise the issuance is incorrect).
- (2) sentences *indicate* by means of the rules which apply to them a certain illocutionary act as performed by the speaker in the issuance of the sentence.

§ 3.7.3 Condition (9)

After this preliminary outline of Searle's overall-conception of the rules of IFIDs, let us now consider its application in Searle's analysis of promising. In this analysis, remember, it is presupposed – by virtue of a restriction of the scope of the analysis – that the speaker has issued a sentence. Condition (9) has now the aim of demanding that the sentence issued "indicates" a promise, that is, that the sentence contains IFIDs of promising. Since the meaning of the IFIDs of promising, according to Alston's conception, consists of certain *rules*, and since IFIDs are obviously individuated by their meaning, this demand can be stated by literally demanding that the sentence is subject to those rules. Since the way in which Searle puts condition (9) is somewhat peculiar, I shall attempt to present the reasons why Searle does not use certain formulations close to hand, and how he arrives at the actual wording he uses.

The most straightforward way in which Searle might have put condition (9), leaving any technical scruples aside, would probably have been to simply demand that the sentence issued contains IFIDs of promising, or "indicates" the illocutionary act type of promising as, for example, by a formulation like the following:

A straightforward formulation of condition (9) of promising:

T contains IFIDs of promising.

²¹¹ See § 4.1.2.

²¹² See SA, p. 36.

The reason that Searle does not use this straightforward formulation is perhaps that this might seem to involve the very notion aimed at by the analysis we are concerned with, namely, the notion of a promise.

At any rate, Searle actually *avoids* the reference to IFIDs of promising; in order to understand how he avoids it, we once again have to regard the nature which the rules of IFIDs have according to Alston's account (which Searle adopts): according to Alston's conception, the demand that a sentence is subject to those semantical rules bound up with, for example, promising can be expressed by saying that this sentence is *correctly issued* only if a non-defective promise is made in this issuance. A straightforward formulation of condition (9) according to this would then seem to go something like in the following statement:

A less straightforward formulation of condition (9) of promising:

T is issued correctly only if the speaker issuing it thereby performs a non-defective promise.

This, however, sounds again perilously circular: it makes use of the concept of a non-defective promise – but the analysis we are concerned with is itself actually an analysis of the non-defective promise. And, in fact, Searle's statement does avoid the direct reference to non-defectively promising. Searle's analysis of (non-defectively) promising is spelled out in single conditions. And in Searle's actual statement of condition (9) he avoids the reference to the concept of a non-defective promise by reducing this conception to the conditions of his analysis. We might then expect condition (9) to be stated in the following manner:

A still less straightforward formulation of condition (9) of promising:

T is issued correctly and sincerely only if conditions (1–9) obtain.

But this formulation involves still another problem. The reference to "conditions (1–9)" must here obviously refer to no other conditions than conditions (1–9) of the very analysis which condition (9), with which we are concerned, is part of. Thus the above formulation of condition (9) would seem to entail that spelling out condition (9) will be a circular procedure. Searle intervenes here: he simply omits condition (9) itself from the set of conditions referred to. In the actual form in which Searle states it, condition (9) poses then the demand that the sentence issued contain IFIDs of promising in the following form:

9. The semantical rules of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 1-8 obtain. (SA, p. 61)

That Searle omits the reference to condition (9) here is, in the light of the overall-account, an arbitrary measure: I shall henceforth speak of an "anomaly". Since this is not the only anomaly in Searle's elaboration of his account, I shall speak of it as the *first* anomaly.

§ 3.7.4 Preliminary reconstruction: the rules of IFIDs of promising

It is part of Searle's exposition of the analysis of promising that he spells his conception of the rules of IFIDs of promising out: I shall introduce, and consider, his statement in this section. In their original form they read as follows ("*Pr*" refers to linguistic devices "indicating" the illocutionary act type of promising, that is, to IFIDs of promising):

Rule 1. *Pr* is to be uttered only in the context of a sentence (or larger stretch of discourse) *T*, the utterance of which predicates some future act *A* of the speaker *S*. I call this the *propositional content rule*. It is derived from the propositional content conditions 2 and 3.

Rule 2. *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.

Rule 3. *Pr* is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events. I call rules 2 and 3 *preparatory rules*, and they are derived from the preparatory conditions 4 and 5.

Rule 4. *Pr* is to be uttered only if *S* intends to do *A*. I call this the *sincerity rule*, and it is derived from the sincerity condition 6.

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*. I call this the *essential rule*. (SA, p. 63)

As it stands, this statement of the rules gives rise to a number of questions, some of which I will now consider.

As I showed, Searle in principle adopts Alston's conception of semantical rules into his account. And at first sight, the rules Searle states might indeed appear to be more or less in conformance with Alston's general conception. Compare rules (1–4): they say that "*Pr* is to be uttered only if" something is the case, and what must be the case, *prima facie*, are certain conditions from Searle's analysis of non-defectively (and sincerely) promising. Consider, for instance, the particular case of rule (2):

Rule 2. *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*. (SA, p. 62 f.)

This is derived from the so-called "preparatory condition" (with which we will deal in more detail below). This condition reads as follows:

4. *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer his doing *A* to his not doing *A*. (SA, p. 58)

What is demanded by rule (2) is precisely that this condition is satisfied. So the derivation of rule (2) is in accordance with Alston's basic rationale.

Nevertheless, there are some details in which Searle's realisation parts company with Alston's account. In order to work them out, let me first emphasise a few things we are to expect in the light of the overall-conception.

(1) Alston's rules are derived by letting them demand the conditions of an analysis of the non-defective performance of a certain "linguistic act". For his account of rules of IFIDs, Searle adopts Alston's outline in principle, and the relevant analysis he chooses for deriving the rules of IFIDs of promising is the analysis of promising we are concerned with. We can then expect that the rules of IFIDs of promising demand the satisfaction of the conditions of this analysis.

(1.a) We can particularly expect – at least unless reasons for deviations are given – that for any condition of this analysis there is some rule such that the rule demands that the condition be satisfied.

(1.b) We can expect – at least unless reasons for deviations are given – that there are only rules derived from this analysis, and no further rules.

(2) We can – in the absence of reasons for deviations – expect all rules to be, say, "normative" rules, for they must demand something.

One of the first things which may then leap to the eye is that we have nine conditions – but merely five rules. Something seems to be missing in the statement of the rules. The main reason is: Searle excludes some of the conditions from the process of derivation. This concerns conditions (1) ("normal input and output conditions"), condition (8)

(S means the issuance as a promise), and condition (9) (the sentence contains IFIDs of promising).

As an explanation of the fact that these conditions do not have corresponding rules, Searle presents us as "obvious" that they are "not relevant to this task"²¹³. And he attempts to make this plausible by saying that "[c]ondition 1 and conditions of the forms 8 and 9 apply generally to all kinds of normal illocutionary acts and are not peculiar to promising"²¹⁴. He concludes that "[r]ules for the illocutionary force indicator for promising are [merely] to be found corresponding to conditions 2–7"²¹⁵.

Searle originally announced, however, that he would be deriving his rules of IFIDs of promising from the conditions of the analysis of promising, and he did not announce that any of the conditions would be excepted from the process of derivation. So the fact that in the actual statement of the rules he does not derive any rules from conditions (1), (8), and (9) is, say, somewhat peculiar. I shall therefore speak of the missing of rules according to these conditions as the "second anomaly" in Searle's account of rules of IFIDs.

Let us take a closer look at the justification Searle suggests for the anomaly: Those conditions of illocutionary act types, Searle obviously assumes, which are, or the form of which is, *not peculiar to* a certain illocutionary act type, do not contribute to the meaning of linguistic expressions which "indicate" this type. For example, those peculiarities of promises which are *not peculiar to promises – in contrast to other illocutionary acts –*, do *not* contribute to the meaning of sentences like "I hereby promise that ...". Since "normal input and output conditions" are (supposed to be) conditions of the non-defective performance of *all types of* normal illocutionary acts, this condition is not reflected in the meaning of illocutionary act type "indicators". Similarly, conditions on what the speaker means (condition (8)) and on what the sentence means (condition (9)) are (supposed to be) conditions of the non-defective performance of *all types of* normal illocutionary acts, and thus these conditions, likewise, are not reflected in the meaning of the IFIDs of any special type. – I do not feel that Searle's argument is plausible: I shall argue against it in § 8.1.2.

So far we might then expect that Searle's rules of IFIDs of promising contain rules derived from conditions (2–7). That is, we might expect to be provided with six rules – but actually we have merely five. In this case, the reason for the discrepancy is quite trivial and harmless: Remember that Searle's analysis entails *two* "propositional content" conditions, conditions (2) and (3). One demanded that a proposition be "expressed", and one that this proposition somehow fit the particular illocutionary act type. In deriving the rules, Searle simply unites the two rules corresponding to the propositional content conditions in *one* rule, namely, rule (1):

Rule 1. Pr is to be uttered only in the context of a sentence (or larger stretch of discourse) *T*, the utterance of which predicates some future act *A* of the speaker *S*. I call this the *propositional content rule*. It is derived from the propositional content conditions 2 and 3. (SA, p. 63)

²¹³ SA, p. 62.

²¹⁴ SA, p. 62.

²¹⁵ SA, p. 62.

But let me examine the precise formulation of rule (1).²¹⁶ It is, as Searle explicitly says, derived from conditions (2) and (3). The formulation Searle provides, however, is not exactly what results from a derivation according to the routine applied in the case of the other rules. Conditions (2) and (3) read as follows:

2. *S* expresses the proposition that *p* in the utterance of *T*. [...]
3. In expressing that *p*, *S* predicates a future act *A* of *S*. (*SA*, p. 57)

Rule (1) should, according to the overall-conception, demand that the speaker satisfy these conditions. But Searle's version of rule (1) does not exactly do so, he takes some licences in formulating it. For example, instead of demanding that in issuing the sentence "*S* expresses the proposition that *p*", Searle now suddenly introduces a reference to the *context of Pr* (the IFID of promising), and he admits that "*the utterance of*" *this sentence in the context of Pr* predicates the future act of the speaker. He even further admits that some "*larger stretch of discourse*" is involved in this business.²¹⁷ Since Searle does not introduce any reason for this deviation, I suggest sticking to the routine of derivation in exactly the way which Alston had suggested, applying it to the analysis of promising in exactly the version Searle actually provides us with. If we derive rule (1) more precisely we get the following preliminary version of rule (1):

Re-statement of rule (1) (preliminary):

Pr is to be issued only if ...
S expresses the proposition that *p* in the utterance of *T*, and ...
 in expressing that *p*, *S* predicates a future act *A* of *S*.

Now this plain derivation is faced with a certain problem which may perhaps be among the reasons why Searle actually takes some license: It remains unclear what the variable "*T*" shall precisely refer to. I will restrict myself to some *prima-facie* considerations about the matter. Searle's analysis is restricted to the issuance of a certain sentence. According to condition (9), the sentence must be subject to certain rules, which represent the meaning of the IFIDs of promising. These rules, notice, are intended to restrict the meaning of *this sentence*, the sentence which is presupposed to be issued. Now if the straightforward version of rule (1) mentions a certain sentence *T*, in the issuance of which the speaker must "express" a proposition, the sentence referred to is the same as that to which it is demanded that the rules of IFIDs apply in condition (9) of promising. That is, the sentence can be identified with the sentence which contains what Searle refers to in rule (1) by the variable "*Pr*", namely, IFIDs of promising. So what rule (1) needed to demand would be that ...

- (1) *Pr* is part of a sentence *T*, and further that
- (2) in the issuance of *this* sentence *T* a proposition must be expressed, and finally that
- (3) in expressing *this* proposition the speaker predicates a future act to herself.

A more proper statement of rule (1), according to these cursory considerations, might then be stated like this:

²¹⁶ Perhaps the following correction is somewhat petty; and perhaps it is not even a "correction" because (perhaps) Searle can be read as after all meaning just what I shall be suggesting. The reader who thinks so may excuse my pedantry – it is important to make the reconstruction of Searle's account as *transparent* as possible.

²¹⁷ According to my interpretation of conditions (2) and (3) they are meant as restricting the meaning of the sentence issued; I argued for this interpretation in § 3.6. In stating the rule derived from these conditions, Searle seems to apply to them another interpretation, according to which they restrict, not the meaning of the sentence issued, but rather the communicative intentions of the speaker, or even some, say, "contextual background".

Re-statement of rule (1):

Pr is to be issued only if it is part of a sentence *T* such that ...
S expresses the proposition that *p* in the utterance of *T*, and ...
 in expressing that *p*, *S* predicates a future act *A* of *S*.

A second issue must be considered. Given the routine of derivation Searle adopts from Alston, condition (5), as it stands, is incorrectly derived, and in this case the license Searle takes is a rather drastic one. The routine of derivation of the rules from the conditions is that for a given condition the parallel rule demands that the speaker satisfy the condition in the issuance of the sentence. Now rule (5) is called the "essential" rule, and it is meant to be *derived from condition (7)*²¹⁸, which is called the "essential" condition and which demands that the speaker have a certain intention. Condition (7), in its original statement, reads thus:

7. *S* intends that the utterance of *T* will place him under an obligation to do *A*. (*SA*, p. 60)

Compare with this rule (5) as Searle states it:

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*.

Obviously, this rule is not correctly derived. Condition (7) demands that the speaker have the intention to commit herself to something, and according to the routine of derivation Searle applies, the corresponding rule should demand that the speaker have this intention if she issues the sentence. The condition with which Searle provides us, in contrast, is to the effect that the obligation *actually comes about*. However, from the fact that the speaker intends to commit herself it does not follow that she *actually achieves* commitment. I can, for example, intend to buy something, which would commit me to paying a certain price, but the contract may be void and thus my intention fail. *Vice versa*, from the fact that one does get committed it does not follow that one intends it: otherwise we could only have commitments which we have intentionally chosen.

If we apply the original routine of derivation properly, we get the following corrected statement:

Rule (c. 7):

Pr is to be uttered only if *S* intends that the utterance of *T* will place him under an obligation to do *A*.

I call this corrected version "rule (c. 7)" because it derives from condition (7). I have not introduced it as "rule (5)" because, as we shall see, after all Searle's improper version of rule (5) has to be reinstalled in order for Searle's overall account of illocutionary acts to appear plausible.

Taking into consideration the amendments I have so far suggested, the rules of the IFIDs of promising could then be given a preliminary restatement as follows:

Reconstruction of the rules of IFIDs of promising (preliminary):

- Rule 1.* *Pr* is to be issued only if it is part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S*.
- Rule 2.* *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.
- Rule 3.* *Pr* is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events.
- Rule 4.* *Pr* is to be uttered only if *S* intends to do *A*.
- Rule (c.7).* *Pr* is to be uttered only if *S* intends that the utterance of *T* will place him under an obligation to do *A*.

²¹⁸ We will deal with this condition in § 4.3.

A final way in which I suggest amending the rules remains.²¹⁹ According to a casual remark of Searle, the rules are applicable only under certain conditions:

These rules are ordered: rules 2-5 apply only if rule 1 is satisfied, and rule 5 applies only if rules 2 and 3 are satisfied as well. (*SA*, p. 63)

It is not entirely clear to me how precisely this remark is to be understood. There are two ways in which I am tempted to interpret it.

(1) The rules are correct as they stand, but *there are certain underlying laws, rules, assumptions, or whatever*; to the effect that the application of (certain of) the rules is restricted to certain cases.

(2) The rules, as they stand, are not complete. They *have to be amended* such that they include those restrictions of their applicability.

I prefer the second solution, to spell out the rules themselves, mainly for the following two reasons:

(a) If we do not spell the rules out then, in order to account for Searle's remark, we have to assume some certain set of further rules, laws, or whatever, to the effect that the applicability of the rules is restricted. However, for reasons of *ontological economy* we should not too rashly load Searle's account with such further entities.

(b) Spelling the rules themselves out, if only as a preliminary measure, will at any rate have the advantage of keeping the whole account *more transparent*.

So I will now come to spelling out the rules according to Searle's remark. I will thereby for the time being consider only the first part of Searle's remark, that rules (2–5) are valid relative to the satisfaction of rule (1). The second part, that rule (5) applies only if rules (2) and (3) are satisfied, I defer to below, where this rule will be reinstalled.

Searle says that rules (2–5) apply only if rule (1) is "satisfied". I assume that when Searle says, of a rule, that it is "*satisfied*", then what he means is that it is "*conformed to*" by the speaker. Furthermore, in Searle's account the rules (of the IFIDs of promising) are derived from certain conditions (of non-defectively promising). The form this derivation takes is: For a given condition the corresponding rule demands that the condition obtain. So when *a certain rule is conformed with* this means in effect nothing other than that *the condition from which the rule is derived is satisfied*.

The application of rules (2–5), according to Searle's remark, is restricted to the condition that rule (1) "is satisfied"; and rule (1) demands that conditions (2) and (3) of the analysis of promising be satisfied. So we must restrict the application of rules (2–5) (as originally stated) to be restricted to the satisfaction of conditions (2) and (3) of the analysis of promising. The result of spelling the rules out is then (in a still preliminary statement) the following:

²¹⁹ Again, the spelling-out procedure I shall now impose on Searle's rules might be felt a bit lavish, and perhaps the amendment I make is in one way or the other inadequate; but, as mentioned, I think it is important that I present his account in as transparent a manner as possible.

Reconstruction of the rules of IFIDs of promising (still preliminary):

- Rule 1.* *Pr* is to be issued only if it is part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S*.
- Rule 2.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.
- Rule 3.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events.
- Rule 4.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if *S* intends to do *A*.
- Rule (c. 7).* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if *S* intends that the utterance of *T* will place him under an obligation to do *A*.

4

Searle's analysis of promising II

Up to this point, my reconstruction of Searle's analysis of promising captures merely those kinds of conditions which I ascribe to what I call his "little" illocutionary act conception. This conception ascribes to the illocutionary act as necessary conditions of the form of condition (8) (the speaker means what she says), condition (1.*) (the hearer "understands the utterance"), and conditions (2), (3), and (9) (the sentence "indicates" the illocutionary act in question). As I repeatedly emphasised, this "little" illocutionary act conception is not the one Searle finally commits himself to. The reasons why I nevertheless ascribe it to him are explained at the end of this Chapter, in § 4.5. In the following I shall continue by turning to the "large" conception, the one Searle actually states in *SA*. I shall start with completing the reconstruction of his account of rules of IFIDs as actually stated and then turn to the remaining conditions of the analysis of promising.

§ 4.1 The rules of IFIDs of promising: final reconstruction

§ 4.1.1 A third "purpose" of the rules of IFIDs

My presentation of Searle's conception of the rules of IFIDs, as I said it would be, has so far been incomplete. Remember my discussion of rule (5) of IFIDs of promising: since this rule was not correctly derived from condition (7) of promising, I suggested that we drop it in favour of a rule which properly regards both the routine of derivation and condition (7). The result of the reconstruction of Searle's rules of IFIDs of promising is a set of rules which (roughly speaking) demand of speakers that they issue sentences only if in issuing them they perform a certain type of illocutionary act non-defectively. Furthermore, my reconstruction so far involved *two* "purposes" of sentences and rules of IFIDs. One of them was that the rules of IFIDs "govern", or "regulate", the issuance of the sentences to which they apply. A further "purpose" derives from the trivial fact that linguistic means are commonly used in order to communicate thoughts: Searle also assumes that sentences and words "indicate" something.

With the transition from the "little" to the "large" illocutionary act conception we come to a third "purpose", which will be ascribed to a peculiar rule with a peculiar form. According to Searle's actual account of IFID-rules, these rules are also supposed to *constitute* certain states of affairs. Recall Austin's account of illocutionary acts: according to that, an act is an illocutionary act only if it involves some, as I have called them, "conventional"

effects. These conventional effects have the peculiarity that they must somehow be *constituted*. And in Searle's account this job, the constitution of the effects involved in the illocutionary act, is managed by the rules of IFIDs of illocutionary act types.

Let us take Searle's "paradigmatic" illocutionary act type of promising as an example. Notice that promises entail an obligation for the hearer to do what she promises. One cannot promise to do something without being thereby committed to doing it. As Searle puts it, somewhat more rigorously, it is "the essential feature of a promise [...] that it is the undertaking of an obligation to perform a certain act"²²⁰. Now an obligation is a "conventional" state of affairs, rather than a "brute fact". Thus it must be constituted. Searle agrees to this, and he imposes the job of constituting the obligation on the rules of the IFIDs of promising.

I indicated that this third task of the rules of IFIDs involved a peculiar rule with a peculiar form. In the original statement Searle's rules of IFIDs contains one rule which strikingly differs from the others in its form: rule (5), instead of demanding the speaker to satisfy a certain condition in issuing the sentence, reads: "The utterance of *Pr* counts as the undertaking of an obligation to do A."²²¹. This rule, it is clear, is of an entirely different nature than the other rules. To put it in Searle's terms, this rule is a "constitutive" rule, rather than a "regulative" rule. Before I return to rule (5) in order to reinstall it in the list of the rules of IFIDs of promising, I shall first set out in some detail what Searle has in mind when introducing the notion of "constitutive rules" in contrast to "regulative rules".

§ 4.1.2 Searle's conception of "constitutive rules"

Before starting, a few words about Searle's presentation of the matter are necessary: Searle introduces the "constitutive rule" by contrasting it to what he calls a "regulative rule". As we shall see, the constitutive rule can be characterised as (1) having the form "X counts as Y in C" and as (2) constituting new states of affairs. Imagine a certain game in which players can, among other things, perform the act of "boding" something. In this game, let us assume, to "bod" requires knocking three times on the table, and "boding" includes as a consequence that the player knocking becomes entitled to take all the cards on the table at that time – as a further condition, the act succeeds only if the player in question does not already have more than three cards. In order to explain the existence of "boding" we may assume a "constitutive rule" like this: "If a player knocks three times on the table then this counts as entitling her to take all cards on the table, given that she does not already have more than three cards". It is easy to distinguish such a rule from "regulative rules": these may preliminarily be characterised as (1) having another form: they take the imperative mood, and as (2) not constituting anything, but, say, "regulating" (pre-existent forms of) behaviour.

So far so good. However, in his exposition Searle introduces a further notion which confuses the whole matter: the notion of a "*set of constitutive rules*". One might assume that this notion referred simply to a set of rules, all of which are constitutive rules and

²²⁰ SA, p. 60.

²²¹ SA, p. 63.

satisfy the two original criteria; Searle's actual conception of "sets of constitutive rules", however, is different: Searle conceives of "sets of constitutive rules", not as sets of "constitutive rules", but as sets of rules which are constitutive *as a whole*²²² (however this is supposed to work), and – this is the point – as sets that may entail regulative (and, perhaps, further kinds of) rules. The confusion is completed when Searle now takes a rule to be a "constitutive rule" just by virtue of the fact that it is member of such a "set of constitutive rules". For now there is an obvious conflict between the original criteria of "constitutive rules" and the fact that regulative (or other) rules can be members of "sets of constitutive rules". It is because of these confusions that Searle casts certain doubts on the criteria of constitutive rules, as I have just initially outlined them, and weakens them in certain respects. In order to maintain the distinction between "constitutive rules" and "regulative rules" he introduces auxiliary criteria. The original criteria get thereby muddied and the whole matter hopelessly confused. In fact, in Searle's actual exposition of the matter it is doubtful whether any criteria remain that could enable us to distinguish "constitutive rules" from "regulative rules", let alone make definitions of the notions.

I think that distinguishing constitutive and regulative rules from each other is fairly easy, and the features Searle originally suggests for constitutive and regulative rules are rather appropriate for this. Therefore, in my following reconstruction, I shall ignore all the exceptions and caveats in Searle's exposition of the "constitutive rule" which derive from his confusion between being a "constitutive rule" and being a member of a "set of constitutive rules". (Nevertheless, it is clear that we gladly welcome all the auxiliary criteria Searle introduces in order to save his distinction.)

Now what, according to Searle, is a "constitutive rule"? Searle does not properly define the concept. Instead, I have said, he develops his presentation of the characteristics of constitutive rules by contrasting them to "regulative" rules.²²³

(1) The first distinction between constitutive rules and regulative rules concerns the question *what they "do"*. Regulative rules, Searle says, "*regulate antecedently or independently existing forms of behaviour*". Constitutive rules, in contrast, "*create or define new forms of behavior*"²²⁴. In order to provide an example, he contrasts rules of American football and chess (which rules are meant to be constitutive ones) with "rules of etiquette" (as instances of regulative rules):

[M]any rules of etiquette regulate inter-personal relationships which exist independently of the rules. But constitutive rules do not merely regulate, they create or define new forms of behavior. The rules of football or chess, for example, do not merely regulate playing football or chess, but as it were they create the very possibility of playing such games. The activities of playing football or chess are constituted by acting in accordance with (at least a large subset of) the appropriate rules. (SA, p. 33 f.)

In referring to what constitutive rules are supposed to do Searle also uses, instead of "create" and "define", the word "constitute". I will stick to this latter term. The first criterion of constitutive rules can then be formulated thus:

CR (1):²²⁵

Constitutive rules constitute new forms of behaviour.

²²² See SA, p. 36.

²²³ As Searle acknowledges in "What is a Speech Act" (1965), where he first introduces the notions of "regulative" and "constitutive" rules, the distinction has originally been introduced by Rawls in "Two Concepts of Rules" (1955).

²²⁴ SA, p. 33; my italics.

²²⁵ I call criteria of constitutive rules "CR".

(2) The second criterion of constitutive rules concerns the *form* in which rules stand or in which they at least can be paraphrased. Regulative rules, he says, "take the form or can be paraphrased as imperatives",²²⁶ which is to say that they take the form, or can be paraphrased in the form, 'If *Y* do *X*'. In contrast, constitutive rules take the form, or can be paraphrased in the form, '*X* counts as *Y* in context *C*'²²⁷.

His example contrasts again rules of etiquette (regulative) with rules of chess and American football (constitutive):

Regulative rules characteristically take the form of or can be paraphrased as imperatives, e.g., "When cutting food, hold the knife in the right hand", or "Officers must wear ties at dinner". Some constitutive rules take quite a different form, e.g., "A checkmate is made when the king is attacked in such a way that no move will leave it unattacked", "A touchdown is scored when a player has possession of the ball in the opponents' end zone while a play is in progress". (SA, p. 34)

So the second criterion of constitutive rules is:

CR (2):

Constitutive rules take the form, or can be paraphrased by use of the form, "*X* counts as *Y* in context *C*"

This second criterion seems closely connected with the first: A constitutive rule of the form "Doing *X* counts as promising" will create the possibility of promising by doing *X*; and a constitutive rule "Doing *X* counts as committing the speaker to go" will create the possibility of committing oneself to go by means of doing *X*. That is, the *Y* term of constitutive rules refers to what is constituted if the rule is at work. Contrast this with a rule in the imperative form, like "When cutting food, hold the knife in the right hand": *nothing can* be constituted by such a rule, just because an imperative sentence, by virtue of its form, *cannot specify* what a constitutive rule needs to specify, namely, that something is constituted under certain conditions.

As I have said, Searle fears that these two criteria might fail to be watertight. For this reason he introduces some auxiliary criteria.

(1) CR (1) says that constitutive rules create the possibility of "new forms of behaviour". Now Searle's first worry is that this criterion might not work because "[t]here is a trivial sense in which the creation of any rule creates the possibility of new forms of behavior, namely, behavior *done as in accordance with the rule*"²²⁸. He therefore submits an auxiliary criterion:

Where the rule is purely regulative, behavior which is in accordance with the rule could be given the same description or specification (the same answer to the question "What did he do?") whether or not the rule existed, provided the description or specification makes no explicit reference to the rule. But where the rule (or system of rules) is constitutive, behavior which is in accordance with the rule can receive specifications or descriptions which it could not receive if the rules or rule did not exist. (SA, p. 35)

Associating it with the first criterion of constitutive rules, I will call this "CR (1.a)":

CR (1.a):

If a rule is a constitutive rule then behaviour done in accordance with the rule deserves a specification it would not deserve in the absence of the rule.

²²⁶ Searle literally says that they "characteristically" do so.

²²⁷ See SA, p. 34 f. Searle qualifies that some constitutive rules take the form characteristic of regulative rules and that merely *some* constitutive rules have the form characteristic of constitutive rules. I think that this is due to the confusion of constitutive rules with members of what he calls "constitutive sets" of rules. Obviously, Searle assumes that some members of these sets can have the form characteristic of regulative rules; and these, it is clear, will have the formal characteristics of regulative rules. See § 9.6.

²²⁸ SA, p. 35; my italics.

(2) Furthermore, Searle fears that some regulative rules would be satisfying the criterion of form, (CR (2)). The criterion was that, in contrast to regulative rules, which are bound to the imperative sentence mood, constitutive rules take the form 'X counts as Y in C'. However, Searle assumes that "[a]ny regulative rule could be twisted into this [latter] form"²²⁹. By way of examples he refers to (regulative) rules of etiquette which, he assumes, can be reformulated in the form connected with constitutive rules. For example, the rule "Officers must wear ties at dinner", according to Searle, can be paraphrased as "Non-wearing of ties at dinner counts as wrong officer behaviour".²³⁰

Therefore, Searle submits a second auxiliary criterion: If a regulative rule is "paraphrased" in the form "X counts as Y", the "Y" term in this paraphrase, "the noun phrase following 'counts as'", "is used as a term of appraisal"²³¹. In contrast, the "Y" term in a rule which is originally constitutive will not be an appraisal. For example, in "Non-wearing ties at dinner counts as wrong officer-behaviour", the word "wrong" expresses an appraisal. Contrast "Saying 'Hello' in C counts as greeting": To say that something is a greeting is not to appraise it. Since it supports criterion CR (2) I will call this auxiliary characterisation "CR (2.a)":

CR (2.a):

Given that a rule takes, or is paraphrased in, the form "X counts as Y in C", if the rule is a constitutive rule then to state the Y term is not to appraise something.

(3) Furthermore, Searle points out that what the "Y" term denotes in "X counts as Y in C" is "not simply a label. It will mark something that has consequences."²³² His examples are these:

"[O]ffside", "homerun", "touchdown", "checkmate" are not mere labels for the state of affairs that is specified by the X term, but they introduce further consequences, by way of, e.g., penalties, points, and winning and losing. (SA, p. 36)

This criterion, too, supports the form criterion CR (2). Therefore I call it "CR (2.b)":

CR (2.b):

If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that has consequences.

(4) Now to say, of constitutive rules, that the Y term marks "something that has consequences" is a bit vague. But I think it is precisely on this issue that Searle provides us some further information not much later. In order to clarify how we should understand the main thesis of his book, that speaking a language is performing acts according to (constitutive) rules, Searle introduces two examples, the main difference between which is that the first involves constitutive rules, whereas the second does not. The examples, in Searle's own words, go thus:

First, imagine that chess is played in different countries according to different conventions. Imagine, e.g., that in one country the king is represented by a big piece, in another the king is smaller than the rook. In one country the game is played on a board as we do it, in another the board is represented entirely by a sequence of numbers, one of which is assigned to any piece that 'moves' to that number. Of these different countries, we could say that they play the same game of chess according to different conventional forms. Notice, also, that the rules must be realized in some form in order that the game be playable. Something, even if it is not a

²²⁹ SA, p. 36.

²³⁰ This assumption seems more than doubtful to me. I shall argue against it in § 9.6.1.

²³¹ SA, p. 36.

²³² SA, p. 36.

material object, must represent what we call the king or the board.

Secondly, imagine a society of sadists who like to cause each other pain by making loud noises in each others' ears. Suppose that for convenience they adopt the convention of always making the noise BANG to achieve this purpose. Of this case, like the chess case, we can say that it is a practice involving a convention. (SA, p. 39)

Searle attempts to make out differences between these cases. Two remarks are of special interest for us because they may be viewed as providing further auxiliary criteria to identify constitutive rules.

(a) First, Searle claims that in the "BANG" example "the convention is not a realization of any underlying constitutive rules."²³³ His *argument* in favour of this claim is that, "[u]nlike the chess case, the conventional device is a device to achieve a natural effect."²³⁴ We can conclude that when one's action "invokes" a constitutive rule then the effect will be a *non-natural* effect. And this, I suppose, is the sense in which it is meant when Searle says that the "Y" term involved in the typical form of constitutive rules must "mark something that has consequences": The Y term must "mark" something that is, or entails, a conventional state of affairs. I suggest introducing this characteristic as a further criterion. (As to the question whether the state of affairs "marked" by the Y term is, or merely contains, a conventional state of affairs, I will choose, as the weaker demand, that it must *entail* a non-natural state of affairs.)

The criterion appears to complement CR (2.b), so I call it "CR (*2.b-i)":²³⁵

CR (*2.b-i):

If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that entails a non-natural state of affairs.

(b) In connection with the same examples Searle makes a further remark which I likewise suggest adopting as a criterion for the presence of constitutive rules. He says that the "BANG" case, which involves no constitutive rules, not only fails to involve a "rule to the effect that saying BANG *counts as* causing pain", but, most importantly, he argues that "pain still can be caused without employing any conventions"²³⁶. That is, he uses it as a criterion for identifying the non-natural consequences connected with constitutive rules that these non-natural effects *cannot be caused in the absence* of a constitutive rule.

This criterion, too, apparently complements CR (2.b).

CR (*2.b-ii):

If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that entails a non-natural state of affairs, which state of affairs could not be caused in the absence of a (constitutive) rule.

We end up with the following set of characteristics of "constitutive rules" as Searle conceives of the notion (including two criteria he introduces later without explicitly marking them as criteria of constitutive rules):

²³³ SA, p. 39.

²³⁴ SA, p. 39.

²³⁵ Searle does not explicitly include the feature in question in his characterization of "constitutive rule". The decision to use it stems from me. I mark the arbitrariness of my decision by an asterisc.

²³⁶ SA, p. 39.

Criteria of constitutive rules:

- (1) Constitutive rules constitute new forms of behaviour.
- (1.a) If a rule is constitutive, then behaviour done in accordance with the rule deserves a specification it would not deserve in the absence of the rule.
- (2) Constitutive rules take the form, or can be paraphrased by use of the form, "X counts as Y in context C"
- (2.a) Given a rule takes, or is paraphrased in, the form "X counts as Y in C", if the rule is a constitutive rule then to state the Y term is not to appraise something.
- (2.b) If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that has consequences.
- (*2.b-i) If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that entails a non-natural state of affairs.
- (*2.b-ii) If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that entails a non-natural state of affairs, which state of affairs could not be caused in the absence of a (constitutive) rule.

§ 4.1.3 Rules of IFIDs of promising: final reconstruction

After this general introduction to the concept of a "constitutive rule", we now come back to Searle's account of the rules of IFIDs of promising. Let us reconsider, in the light of Searle's distinction between regulative and constitutive rules, the set of rules of IFIDs of promising Searle had suggested (I am quoting here the original version, without any amendments):

Rule 1. *Pr* is to be uttered only in the context of a sentence (or larger stretch of discourse) *T*, the utterance of which predicates some future act *A* of the speaker *S*. I call this the *propositional content rule*. It is derived from the propositional content conditions 2 and 3.

Rule 2. *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.

Rule 3. *Pr* is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events. I call rules 2 and 3 *preparatory rules*, and they are derived from the preparatory conditions 4 and 5.

Rule 4. *Pr* is to be uttered only if *S* intends to do *A*. I call this the *sincerity rule*, and it is derived from the sincerity condition 6.

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*. I call this the *essential rule*. (SA, p. 62 f.)

It seems (at least) *prima facie* plain that this set divides into two parts according to Searle's distinction between "constitutive" and "regulative" rules. Rules (1–4) set out the conditions under which IFIDs of promising are "to be uttered". We seem to be able to "paraphrase" them in the imperative form ("Issue *Pr* only if ..."), and they seem to regulate, making a claim about what is to be done under certain conditions. Conditions (1–4) seem then to be regulative rules. In contrast, rule (5) stands in the form "X counts as Y in context C".²³⁷ And it is clear that it is supposed to constitute the obligation to do what the speaker promises. Condition (5) appears to be a constitutive rule. And, indeed, this result is confirmed by what Searle himself says:

Note that whereas rules 1–4 take the form of quasi-imperatives, i.e., they are of the form: utter *Pr* only if *X*; rule 5 is of the form: the utterance of *Pr* counts as *Y*. Thus, rule 5 is of the kind peculiar to systems of constitutive rules which I discussed in chapter 2. (SA, p. 63)

²³⁷ Recall Searle's comment that "rule 5 applies only if rules 2 and 3 are satisfied as well" (SA, p. 63). According to this, at least these conditions of the application of rule (5), the "preparatory conditions", are part of *C*.

Notice that Searle presents here *merely* rule (5) as a constitutive rule: rules (1–4) are represented as having the form of "quasi-imperatives" and thus being regulative rules instead.²³⁸

Above I emphasised that, in the light of the overall-conception of linguistic rules Searle adopts from Alston, rule (5) is incorrectly derived from condition (7). The consequence I drew was to *replace* rule (5) by rule (c. 7) – which is ordinarily derived from condition (7) according to Alston's routine. This measure, however, clearly does not conform to what Searle intends. Searle assumes that promising essentially entails a commitment to do what one promises. He says: "The essential feature of a promise is that it is the undertaking of an obligation to perform a certain act"²³⁹. If it is *the* essential feature, this entails that it is *an* essential feature, that is, necessary for the obtainment of a promise. Searle naturally wants his analysis to account for the involvement of an obligation, and it is obviously rule (5) which is supposed to account for it, that is, which is supposed to explain that the obligation is constituted.

It is therefore clear that we after all *must not* drop rule (5) from the set of IFID-rules. I have argued that it was incorrectly derived from condition (7) – but in the light of the fact that Searle cannot account for his "essential" feature of promises in the absence of the rule, we must not drop it *regardless of* whether we can see that, and how, it could be derived. Rule (5) must be reinstalled.

That rule (5) is reinstalled, however, can hardly have the consequence that we drop its replacement, rule (c. 7). Since it is a rule which is correctly derived according to the general routine of derivation of the rules from the conditions, and since it is derived from a condition which, according to Searle's analysis, is involved in this routine of derivation, there is no reason to disregard rule (c. 7).

Furthermore, for reasons of transparency I suggest enriching rule (5) in certain ways. Remember rule (5) as Searle states it:

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*.

Notice that this statement is not conditional. It may thus seem that one cannot issue sentences containing IFIDs of promising without automatically becoming committed to doing something. However, the obligation associated with promising certainly does not come about unless the promise itself comes about, and for the performance of a promise it is plainly not sufficient to issue an IFID of promising. Let us take as an example the sentence "I hereby promise to go", assuming that it contains an IFID of promising. It is clear that not every issuance of "I promise to go" *counts as the undertaking of an obligation*, for simply issuing the sentence is not sufficient for the performance of a promise. Notice, for example, that I have myself just issued the sentence without having become obliged to go.

Searle seems to have recognised this inconsistency when, in commenting on the rules of the IFIDs of promising, he makes the following comment (we have already treated the first part of this passage):

²³⁸ See Burkhardt (1990a), p. 105.

²³⁹ SA, p. 60.

These rules are ordered: rules 2-5 apply only if rule 1 is satisfied, and rule 5 applies only if rules 2 and 3 are satisfied as well. (SA, p. 63; my italics)

Rules (2) and (3) are the so-called "preparatory rules", and they read as follows:

Rule 2. *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.

Rule 3. *Pr* is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events.

Above I decided to apply Searle's remarks concerning the applicability of the rules by spelling them out, and I already spelled out rules (1–4), together with rule (c. 7), according to the first part of Searle's remark. Rule (5) was excepted from this measure because I suggested that we initially drop it. Since after all it must remain I shall now spell it out, as well, and add it in this form to my final reconstruction of Searle's rules of the IFIDs of promising.

According to the first part of the remark, the applicability of rule (5) must be restricted to cases in which rule (1) is "satisfied" – which means that conditions (2) and (3) of the analysis of promising are satisfied.²⁴⁰ And according to the second part of the remark the applicability must be further restricted to cases in which rules (2) and (3) are "satisfied" – which means that conditions (4) and (5) of Searle's analysis of promising are satisfied. The spelled out statement of rule (5) will then read as follows:

Final statement of Rule 5:

Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S*, and given that *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*, and given it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events, then the utterance of *Pr* counts as the undertaking of an obligation to do *A*.

I must not forget to mention an important consequence which follows from Searle's remark concerning the applicability of rule (5). Remember that Searle proceeds from the assumption that it is *the essential* feature of promising that it brings about an obligation. That is, one cannot succeed in promising without bringing about the respective obligation, and as soon as the respective obligation is present the promise must have succeeded. Note further that rule (5) of the IFIDs of promising constitutes this obligation. If Searle now suggests that rule (5) applies only if *the propositional content and the preparatory conditions* obtain then he thereby implies that these conditions are *essential* conditions of promising, rather than mere conditions of *the non-defectiveness* of promises. Otherwise they would not need to be satisfied in order for the obligation to come off.

Another thing which should be noted is that the rules of the IFIDs of promising seem *not* to constitute *the whole* promise. As we shall see below, the main thesis Searle wants to advocate by means of his account is that "speaking a language is a matter of performing speech acts according to systems of constitutive rules"²⁴¹. This seems to suggest that *the whole illocutionary act* is constituted by the rules in question. According to Searle's presentation of "constitutive rules" we would then have to expect a rule which has the form "Doing *X* counts as *promising* in *C*". However, the only constitutive rule Searle in-

²⁴⁰ I assume that the "satisfaction" of the rules is co-occurrent with the satisfaction of those conditions from which the rules are derived.

²⁴¹ SA, p. 38.

roduces has the form "Doing *X* counts as *the undertaking of an obligation to do A*." That is, Searle's actual account of the rules of IFIDs of promising does not appear to explain that what is constituted is the whole promise, but merely that an obligation is constituted – the obtainment of an obligation, however, does not necessarily involve the obtainment of a promise.

Let me now summarise what the rules of the IFIDs of promising finally look like when all the amendments and complements I have suggested are taken into account:

- Rule 1.* *Pr* is to be issued only if it is part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S*.
- Rule 2.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.
- Rule 3.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events.
- Rule 4.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if *S* intends to do *A*.
- Rule (c. 7).* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S* then
Pr is to be uttered only if *S* intends that the utterance of *T* will place him under an obligation to do *A*.
- Rule 5.* Given that *Pr* is issued as part of a sentence *T* such that *S* expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, *S* predicates a future act *A* of *S*, and
given that *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*, and given it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events, then
the utterance of *Pr* counts as the undertaking of an obligation to do *A*.

§ 4.2 Final reconstruction of condition (9)

There are two remarks left to make concerning how precisely condition (9) is to be reconstructed. Remember what it is aimed at: it is intended to make sure that the sentence issued by the speaker contains IFIDs of promising. However, as I have argued above, a straightforward statement, demanding that the sentence contain IFIDs of promising, would seem to involve the peril of circularity by using the notion of promising, and it is perhaps for this reason that Searle reduces the reference to IFIDs of promising to a reference to the conditions of his analysis of promising.

In the light of the conception of rules of IFIDs Searle adopts, and given that he takes his analysis of promising to be involved in the derivation of rules of IFIDs of promising, we might then expect Searle to demand in condition (9) straightforwardly that the sentence issued by the speaker *is to be issued only if conditions (1–9) of his analysis obtain*. But actually he does not use this straightforward version, and one of the reasons is perhaps that such a formulation would seem to involve a problem, too: Condition (9) would contain a reference to itself. In the actual statement of condition (9) the reference to the

IFIDs of promising is reduced to a reference to *conditions (1–8)* of the analysis: the problematic reference to condition (9) is simply omitted.

There is a third aspect of Searle's account which suggests still another conception of how to refer to (the rules of) IFIDs of promising. Recall the *actual statement* of the rules of IFIDs of promising: it does not contain any rules according to conditions (1), (8), and (9).²⁴² In introducing his actual statement Searle explicitly reconfirms this diagnosis when saying that "[r]ules for the illocutionary force indicator for promising are to be found corresponding to conditions 2–7"²⁴³. If Searle was right at this point then his reference to the IFIDs of promising in condition (9) would seem inadequate because it mistakenly includes a reference to rules derived from conditions (1) and (8). According to Searle's actual statement of the rules of the IFIDs of promising we should expect condition (9) to read rather as follows:

The semantical rules of the dialect spoken by S and H are such that T is correctly and sincerely uttered if and only if conditions 2–7 obtain.

So there are three possibilities of spelling out the reference to the rules of IFIDs of promising in condition (9). I do not see which of them should, or could reasonably, be assumed: each has its own serious weaknesses. The reference to conditions (1–9) conforms to Alston's overall conception of the rules – but if we adopted the relevant reference in condition (9) then this condition would contain a reference to itself. The reference to conditions (1–8) avoids this problem, but it contradicts both the overall conception from which Searle proceeds and the actual statement of the rules of IFIDs of promising Searle provides. Furthermore, as I shall argue in the third Part,²⁴⁴ by including a reference to condition (8) it involves circularity. The reference to conditions (2–7) is (roughly) compatible with Searle's actual statement of the rules of IFIDs of promising; however, it is, firstly, not the version Searle actually states and, secondly, it contradicts his overall conception of the rules of IFIDs. The way I shall proceed is: all three versions Searle provides are mentioned as alternatives. In a preliminary formulation the reconstruction of condition (9) reads then as follows:

The semantical rules of the dialect spoken by S and H are such that T is correctly and sincerely uttered if and only if conditions 2–7 (1–8, 1–9) obtain.

Furthermore, a correction of condition (9) is necessary in anticipation of the main thesis of Searle's account (with which we will deal in § 6.5). In connection with this claim, Searle introduces a difference between the "rules of IFIDs" and *certain conventions*. The relation between them is represented as rather simple: the conventions "realise" the rules and the rules "underlie" the conventions. In general, according to Searle's account the meaning of linguistic tokens of actual languages consists of conventions, and these conventions are realisations of underlying rules. The following passage illustrates this:

²⁴² I ignore for the moment that, further, the rule Searle presents as derived from condition (7) is not covered by the routine of derivation.

²⁴³ SA, p. 62.

²⁴⁴ See § 8.2.

The fact that in French one can make a promise by saying "je promets" and in English one can make it by saying "I promise" is a matter of convention. But the fact that an utterance of a promising device (under appropriate conditions) counts as the undertaking of an obligation is a matter of rules and not a matter of the conventions of French or English. (SA, p. 39 f.)

According to this picture of the relation between conventions and rules, the meanings of linguistic tokens of *actual languages* are made up by the *conventions*. In contrast, the rules are *not* meant to directly apply to the tokens of particular languages but a more general *underlying* phenomenon. However, Searle himself seems not to have internalised the distinction on which he bases his main thesis: for sometimes he refers mistakenly to the entities bound up with actual languages as "rules". Consider, as an example, the following passage:

By reflecting on linguistic elements I can offer linguistic characterizations which do not record particular utterances but have a general character, deriving from the fact that the elements are governed by rules. The 'justification' I have for my linguistic intuitions as expressed in my linguistic characterizations is simply that I am a native speaker of a certain dialect of English and consequently have mastered the *rules of that dialect*, which mastery is both partially described by and manifested in my linguistic characterizations of elements of that dialect. (SA, p. 13; my italics)

According to Searle's picture of the relation between rules and conventions, there are not any rules of *this or that dialect*. There are the rules *underlying* the conventions of actual languages and dialects on the one hand, and the *conventions* of languages and dialects *realising* the rules on the other hand.²⁴⁵ Now, to come to the point, the same confusion occurs in the formulation of rule (9):

9. The semantical rules of the dialect spoken by S and H are such that [...]

Since Searle refers explicitly to the particular "dialect spoken by *S* and *H*", he must, according to his own terminology, be speaking of conventions, rather than rules. So we must replace "rules" by "conventions". We arrive at the following final statement of condition (9):

Re-statement of condition (9):

The semantical conventions of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 2–7 (1–8, 1–9) obtain.

§ 4.3 Conditions 7, 4, 5, and 6

Before considering the remaining conditions of Searle's analysis of promising, let me first summarise briefly those elements of Searle's conception of a promise which I have so far considered. It is presupposed in Searle's analysis, among other things, that the speaker issues a certain sentence. It is demanded of this sentence that it contain IFIDs of promising (condition (9)). It is further demanded that it "indicate" a certain propositional content (condition (2)), which content, it is demanded, be suited to the illocutionary act type of promising (condition (3)).

Furthermore, it is demanded of the speaker that she "mean what she says" (condition (8)). Since the sentence issued is bound by condition (9) to "indicate" a promise, this means that the speaker must "mean the utterance as a promise". And since conditions (2)

²⁴⁵ See also SA, p. 15, where "rules" are applied to the English word "apple" and the English definite article.

and (3) secure that the sentence "indicates" a certain propositional content p , the content of the speaker's meaning intention will be determined accordingly by condition (8). The analysis demands further that the hearer "understand the utterance" (condition (1.*)), which means, in Searle's account, that the intentions specified in condition (8) are satisfied.

That the sentence issued "indicates" a promise means, according to Searle's conception of sentence meaning, that it is to be issued only if the speaker non-defectively and sincerely promises. Further – I chose this feature to mark the transition from the "little" to the "large" illocutionary act conception –, one of the rules makes it the case that the speaker becomes obliged to carry out what she promises, given that certain further conditions obtain.

Let us turn to condition (7). What it demands is that the speaker *intends* to undertake this obligation to carry out what she promises:

7. S intends that the utterance of T will place him under an obligation to do A. (SA, p. 60)

This condition is called the "essential condition"²⁴⁶. Searle makes clear that condition (7) is meant to be necessary for the mere performance of a promise – as contrasted with the conditions of the *non-defectiveness* of a promise. Over and above the fact that necessity is suggested by the name of an "essential condition", the following passage is unambiguous:

It is clear [...] that having this intention is a necessary condition of making a promise, for if a speaker can demonstrate that he did not have this intention in a given utterance he can prove that the utterance was not a promise. We know, for example, that Mr Pickwick did not really promise to marry the woman because he did not have the appropriate intention. (SA, p. 60)

In a comment on condition (7) Searle points out that "[t]he essential feature of a promise is that it is the undertaking of an obligation to perform a certain act"²⁴⁷, and he suggests that condition (7), although it demands only *the intention* to become obliged, would explain that the obligation actually comes about; "further conditions", he says, "will make clear how that intention is realized"²⁴⁸. In accordance with Alston²⁴⁹, I think that the conditions of Searle's analysis of promising do not together explain the occurrence of an obligation, or at any rate I think that condition (7) is not here involved. – In Searle's account the obligation is introduced by rule (5) of the IFIDs of promising: it says that issuing (this or that) sentence (subject to the rules of IFIDs of promising) counts as the undertaking of an obligation; the application of this rule is secured by *condition (9)* of the analysis, demanding that the sentence is subject to rules of the IFIDs of promising, alone. So condition (7), according to Searle's account, appears not to be involved.

Next we turn to the so-called "preparatory conditions" in Searle's analysis of promising, conditions (4) and (5), which go thus:

4. H would prefer S's doing A to his not doing A, and S believes H would prefer his doing A to his not doing A. [...]

5. It is not obvious to both S and H that S will do A in the normal course of events. (SA, pp. 58 f.)

²⁴⁶ SA, p. 60.

²⁴⁷ SA, p. 60.

²⁴⁸ SA, p. 60.

²⁴⁹ Alston (2000), p. 65.

These conditions, too, are unambiguously marked as *necessary* conditions of a successful promise, rather than mere conditions of non-defectiveness of the promise. Remember the remark Searle drops about the applicability of rule (5):

These rules are ordered: rules 2-5 apply only if rule 1 is satisfied, and rule 5 applies only if rules 2 and 3 are satisfied as well. (SA, p. 63)

To say that rules (2) and (3) of the IFIDs of promising are "satisfied", I have above emphasised, is just to demand that conditions (4) and (5) of Searle's analysis of promising are satisfied. Remember also that the obligation brought about by rule (5) is the "essential feature of a promise"²⁵⁰: if the promise succeeds, the obligation will be present, too. Thus if the obligation comes about only if conditions (4) and (5) obtain, it follows that these must be necessary for the success of a promise.

Finally, let us consider condition (6) of the analysis of promising: it concerns the sincerity of the speaker. One of the characteristics of (many) illocutionary acts is that they can involve insincerity. When, for example, I state something which I do not believe then my statement is insincere. Or when I give someone advice which, I think, is bad advice then I advise her insincerely. In the case of promising to be sincere is to intend to carry out the action one promises. Searle demands this in condition (6):

6. S intends to do A. (SA, p. 60)

As Searle recognises, sincerity is *not essential* for the success of a promise. It is possible (though not honest) to promise even when one does *not* intend to do what one promises. In the terminology Searle suggests, insincerity seems not to be a "defect" of the act either. Remember that Searle's analysis is announced as an analysis of the non-defective *and sincere* promise:²⁵¹ if insincerity was a defect it would be unnecessary to specially mention it. This choice seems somewhat strange to me: Why should insincerity not be a "defect": is it not rather a prototypical candidate for this predicate? – However, since this question is merely of terminological relevance and not of any further importance I will do without treating it in any detail.

§ 4.4 Summary of the analysis of promising

Let me summarise my whole reconstruction of Searle's analysis of promising, applying the various corrections and amendments I suggested during my representation, and including my reconstruction of Searle's statement of the rules of IFIDs of promising.

Given a situation with a speaker *S* and a hearer *H*, who are both conscious of what they are doing, know how to speak the language (which *S* will use), do not have any impediments to communication and are not acting in a play, joking or the like, and further given that *S* issues a well-formed, unambiguous and Searle-explicit sentence *T* in the presence of *H* then,

in the literal utterance of *T*, *S* explicitly, sincerely and nondefectively promises that *p* to *H*. iff conditions (1)-(9) obtain.

(1.*) The knowledge *K* that the states of affairs specified by the meaning of *T* obtain (that *S* is promising that *P*) is produced in *H* by means of *S*'s intention to produce it, which recognition is achieved in virtue of *H*'s knowledge of the meaning of *T*.

²⁵⁰ SA, p. 60.

²⁵¹ See SA, p. 57.

- (2.) S expresses the proposition that *p* in the utterance of *T*.
- (3.) In expressing that *p*, S predicates a future act *A* of S.
- (4.) *H* would prefer S's doing *A* to his not doing *A*, and S believes *H* would prefer his doing *A* to his not doing *A*.
- (5.) It is not obvious to both *S* and *H* that S will do *A* in the normal course of events.
- (6.) S intends to do *A*.
- (7.) S intends that the utterance of *T* will place him under an obligation to do *A*.
- (8.) In the utterance of *T*...
 - (a) S intends (*i*-1) the utterance of *T* to produce in *H* the knowledge (*K*) that the states of affairs specified by the meaning of *T* obtain (S is promising to do *A*).
 - (b) S intends to produce *K* by means of the recognition of *i*-1.
 - (c) S intends that *i*-1 will be recognised in virtue of *H*'s knowledge of the meaning of *T*.
- (9.) The semantical conventions of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 2–7 (1–8, 1–9) obtain.

- Rule 1.* *Pr* is to be issued only if it is part of a sentence *T* such that S expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, S predicates a future act *A* of S.
- Rule 2.* Given that *Pr* is issued as part of a sentence *T* such that S expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, S predicates a future act *A* of S then
Pr is to be uttered only if the hearer *H* would prefer S's doing *A* to his not doing *A*, and S believes *H* would prefer S's doing *A* to his not doing *A*.
- Rule 3.* Given that *Pr* is issued as part of a sentence *T* such that S expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, S predicates a future act *A* of S then
Pr is to be uttered only if it is not obvious to both S and *H* that S will do *A* in the normal course of events.
- Rule 4.* Given that *Pr* is issued as part of a sentence *T* such that S expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, S predicates a future act *A* of S then
Pr is to be uttered only if S intends to do *A*.
- Rule (c. 7).* Given that *Pr* is issued as part of a sentence *T* such that S expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, S predicates a future act *A* of S then
Pr is to be uttered only if S intends that the utterance of *T* will place him under an obligation to do *A*.
- Rule 5.* Given that *Pr* is issued as part of a sentence *T* such that S expresses the proposition that *p* in the utterance of *T*, and in expressing that *p*, S predicates a future act *A* of S, and
 given that *H* would prefer S's doing *A* to his not doing *A*, and S believes *H* would prefer S's doing *A* to his not doing *A* and given it is not obvious to both S and *H* that S will do *A* in the normal course of events, then
 the utterance of *Pr* counts as the undertaking of an obligation to do *A*.

Let me emphasise that nearly all of these conditions appear to be necessary for the success of a promise, rather than being merely conditions of additional non-defectiveness. Searle says this explicitly with respect to condition (7), the "essential" condition. The necessity of the propositional content conditions ((2) and (3)) and the preparatory conditions ((4) and (5)) follows from the fact that they are conditions of the applicability of rule (5): if the commitment constituted by rule (5) occurs only under these conditions then they must be necessary for the success of the promise. Condition (8), that the speaker means what she says, seems anyway to be part of the very core of an illocutionary act. Furthermore, its satisfaction is presupposed by condition (1.*), that the hearer "understands the utterance": and condition (1.*) itself is unambiguously identified as necessary for the success of an illocutionary act in *AoLaIA*. Condition (9) demands that the sentence issued contain rules of IFIDs of promising: since it is these rules which contain the element constituting the obligation bound up with promises (rule (5)), and since this obligation is an essential part of any successful promise, condition (9) is necessary for the mere success, too. So we arrive at the result that there is only one condition in the above analy-

sis which is clearly represented as not necessary: condition (6), the demand for sincerity of the speaker.

§ 4.5 Excursus: Searle's "little" illocutionary act conception

My reconstruction of Searle's analysis of promising was divided into two parts: I first introduced a set of conditions which can be ascribed (roughly)²⁵² to what I call the "little" illocutionary act conception – a conception of illocutionary acts which differs from the one Searle finally adopts. I assume that Searle must have had such a conception in mind because of a number of passages which are inconsistent with the conception he does adopt, and which seem to suggest something like the "little" conception. In this section I introduce some of these passages in order to defend my claim.

Since Searle does not explicitly develop the "little" conception, it is not possible to make a definite reconstruction of it. However, it seems at least that according to this conception illocutionary acts need not have any conventional consequences; furthermore, no external conditions for the success of the act as, for instance, Searle's preparatory conditions, seem to be necessary. Roughly speaking, the "little" conception seems then to suggest an illocutionary act which consists of saying something, meaning something (perhaps, particularly, what one says), and getting oneself understood.

(1) Let me start with the following passage:

In the case of illocutionary acts we *succeed in doing what we are trying to do* by getting our audience to recognize what we are trying to do. But the 'effect' on the hearer is not a belief or response, it consists simply in the hearer understanding the utterance of the speaker. It is this effect that I have been calling the illocutionary effect. (SA, p. 47; my italics)

According to the "large" illocutionary act conception, illocutionary acts involve the production of certain conventional effects, and there are certain external conditions as, for instance, preparatory conditions, which must be satisfied in order for the act to succeed. If, now, in the above passage the illocutionary act is represented as an act which succeeds *as soon as* the audience recognises what the speaker does then this suggests that there are no further external conditions.

(2) Furthermore, in the above passage Searle calls the effect of understanding "*the illocutionary effect*" – he does so repeatedly.²⁵³ Note especially that Searle constantly speaks, not only of *some*, but actually of *the* illocutionary effect. According to the "large" illocutionary act conception, it is a very prominent effect essentially connected with illocutionary acts that certain conventional states of affairs come about. Indeed, Austin used the reference to these effects in order to make the difference between illocutionary and perlocutionary acts. The securing of "uptake" is in such a conception the means to a further end, the production of conventional effects. If, now, the securing of "uptake" is called the "illocutionary effect" then this suggests that there is no crucial effect over and above the securing of "uptake": this terminological choice suggests that illocutionary acts do not (necessarily) involve the production of conventional effects.

(3) In the following passage Searle is even more explicit:

²⁵² Since Searle does not explicitly develop the "little" conception, it is not possible to say what it will precisely look like.

²⁵³ See SA, pp. 45, 46, 48, 50, 60, and 61.

Some very simple sorts of illocutionary acts can indeed be performed apart from any use of any conventional devices at all, simply by getting the audience to recognize certain of one's intentions in behaving in a certain way. And these possibilities show us the limitations and weaknesses of the analogy with games, for one cannot, e.g., score a touchdown at all apart from invoking certain conventions (rules). (SA, p. 38)

With "conventions (rules)" Searle clearly refers to his conventions (rules) of IFIDs, which are, among other things, meant to constitute the conventional effect of the act. Now if an act can be performed without the use of any constitutive rules then it cannot entail any conventional effects. And if it can succeed simply by getting the audience to recognize certain of one's intentions then it cannot have any preparatory conditions as essential conditions of the success of the act. Thus Searle implies that there are some illocutionary acts not essentially involving any conventional effect or preparatory conditions, which entails that the illocutionary act *in general* cannot require the involvement of such conditions and such effects.

(4) Another piece of evidence for the "little" illocutionary act conception is connected with one of the fundamental claims Searle defends in SA: The illocutionary act, he claims, is the "minimal unit of linguistic communication".²⁵⁴ According to the "large" illocutionary act conception this claim would seem to be quite absurd: If illocutionary acts have conventional effects and preparatory conditions then linguistic communication is obviously *not sufficient* for their performance. In contrast, if illocutionary acts consisted merely in saying something, meaning it, and getting understood, then this claim may at least earn a *prima-facie* plausibility.

(5) Furthermore, consider a later passage about what problems Searle's account is supposed to be faced with by the phenomenon of indirect illocutionary acts:

The problem posed by indirect speech acts is the problem of how it is possible for the speaker to say one thing and mean that but also to mean something else. And since meaning consists in part in the intention to produce understanding in the hearer, a large part of that problem is that of how it is possible for the hearer to understand the indirect speech act when the sentence he hears and understands means something else. (ISA, p. 31)

In Searle's "large" conception, illocutionary acts are meant to contain conventional effects like the commitment involved in promising. Such states of affairs must be constituted somehow, and according to the main thesis of Searle's account in SA, the conventional effects of a given act type are meant to be constituted by the rules of the IFIDs of this act type.²⁵⁵ Now, actually, there is a serious problem *for this main thesis* posed by the case of non-literal performances of illocutionary acts, among which indirect illocutionary acts are a special case: in these cases the rules of the IFIDs of the act type performed need not be present just because the sentence need not "indicate" the act performed, and thus cannot constitute the conventional consequences. In fact, these cases seem straightforwardly to falsify the very core of Searle's account.

In the above passage, however, Searle speaks as if this problem were not at all present. According to this passage, *the only* problem is to explain how meaning and understanding can work in indirect cases. The problem of how illocutionary acts, or their conventional effects, can be constituted appears to be entirely absent, which suggests that the concep-

²⁵⁴ I shall be concerned with this claim in more detail in § 6.2.

²⁵⁵ See § 6.5.

tion of an illocutionary act Searle adopts here does not essentially involve any such consequences.

(6) Consider finally a passage from a recent interview, where Searle explicitly identifies the illocutionary act as "a matter of communicating a message":

[When asked how illocutionary acts differ from perlocutionary acts:] Well, that's easy. I think the perlocutionary act is a matter of the effect that your speech act has on the hearer once he or she understands it. But the illocutionary act is a matter of communicating a message. There the illocutionary effect is one of understanding. (Searle (1999), n.p.)

That the illocutionary act "is a matter of" communicating a message, strongly sounds as if it is nothing other, and nothing more, than an act of communicating a message.

To sum up these remarks: there are a number of passages which are inconsistent with the ("large") conception of illocutionary acts Searle finally commits himself to in *SA*, and which suggest a, say, less "comprehensive" conception of the illocutionary act. According to this conception the attempt to perform an illocutionary act consists, roughly, in saying something and being understood. No conventional consequences and no further external conditions are required; according to this conception, the illocutionary act is successful as soon as the "illocutionary effect" is achieved, that is, as soon as the hearer understands what the speaker means.

5

Searle's attempts to generalise

§ 5.1 Searle's programme

What I have so far introduced of Searle's account of illocutionary acts is an analysis of one single (supposed) illocutionary act type, namely, promising. But Searle claims to provide, not merely an analysis of the special illocutionary act type of promising, but a *general* account of illocutionary acts: he explicitly announces in advance a "full dress analysis of the illocutionary act"²⁵⁶. Now an analysis of one single type can certainly not be viewed as an analysis of the general phenomenon: I certainly do not have analysed the Pizza in general when I have analysed the Pizza Hawaii. The analysis of promising is at most a first step, and further steps must follow.

How then to continue? – To start with, Searle proceeds from the assumption that his analysis of promising is the analysis of a *paradigmatic* case of illocutionary act. And he supposes that his analysis "has more than local interest, and many of the lessons to be learned from it are of general application"²⁵⁷. What lessons does he have in mind? – Actually, Searle suggests exactly one lesson (and he suggests it in a way which leaves a number of crucial questions open): he suggests that (some of) *the categories he applied to the conditions of promising are somehow of crucial importance*: "If the analysis is of any general interest beyond the case of promising", he says, then "these distinctions should carry over into other types of illocutionary act, and I think a little reflection will show that they do"²⁵⁸. He then presents us a table with pieces of information concerning seven further illocutionary act types, where the pieces of information are ordered according to the categories he had applied in the analysis of promising such as, for example, "Preparatory" (applied to conditions (4) and (5)), "Sincerity" (applied to condition (6)), and "Essential" (applied to condition (7)). He seems to assume that this table and the scheme applied in the analysis of promising will together enable us to make analyses of further illocutionary act types, like request, assert, greet, and congratulate.

However, even if we assume that we are indeed able to construct analyses of these further types tackled in the table by means of using the scheme applied in the analysis of promising, together with the information given in the table – this would still not bring us to our final destination. The analyses of promising and about half a dozen of further illo-

²⁵⁶ SA, p. 54.

²⁵⁷ SA, p. 54.

²⁵⁸ SA, p. 64.

cutionary act types would still not be what Searle had announced: a "full dress analysis of the illocutionary act" (in general). *At least one further step is still missing.* And, to say it plainly, despite his announcement, Searle's account just does not contain any "full dress analysis of the illocutionary act". He merely provides *some steps on the way to* such an analysis. In this section I shall present Searle's programme of defining the illocutionary act – I shall sometimes speak, for short, of "Searle's programme" –, that is, how, according to what he provides us with, he seems to conceive of the movement from his analysis of promising to a general definition of the illocutionary act.

To start with, let us again come back to Searle's remarks about the status of the analysis of promising and the role of the categories which are applied in the analysis of promising. I said that he ascribes to promising a "paradigmatic" status: After announcing his "full-dress analysis" of the illocutionary act, he leads up to his analysis of promising in order to justify why he starts with this, rather than any other act type. He justifies his choice by arguing that promising "is fairly formal and well articulated; like a mountainous terrain, it exhibits its geographical features starkly"²⁵⁹. So the first step on the way to the analysis of the illocutionary act is the analysis of promising, and it is supposed to be a step into the right direction because it is supposed to be in some way paradigmatic. Let me nail this down as the first step of Searle's programme of analysing the illocutionary act:

Step (1) of Searle's programme of defining the illocutionary act:

We make an analysis of promising – because we assume that it is a paradigmatic case.

Remember further the role Searle ascribes to those categories which he uses in this analysis. He says: "If the analysis is of any general interest beyond the case of promising, then it would seem that these distinctions should carry over into other types of illocutionary act"²⁶⁰. It follows that if the distinctions (categories) applied in the analysis of promising do *not* carry over in the case of further illocutionary act types then the analysis will *not* be of any general interest. We can conclude that it is precisely these categories to which Searle entrusts the burden of getting us from the particular case (promising) to the general case (the illocutionary act). And the second step on the way to a general analysis of the illocutionary act seems to be to *test* whether the categories applied in the case of promising *actually do* "carry over" into analyses of further illocutionary act types. Let me state this as the second step of the programme:

Step (2) of Searle's programme of defining the illocutionary act:

We test whether the categories applied in the analysis of a paradigmatic case "carry over" into analyses of further illocutionary act types.

However, we are not yet arrived at our destination, a definition of the illocutionary act. What will be the next step, or steps? – Searle does not give us any explicit information; but in the light of the nature of step (2) we can expect that it is meant to be tackled by use of, or by recourse to, the categories Searle has applied in the analysis of promising: for it is the value of these categories which shall be tested by step (2). That is, we can expect that, regardless how many steps are further to be made, these categories will be crucial for

²⁵⁹ SA, p. 54.

²⁶⁰ SA, p. 64.

reaching the final aim, the definition of the illocutionary act in general. I suggest then, putting all the further steps necessary in one, to outline the third and final step as follows:

Step (3) of Searle's programme of defining the illocutionary act:

We define the illocutionary act in general in terms of the categories applied in the analysis of step (1) – given they have proved their worth in step (2).

Let me at this point make some remarks about a tacit presupposition I am constantly making, that *it is in fact possible* to define the notion of an illocutionary act. Step (3) of Searle's programme, *as I construe it*, results in a general definition – a task which Searle's account, despite his announcement of a "full blown analysis" of the illocutionary act, does not achieve.²⁶¹ However, one might want to argue, perhaps Searle *does not at all intend* to make a general analysis into watertight necessary and sufficient conditions, believing that this task cannot possibly be reached; this objection might be backed up by a certain remark of Searle's about the problem of vagueness as something we are faced with in attempting to analyse the concept of promising. Consider the following passage:

In order to give an analysis of the illocutionary act of promising I shall ask what conditions are necessary and sufficient for the act of promising to have been successfully and non-defectively performed in the utterance of a given sentence. I shall attempt to answer this question by stating these conditions as a set of propositions such that the conjunction of the members of the set entails the proposition that a speaker made a successful and non-defective promise, and the proposition that the speaker made such a promise entails this conjunction. Thus each condition will be a necessary condition for the successful and non-defective performance of the act of promising, and taken collectively the set of conditions will be a sufficient condition for such a performance. [...]

So described, my enterprise must seem to have a somewhat archaic and periodic flavor. One of the most important insights of recent work in the philosophy of language is that most non-technical concepts in ordinary language lack absolutely strict rules. The concepts of *game*, or *chair*, or *promise* do not have absolutely knockdown necessary and sufficient conditions, such that unless they are satisfied something cannot be a game or a chair or a promise, and given that they are satisfied in a given case that case must be, cannot but be, a game or a chair or a promise. But this insight into the looseness of our concepts, and its attendant jargon of "family resemblance" should not lead us into a rejection of the very enterprise of philosophical analysis; rather the conclusion to be drawn is that certain forms of analysis, especially analysis into necessary and sufficient conditions, are likely to involve (in varying degrees) idealization of the concept analyzed. In the present case, our analysis will be directed at the center of the concept of promising. I am ignoring marginal, fringe, and partially defective promises. This approach has the consequence that counter-examples can be produced of ordinary uses of the word "promise" which do not fit the analysis. Some of these counter-examples I shall discuss. Their existence does not 'refute' the analysis, rather they require an explanation of why and how they depart from the paradigm cases of promise making. (SA, p. 54/55)

Searle emphasises that *it might be impossible* to capture the concept of a promise by stating watertight necessary and sufficient conditions of promising. With this passage in mind, one may now argue that Searle could perhaps have intended us to extend this caveat to the problem of defining the concept of an illocutionary act: perhaps he has, one may continue, judged the project of an analysis of the illocutionary act in the sense of *watertight necessary and sufficient* conditions of an illocutionary act as an illusion, too.

I do not think that Searle wants to extend his remarks about vagueness to the concept of an illocutionary act, but even so I would not accept the argument. Notice that Searle's remark is about the concept *of a promise* rather than about the concept *of an illocutionary act*. Now it may well be that the term "promise" cannot perfectly be captured by necessary and sufficient conditions. It is a common concept, determined by the conceptions of

²⁶¹ Remember that with "Searle's account" I refer to a restricted number of texts, mainly to *IA* and *EaM*. In the *Foundations* Searle and Vanderveken provide an attempt to define the concept of the non-defective performance of an illocutionary act; I shall consider this in the third Part, § 7.1.

the single members of a linguistic, or cultural, community: given, for example, that these members vary in their personal conceptions concerning "promising", it may be that the "conventional" concept of "promising" is blurred, or ambiguous. It seems to me to be considerations like these which lie behind what Searle says in the above passage, and I would, at least for the sake of the argument, accept the point with respect to promising.

But notice, on the other hand, that – in contrast to "promise" – "illocutionary act" is not a common concept: it is a purely technical term. How precise or vague it is depends on how precisely or vaguely it is stipulated. Since Austin was the one who introduced it, how precise or vague the concept is depends on how precisely or vaguely Austin stipulated it. Now the crucial point is: Searle's remarks in the recent quotation do not apply to technical terms, and they do not refer to Austin. Thus we cannot assume that he does, or even intends to, extend the above remarks to the notion of an illocutionary act.

One might want to reject the *prima-facie* view I adopt, arguing that technical terms needed not be defined in the way in which they were initially introduced. But it would at least still not follow (nor be correct) that Searle's remark about promising extended to the concept of an illocutionary act: for he explicitly *contrasts* his consideration with considerations about "technical concepts" – and "illocutionary act" is a technical concept.

Let me briefly take stock: I have attempted to analyse how Searle seems to conceive of the steps we are to take in order to arrive at a general analysis of "illocutionary act". The three steps I suggested are the following:

Searle's programme of defining the illocutionary act:

- Step (1):** We make an analysis of promising – because we assume that it is a paradigmatic case
Step (2): We test whether the categories applied in the analysis of a paradigmatic case "carry over" into analyses of further illocutionary act types.
Step (3): We define the illocutionary act in general in terms of the categories applied in the analysis of step (1) – given they have proved their worth in step (2).

We have already been concerned in detail with what Searle provides us with by way of attempting to make the first step. Next we turn to what Searle does in the course of making the second step, in order to test the categories used in the analysis of promising by applying them to further illocutionary act types, and to the question whether the categories he applies actually do "carry over" into the analyses of these types.

§ 5.2 Further illocutionary act types

Searle provides us with a table with pieces of information, I said, which is ordered according to some of the categories he had applied in the analysis of promising; the categories the table actually covers are "Propositional content", "Preparatory", "Sincerity", and "Essential". This is what Searle provides about the illocutionary act type of congratulating:

Types of rule	<i>Congratulate</i>
Propositional content	Some event, act, etc., <i>E</i> related to <i>H</i> .
Preparatory	<i>E</i> is in <i>H</i> 's interest and <i>S</i> believes <i>E</i> is in <i>H</i> 's interest.
Sincerity	<i>S</i> is pleased at <i>E</i> .
Essential	Counts as an expression of pleasure at <i>E</i> .
Comment:	"Congratulate" is similar to "thank" in that it is an expression of its sincerity condition. (<i>SA</i> , p. 66 f.)

In the light of Searle's analysis of promising, which contained no less than nine conditions, one may wonder how it can be that the table covers only four categories. There are three reasons.

(1) Searle classifies the categories "Propositional content", "Preparatory", "Sincerity", and "Essential" under "Types of *rule*", and not under "Types of *condition*". This shows that what Searle provides us here are actually, not analyses of further illocutionary act types, but statements of the *rules of the IFIDs of further types*. Searle seems to assume that giving the latter is just as good as giving the first. Now recall that conditions (1), (8), and (9), of illocutionary act analyses are, according to Searle, irrelevant for the derivation of corresponding rules (because, he argues, condition (1) and conditions of the form of conditions (8) and (9) apply to all illocutionary act types). So the first reason why we have merely four categories – in contrast to the nine conditions of the analysis of promising – is that the table contains no direct information concerning conditions (1), (8), and (9).

(2) Furthermore, according to Searle's mode of presentation the two propositional content conditions of the analysis result in merely one rule of IFIDs.

(3) We might then still expect five categories, as in Searle's analysis of IFIDs of promising, but merely have four. The reason is again rather trivial: Remember that Searle's rules of IFIDs of promising entailed two preparatory rules. In the above table the information for these two preparatory rules is subsumed in one category.

Let me next consider two further examples of sets of rules of IFIDs of illocutionary act types Searle gives us in the table, in order to point to some peculiarities. I shall start with greeting. The information Searle gives for this act is this:

Types of rules	<i>Greet</i>
Propositional content	None.
Preparatory	<i>S</i> has just encountered (or been introduced to, etc.) <i>H</i> .
Sincerity	None.
Essential	Counts as courteous recognition of <i>H</i> by <i>S</i> .
Comment	[None.] (<i>SA</i> , p. 66 f.)

As Searle himself recognises, it leaps to the eye that "... [g]reetings are a much simpler kind of speech act"²⁶². And, of course, in contrast to the fact that Searle suggests four categories as connected with illocutionary acts, greeting merits merely two of them: the categories "Preparatory" and "Essential".

The second type I want to specially consider is requesting:

Types of rule	<i>Request</i>
Propositional content	Future act <i>A</i> of <i>H</i> .
Preparatory	1. <i>H</i> is able to do <i>A</i> . <i>S</i> believes <i>H</i> is able to do <i>A</i> . 2. It is not obvious to both <i>S</i> and <i>H</i> that <i>H</i> will do <i>A</i> in the normal course of events of his own accord.
Sincerity	<i>S</i> wants <i>H</i> to do <i>A</i> .
Essential	Counts as an attempt to get <i>H</i> to do <i>A</i> .
Comment:	<i>Order</i> and <i>command</i> have the additional preparatory rule that <i>S</i> must be in a position of authority over <i>H</i> . <i>Command</i> probably does not have the 'pragmatic' condition requiring non-obviousness. Furthermore in both, the authority relationship infects the essential condition because the utterance counts as an attempt to get <i>H</i> to do <i>A</i> in virtue of the authority of <i>S</i> over <i>H</i> . (<i>SA</i> , p. 66 f.)

²⁶² *SA*, p. 63.

Notice especially the information given under "Essential". This captures the effect which is meant to be, say, "internal" to the act of requesting. As I have already mentioned, in the main thesis of his account Searle proceeds, quite in accordance with Austin's conception of illocutionary acts, from the assumption that these acts involve the production of conventional effects. In the analysis of promising it is actually the "*essential*" condition (demanding an intention of the speaker to produce the effect) and the "*essential*" rule (constituting the effect) which are meant to account for this feature.

But consider now the information given under "Essential" in the table about requesting: "Counts as an attempt to get *H* to do *A*." Searle suggests, as the conventional effect bound up with requests, the state of affairs that the speaker attempts to make another person do something. And he presents this effect quite as if it were a conventional state of affairs, by suggesting that the issuance of the sentence "*counts as*" an attempt. Notice, however, that an attempt *actually is not* a conventional state of affairs: I can attempt something without employing any conventions. So there is a discrepancy between the main thesis of Searle's account, which implies that illocutionary acts essentially have conventional effects, and the material he provides us as analysing the illocutionary act of requesting.

This peculiarity is not restricted to Searle's presentation of "requests": According to Searle's table we seem faced more or less clearly with the same discrepancy in the cases of "Question" ("counts as" an attempt to elicit information), "Thank (for)" ("counts as" an expression of gratitude or appreciation), and "Congratulate" ("counts as" an expression of pleasure).

Let me summarise the results of this brief examination of Searle's table. The overall question, in the light of Searle's programme, is whether the categories Searle had used would "carry over" into the analyses of further illocutionary act types. And the answer seems to be: Not all of them are applicable in all cases. Furthermore, the category "Essential" contains in some cases information which seems to reach across to Austin's demand for a "conventional effect". But at least some of the categories are applicable to some illocutionary acts, and two ("Essential" and "Preparatory") apply to all acts which Searle tackles in his table.

One may be tempted to doubt whether this result can be valued as a success: is it really enough, one might ask, that *merely some* of the categories are applicable in all cases? Furthermore, *what about the cases of requesting, and some further cases*, in which the consequences represented under "Essential" are not "conventional" ones? – However, as we have seen, at least Searle himself judges the result as satisfactory: He finds that we can say that the categories "carry over into other types of illocutionary act"²⁶³.

§ 5.3 Indirect illocutionary acts

As we have seen, the third step of Searle's programme, the definition of the notion of an illocutionary act, has not been taken in the writings which I consider for "Searle's account". Furthermore, in the case of the second step, the attempt to find general categories

²⁶³ SA, p. 64.

for the third step, it is far from clear that it is properly taken: for *only some* of the categories Searle suggests do "carry over" to other illocutionary act types, as he demands that they should, and the range of act types Searle actually considers in *SA* is anyway quite limited. But there is a problem in advance of all concern whether step (2) and step (3) are properly taken: First of all the result of step (1), the analysis of a paradigmatic illocutionary act type, needed to be presented. However, as we have seen, in Searle's account the first step is not properly taken.

Remember that what I have constantly been calling Searle's "analysis of promising" is actually not a proper general analysis of this act type. The analysis, as provided in *SA*, is restricted in its scope in a number of respects – so it is *not a general analysis*. And the analysandum was qualified in a number of ways – so it is *not really an analysis of promising*: I argued in the third Chapter that it is (roughly) an analysis of the *explicit, sincere and non-defective promise performed in the literal issuance of a sentence*. Furthermore, the analysis is restricted in its scope to cases in which a speaker *seriously* issues an *unambiguous* and *Searle-explicit* sentence *in the presence of some hearer*. Thus, as Searle himself says, it is the analysis of an "idealized case".

I find it highly doubtful that we should, following Searle's programme, base the general analysis of the illocutionary act on an analysis (or on categories used in an analysis) of an idealised case. Let me make a parallel example: If we based the analysis of the pizza in general on the analysis of the idealised case of a Pizza Napoletana then we could, for example, state the conditions that it is not oversalted, is baked in a wood-fired oven, and does not contain any cockroaches. And these conditions may even "carry over" into analyses of further pizzas, given that we apply the overall scheme of the paradigmatic analysis and analyse *idealised cases*. Nevertheless, if something is oversalted, baked in an electric oven and contains a cockroach it may still be a pizza (though not an "ideal case") – otherwise the expression "oversalted pizza", for example, would need to be a *contradictio in adiecto*.

Let me introduce a kind of problem which, I think, we are actually threatened by in the case of illocutionary acts. As an example let me consider what Searle calls the "sincerity condition". It is common sense that illocutionary acts need not be sincere; so sincerity is not a general condition of illocutionary acts; consequently, it may well seem doubtful whether an analysis of the illocutionary act in general need involve *any* reference to sincerity, albeit an indirect reference as made by Searle in his condition (6.a), at all. On the other hand, if we proceed from analyses of idealised cases, it may well happen that we involve a reference to sincerity: regardless whether sincerity has any essential connection to illocutionary acts, insincere cases seem not to be "ideal" cases and thus the analysis of at least some "ideal cases" will supposedly involve some clause excluding insincerity. Searle's analysis of promising indeed contains this condition. Now that this condition is stated, it may further well "carry over" into further parallel analyses of idealised cases of (most) illocutionary act types, and in Searle's account it does so. So Searle's original way of proceeding, by starting from "idealised cases", seems to involve us in a tendency towards the conclusion that certain features of "idealised" illocutionary acts, like sincerity, are ones in terms of which the illocutionary act in general is to be analysed; Searle's account indeed strongly suggests this with respect to sincerity.

This latter conclusion, however, is dangerous. Perhaps no single illocutionary act needs sincerity for its obtainment, and there are some illocutionary act types which do not even have any sincerity condition – greeting, according to Searle's table, does not. What, then, could motivate us to make reference to sincerity, or any condition involving sincerity, in making the *general* definition of the notion of an "illocutionary act"? But since Searle starts from the analysis of an "idealized case", and since the sincerity condition "carries over" into some, or many, further analyses of illocutionary act types, Searle's programme seems to urge us to accept that the recourse to (in)sincerity is essential for the concept of an illocutionary act in general.

I do not want to suggest that these remarks exhaust the issue: all I would like to maintain at present is that *prima facie* it seems dangerous to be, in making step (1) of Searle's programme, content with the analysis of an "idealized case". It would certainly be *less dangerous* to start from an analysis of a paradigmatic case into *necessary and sufficient* conditions, and without any restrictions of the scope. In fact, at least Searle himself appears to agree: for he attempts later, in *EaM*, to cope for some of the cases excluded by his idealisation in *SA*. In particular, he tries (1) to explain illocutionary acts which are not performed "*in the literal utterance*" of the sentence; and he attempts (2) to explain why in cases of *non-serious* issuances no illocutionary act is performed (which he assumes as a plain fact). This section and the following ones will be devoted to an analysis of his relevant efforts.

Let me start with what Searle calls "indirect speech acts". One of Searle's "idealising" qualifications of the analysandum restricted the analysis to cases performed "in the literal utterance" of a sentence, cases in which what the speaker means is nothing but what the sentence issued means. It is clear, or at least Searle does not deny, that illocutionary acts need not be performed in the literal issuance of a sentence. One kind of illocutionary act where the act is not performed "in the literal issuance" of the sentence is what Searle calls the "indirect speech act".

In *SA* Searle mentions the case in which speakers *mean more than what they say* by reference to an example which can be viewed as an "indirect" illocutionary act:

Often we mean more than we actually say. [...] I might say "I'll come" and mean it as a promise to come, i.e., mean it as I would mean "I promise that I will come", if I were uttering that sentence and meaning literally what I say. (*SA*, p. 19)

Despite the fact that Searle has recognised these cases, his analysis of promising does not cover them: for they are not performed in the literal issuance of the sentence and thus do not satisfy condition (8) of the analysis. For example, the speaker is there required to rely for his intention to get understood (merely) on the meaning of the sentence (8.c). This can be required only if the sentence indicates the illocutionary act in question. In the case of an indirect illocutionary act, however, the sentence *does not* (necessarily) indicate the respective illocutionary act, it will (usually, if not always) indicate another act. Thus in these cases the speaker cannot be required to rely on what the sentence means.

In *ISA* Searle attempts now to cope with these cases of "indirect speech acts". He introduces the phenomenon by contrasting it to the "direct" illocutionary act:

The simplest cases of meaning are those in which the speaker utters a sentence and means exactly and literally what he says. In such cases the speaker intends to produce a certain illocutionary effect in the hearer, and he intends to produce this effect by getting the hearer to recognize his intention to produce it, and he intends to get the hearer to recognize this intention in virtue of the hearer's knowledge of the rules that govern the utterance of the sentence. But, notoriously, not all cases of meaning are this simple: In hints, insinuations,

irony, and metaphor – to mention a few examples – the speaker's utterance meaning and the sentence meaning come apart in various ways. One important class of such cases is that in which the speaker utters a sentence, means what he says, but also means something more. For example, a speaker may utter the sentence "I want you to do it" by way of requesting the hearer to do something. The utterance is incidentally meant as a statement, but it is also meant primarily as a request, a request made by way of making a statement. In such cases a sentence that contains the illocutionary force indicators for one kind of illocutionary act can be uttered to perform *in addition* another type of illocutionary act. There are also cases in which the speaker may utter a sentence and mean what he says and also mean another illocution with a different propositional content. For example, a speaker may utter the sentence "Can you reach the salt?" and mean it not merely as a question but as a request to pass the salt. (*ISA*, p. 30)

In order to provide a more detailed analysis of the matter, Searle introduces the following dialogue:

1. Student X: Let's go to the movies tonight
2. Student Y: I have to study for an exam. (*ISA*, p. 33)

The first student is supposed to make a proposal. Searle says that "the utterance constitutes a proposal in virtue of its meaning, in particular because of the meaning of 'Let's'"²⁶⁴. If so, then we may assume that the case can be explained in terms of Searle's account in *SA*. With the response of the second student, however, we come to an indirect illocutionary act performance:

The utterance of 2 in the context just given would normally constitute a rejection of the proposal, but not in virtue of its meaning. In virtue of its meaning it is simply a statement about *Y*. Statements of this form do not, in general, constitute rejections of proposals, even in cases in which they are made in response to a proposal. Thus, if *Y* had said:

5. I have to eat popcorn tonight

or:

6. I have to tie my shoes

in a normal context, neither of these utterances would have been a rejection of the proposal. (*SA*, p. 33)

As Searle presents the example, the second student's issuance is on the one hand a statement (as the form "I have to study for an exam" suggests), and on the other hand additionally a rejection of the proposal of the first student. These two illocutionary acts are related to each other: According to Searle's argument, one of the two illocutionary acts is performed "*by way of*" performing the other and *therefore* "indirect". This is precisely what makes up the basic idea behind the notion of an "indirect" illocutionary act:

The cases we will be discussing are indirect speech acts, cases in which one illocutionary act is performed indirectly by way of performing another. (*ISA*, p. 31)

Searle indirectly suggests that his analysis of promising (and parallel analyses of further types) could generally be applied in cases involving indirect illocutionary acts, *at least with respect to the direct act*. For according to Searle's presentation of indirect illocutionary acts, in all cases involving these acts there is a *direct* act, as well: and Searle assumes that direct illocutionary acts are in general literally performed²⁶⁵ (the "secondary" illocutionary act is the *direct* one, and the "primary" illocutionary act is the *indirect* one):

²⁶⁴ *ISA*, p. 33.

²⁶⁵ I do not think that it makes sense to restrict "direct" illocutionary acts to *literally performed* ones. I do say that it makes *prima facie* good sense to assume that the *indirect* illocutionary act is *never* literally performed. But I think it is entirely unnecessary to assume that *direct* illocutionary acts always *need to be literal*. Consider the following example: Mary requests Mark to kill a certain spider by way of pointing out how well he did that last time. She says, speaking metaphorically: "Oh, Mark, yesterday you killed that terrifying dragon in my palace ... there is another one ...". She will hardly have made an assertion to the effect that there was a dragon in her palace; but we may nevertheless assume that she has made a metaphorical assertion, and thereby further performed an indirect request. I do not see any reason *not to* describe this case in terms of the direct/indirect dichotomy; but the direct act is not literally performed.

In order to describe this case, let us introduce some terminology. Let us say that the *primary* illocutionary act performed in *Y*'s utterance is the rejection of the proposal made by *X*, and that *Y* does that by way of performing a *secondary* illocutionary act of making a statement to the effect that he has to prepare for an exam. He performs the secondary illocutionary act by way of uttering a sentence the *literal* meaning of which is such that its literal utterance constitutes a performance of that illocutionary act. We may, therefore, further say that the secondary illocutionary act is literal. (*ISA*, p. 33 f.)

The picture Searle seems to have in mind is this: His original account, as presented in *SA*, can be applied to cases of indirect illocutionary act performances; but it will in these cases only be applicable to the direct illocutionary act involved, whereas the indirect act cannot be explained.

Let me now turn in some more detail to the problems which indirect illocutionary acts pose for Searle's account. We cannot analyse indirect illocutionary acts parallel to Searle's analysis of promising. This analysis is restricted to acts performed "in the literal utterance of" a sentence, but indirect illocutionary acts will hardly ever be performed "in the literal utterance of" a sentence. If we now attempt to generalise the analysis of promising in order for it to cover indirect illocutionary acts as well, we will be confronted with certain difficulties.

Let us first see how Searle himself presents the matter; according to him, "the" problem we face is to explain how it can be that the hearer "understands the utterance" of the speaker:

The problem posed by indirect speech acts is the problem of how it is possible for the speaker to say one thing and mean that but also to mean something else. And since meaning consists in part in the intention to produce understanding in the hearer, a large part of that problem is that of how it is possible for the hearer to understand the indirect speech act when the sentence he hears and understands means something else. (*ISA*, p. 31)

Searle makes a suggestion how, in many cases, the miracle of hearer understanding can happen: In many cases, he claims, the sentence issued mentions information which is somehow associated to one or more of the "conditions that are necessary for the successful and felicitous performance of the act"²⁶⁶. We need not consider his solution in any detail here because it is beyond the scope of our interest: the question *how speakers succeed* in getting understood is rather an empirical than a philosophical question, and it does not contribute to the question how illocutionary acts are to be defined. However, in contrast to what Searle's presentation insinuates, there are *further* problems for his account posed by indirect illocutionary acts.

(1) One problem, which Searle does *not* emphasise, which, however, appears to have rather unpleasant consequences for his account, concerns his analysis of "meaning". Let me quickly repeat the history of this problem: Searle had criticised Grice for analysing "meaning" in terms of the intention to perform a *perlocutionary* act: he suggested instead analysing "meaning" in terms of the intention to perform a certain *illocutionary* act. His example was the act of greeting, in the course of which the speaker is supposed to be "(a) intending to get the hearer to recognize that he is being greeted, (b) intending to get him to recognize that he is being greeted by means of getting him to recognize one's intention to greet him, (c) intending to get him to recognize one's intention to greet him in virtue of his knowledge of the meaning of the sentence 'Hello'"²⁶⁷. This exposition of the

²⁶⁶ *ISA*; p. 44.

²⁶⁷ *SA*, p. 48 f.

Searle-S-meaning intentions entails a reference to the illocutionary act of greeting in specifying the content of meaning. In general, Searle's original idea presupposes that whenever a speaker "means" something then she is intending to make the hearer believe, of some illocutionary act, that she is performing this act.

Now in this preliminary formulation the analysis seems to raise a circularity problem. Searle intends, as the analysis of promising shows, to define illocutionary act types themselves in terms of (his conception of) "meaning". But defining what one means in greeting in terms of the act of greeting, and then defining the act of greeting in terms of what one means in greeting, seems circular. Searle recognised this peril and decided to determine what the speaker means *with reference to the meaning of the sentence* the speaker issues. In Searle's "model" in SA, this worked smoothly enough because what he analyses there is actually not what Grice analyses: Searle ends up with an analysis of (the special case of) meaning *what one says*, or "*literally*" issuing a sentence. In those *literal* cases, what the speaker means is (supposed to be) just the same as what the sentence issued means, and thus we can determine what the speaker means by reference to what the sentence issued means.

However, consider now the case of *indirect* illocutionary acts: They are probably never, but at least hardly ever, literally performed, which means that the sentence issued hardly ever means what the speaker means in performing the act. That is, if we determine what the speaker means in terms of what the sentence means *we will get a false result* in these cases. Consider Searle's own example: The second student says "I have to study for an exam". Maybe she directly performs a statement to the effect that she has to study for an exam, and assuming that she thereby means what the sentence means, the content of what she means can perhaps adequately be referred to by reference to what the sentence means. But consider now the *indirect* illocutionary act, the rejection of the proposal to go to the movies. What she thereby means is (something like) that she rejects the proposal to go to the movies. But we cannot determine the performance of a proposal by reference to the meaning of the sentence "I have to study for an exam". In general, we will hardly ever, or even categorically never, be able to determine what speakers mean in performing *indirect* illocutionary acts by detour through the meaning of the sentence issued. Searle's way out of the circularity threatening his analysis of promising, in the case of indirect illocutionary acts, turns out to be a blind alley.

Although Searle does not mention this problem at all, he appears to have recognised it. Searle's way of "coping with" the problem is to use the following description of an indirect illocutionary act of requesting:

In such cases it is important to emphasize that the utterance is meant as a request; that is, the speaker intends to produce in the hearer the knowledge that a request has been made to him, and he intends to produce this knowledge by means of getting the hearer to recognize his intention to produce it. (SA, p. 30 f.)

As we can clearly see, his "solution" consists just in returning to the original version: what the speaker means is determined by the straightforward reference to an illocutionary act. This, however, is exactly the version which, according to Searle's own opinion, causes circularity.

(2) There is a second problem for Searle's analysis of "meaning" posed by indirect illocutionary acts – a comparatively less dramatic one: In these cases the speaker cannot rely on the meaning of the sentence in the simple way which is demanded in the (c) part of

Searle's analysis of "meaning". As we can see in the recent quotation, Searle "solves" this problem by just dropping the (c) part (again without a word of comment). Note, by the way, that he thereby tacitly revokes the corresponding objection against Grice's account of "meaning" introduced in *SA*. He said there that we needed "to account for the extent to which meaning can be a matter of rules or conventions" and to "show the connection between one's meaning something by what one says, and what that which one says actually means in the language"²⁶⁸. In his description of the "meaning" intention complex involved in indirect illocutionary acts no such connection is left.

(3) A third, and again rather serious, problem is this: As we shall see in detail below,²⁶⁹ according to Searle's account, an illocutionary act of a given type must be *constituted* by the rules of IFIDs of this type. For example, a promise must be constituted by the rules of a linguistic device indicating a promise, and a rejection of a proposal must be constituted by the rules of a linguistic device indicating the rejection of a proposal. In the case of an *indirect* rejection of a proposal, however, the sentence does not (necessarily) indicate a rejection. Searle's own example, "I have to study for an exam", does not indicate a rejection, and Searle emphasises this. But if illocutionary acts of a given type are constituted by rules of IFIDs of this type, and if "I have to study for an exam" does not indicate the rejection of a proposal, how then can it be that this act is performed? This problem concerns the very core of Searle's basic assumptions about language and illocutionary acts, and therefore this is perhaps the most fundamental problem for his account: the account predicts that (at least) many indirect illocutionary acts are impossible, whereas they are plainly not.

§ 5.4 Metaphor and illocutionary act performance

A second case of non-literal issuances to which Searle devotes a separate article is metaphor: here, too, what the speaker means differs from what the sentence issued means. In the following passage Searle presents us with his view as to *what the problems posed by metaphor are*:

The existence of such utterances – utterances in which the speaker means metaphorically something different from what the sentence means literally – poses a series of questions for any theory of language and communication: What is metaphor, and how does it differ from both literal and other forms of figurative utterances? Why do we use expressions metaphorically instead of saying exactly and literally what we mean? How do metaphorical utterances work, that is, how is it possible for speakers to communicate to hearers when speaking metaphorically inasmuch as they do not say what they mean? And why do some metaphors work and others not?

In my discussion, I propose to tackle this latter set of questions – those centering around the problem of how metaphors work [...] (Searle (1979a), p. 76)

More particularly, under the question "how metaphors work" Searle again concentrates on the problem how it is possible that in these cases the hearer can understand the speaker.

Let me repeat, on the other hand, that the question how understanding is actually achieved is an empirical question. On the other hand, Searle again ignores the three

²⁶⁸ *SA*, p. 43.

²⁶⁹ See § 6.5.

problems I have introduced in the case of indirect speech acts, and which most probably concern metaphorical cases as well:

- (1) In the case of metaphor, the content of meaning cannot be determined in terms of the meaning of the sentence. Unless a solution for this problem is provided, Searle cannot be said to provide an account of "meaning" for his analysis of illocutionary acts: according to his own opinion, his original proposal involves the peril of circularity.
- (2) In the case of metaphor, the speaker does not satisfy the (c) part of Searle's analysis of "meaning", she does not intend the hearer to find out the illocutionary act performed by virtue of the meaning of the sentence issued.
- (3) In the case of metaphor, as in all cases of non-literally performed illocutionary acts, the sentence used is not bound to indicate the illocutionary act performed. It seems then that the third problem I mentioned in the case of indirect illocutionary acts occurs in the case of metaphorical issuances, too. The problem is that the metaphorical aspect might extend to the illocutionary act type (in contrast to the propositional content). Consider, for example, Mary requests Mark to remove a spider from her pillow by saying "My chivalrous! I hereby solemnly plead that you frighten that dragon away!". It is part of the metaphor that what the sentence indicates is a plead rather than a request. One might argue that in my example the "indicated" act type and the "meant" act type are at least both directive, but that an act type is directive does not mean that it is of the special kind of requesting. Thus it seems that we cannot say that the act "indicated" is a request, or that the sentence contains IFIDs of requesting. However, if we cannot say that the IFIDs present are IFIDs of requesting then it is doubtful whether we can account for the fact that a request is constituted, given that it needed to be constituted by IFIDs of requesting.

§ 5.5 The problem of fictional discourse

Another case which was not concerned in *SA* is what Searle calls "non-serious" issuances. One of the "normal input and output conditions" Searle had stated in condition (1) – which I have put into a restriction of the scope, as generally excluded from consideration, rather than implied by the concept of promising – was that speaker and hearer are "not acting in a play or telling jokes, etc". I have interpreted these two examples as standing, *pars pro toto*, for "non-serious" issuances. In *SA*, Searle characterises the concept of a "serious" issuance as contrasted "with play acting, teaching a language, reciting poems, practicing pronunciation, etc."²⁷⁰.

Searle discusses "non-serious" cases later in *The Logical Structure of Fictional Discourse* (1975, henceforth: *FicDis*). In fact, he assumes that they pose a fundamental problem for his account. To anticipate briefly: One of Searle's basic assumptions is that sentences determine the performance of illocutionary acts in a quite forcible way. Roughly speaking, he assumes that whenever someone literally issues a sentence which indicates an illocutionary act *x*, and some further conditions (like hearer's "uptake" and

²⁷⁰ *SA*, p. 57, Fn. 1.

the preparatory conditions of the act) obtain, then the speaker *will necessarily perform* *x*.²⁷¹

Imagine now, as an example, that Mark and Mary are acting in a play. Somewhere in the second scene Mary has to say, "I hereby promise to go" (just because this is what the script tells her). There seems no reason to assume that she will not be speaking literally. We may also well suppose that Mark will understand what she says and means. Remember further the preparatory conditions of promising, as Searle presents them:

4. H would prefer S's doing A to his not doing A, and S believes H would prefer his doing A to his not doing A. [...]
5. It is not obvious to both S and H that S will do A in the normal course of events. (SA, p. 58 f.)

Why not assume that Mark wishes that Mary leave the stage, and that Mary knows that; it may further not be obvious that Mary is going to leave the stage – for example, say, just because the script does not specify that. Without going into details we can initially say that our description threatens to suggest after all that Mary will have promised to go. One thing, however, is clear: under normal conditions she will hardly have done so in reciting what is prescribed in the script.

My introduction to the problem just given is rather vague. Unfortunately, Searle's presentation is not really detailed either. He introduces the problem in the following way:

I believe that speaking or writing in a language consists in performing speech acts of a quite specific kind called "illocutionary acts". These include making statements, asking questions, giving orders, making promises, apologizing, thanking, and so on. I also believe that there is a systematic set of relationships between the meanings of the words and sentences we utter and the illocutionary acts we perform in the utterance of those words and sentences.

Now for anybody who holds such a view the existence of fictional discourse poses a difficult problem.²⁷² We might put the problem in the form of a paradox: how can it be both the case that words and other elements in a fictional story have their ordinary meanings and yet the rules that attach to those words and other elements and determine their meanings are not complied with: how can it be the case in "Little Red Riding Hood" both that "red" means red and yet that the rules correlating "red" with red are not in force? This is only a preliminary formulation of our question and we shall have to attack the question more vigorously before we can even get a careful formulation of it. (*FicDis*, p. 58)

The final statement of the problem is posed with reference to an example. Searle takes it from novel-writing, which is another case of "non-serious" issuances: he introduces a passage from a novel by Iris Murdoch. The author provides us there with a number of declarative sentences: these, according to Searle's account, indicate assertions. With recourse to these sentences, Searle states the problem as follows:

[W]hat kind of illocutionary act can Miss Murdoch be performing? In particular, how can it be an assertion, since it complies with none of the rules peculiar to assertions? If, as I have claimed, the meaning of the sentence uttered by Miss Murdoch is determined by the linguistic rules that attach to the elements of the sentence, and if those rules determine that the literal utterance of the sentence is an assertion, and if, as I have been insisting, she is making a literal utterance of the sentence, then surely it must be an assertion; but it can't be an assertion since it does not comply with those rules that are specific to and constitutive of assertions. (*FicDis*, p. 63)

²⁷¹ We shall come to this issue in connection with what I call Searle's "FUNCTION claim" in § 6.6.

²⁷² I do not think that *anybody* who holds a view like the one described by Searle must face any such problem as Searle assumes. To say this, I think, the description is too vague by far. First, the belief that speaking a language consists in performing illocutionary acts, in general, does *certainly not* entail the problem. And, second, the postulation of some "systematic set of relationships" between linguistic meaning and the illocutionary act, unless the relationships are particularly specified, certainly does not, either. The problems Searle foists onto "every" account so described should, I think, cautiously be restricted to *his own* account.

Now one might consider the following solution: Why not assume that novel-writing (and, perhaps, further "making a statement" and "asking a question" in the course of the novel), as well as acting in a play and telling jokes are illocutionary act types of their own? Miss Murdoch would then not be asserting by her declarative sentences just because she would be involved in the "overall" illocutionary "mode" of writing a novel instead. Since she issues her sentences as part of a novel, and since everyone can see that they are part of a novel, the sentences are meant, and will be understood, as issued in the course of such an act. – Searle deals with such a kind of view, but only to put it aside:

Let us begin by considering one wrong answer to our question, an answer which some authors have in fact proposed. According to this answer, Miss Murdoch or any other writer of novels is not performing the illocutionary act of making an assertion but the illocutionary act of telling a story or writing a novel. On this theory, newspaper accounts contain one class of illocutionary acts (statements, assertions, descriptions, explanations) and fictional literature contains another class of illocutionary acts (writing stories, novels, poems, plays, etc.). (*FicDis*, p. 63)

In contrast to Searle, I find the view of novel-writing and joke-telling as classes of illocutionary acts not entirely absurd in advance. But Searle declines it. He announces that he is not going to "devote a great deal of space to demonstrating that [this view] is incorrect"²⁷³. The argument he provides us with in objection to this view is this:

(1) He assumes that sentences, when used in fiction, do not have different meanings than sentences used in non-fictional ("serious") cases (this, I think, is uncontroversial).

(2) He continues as follows:

But now if the sentences in a work of fiction were used to perform some completely different speech acts from those determined by their literal meaning, *they would have to have some other meaning*. Anyone therefore who wishes to claim that fiction contains different illocutionary acts from nonfiction is committed to the view that words do not have their normal meanings in works of fiction. (*FicDis*, p. 64; my italics)

(3) The conclusion he wants to suggest is obviously that, since the competing view must assume "non-normal" meanings of words in non-serious cases, and since this would be a false assumption, the view cannot be right.

The rejection of this argument is, I think, easy: It is entirely unnecessary for someone who assumes a separate illocutionary act type of novel-writing to subscribe to the claim foisted on her by Searle in (2). Of course, as we shall see, *Searle's own* account suggests that illocutionary acts are constituted, and determined in many ways, by sentence meaning. Thus it is *Searle's own* account which (apparently) suggests that the dissimilarity of illocutionary acts implies dissimilarity of the sentence meanings involved. But these assumptions, in fact, are far from being uncontroversial; they are rather *very peculiar*. The belief that novel-writing is an illocutionary act type does certainly not entail those peculiar assumptions Searle himself holds. One might, for example, do without all those determinations Searle assumes from sentences to illocutionary acts; one might admit that illocutionary acts can be (or generally are) constituted by extra-semantic conventions, that sentences do not determine the intentions of speakers issuing them in any way, and that in principle every sentence could literally be used to perform any illocutionary act whatsoever. – Such an account would certainly be less exciting than Searle's, but easier to defend, because it would claim much less. At any rate, Searle "disproves" the competing account only by way of forcing a number of *his own* peculiar assumptions upon it.

²⁷³ *FicDis*, p. 64.

However, let us now turn to Searle's attempt to cope with non-serious issuances. The "crux of the problem", he assumed, is that his account somehow suggests that the novel-writer, in writing declarative sentences, must be performing assertions. But it is obvious that she does not. Let me then first emphasise how Searle does *not* attempt to get rid of the problem: He does not claim that non-serious issuances needed to be non-literal:

The first thing to notice about both passages is that, with the possible exception of the one word *pottered* in Miss Murdoch's novel, all of the occurrences of the words are quite literal. Both authors are speaking (writing) literally. (*FicDis*, p. 61)

Instead, Searle starts his attempt to account for the problem with reference to "pretending":

[Miss Murdoch] is pretending, one could say, to make an assertion, or acting as if she were making an assertion, or going through the motions of making an assertion, or imitating the making of an assertion. (*FicDis*, p. 65)

Additionally to the notion of "pretending", he stipulates the existence of a certain set of conventions:

[W]hat makes works of fiction possible, I suggest, is a set of extralinguistic, nonsemantic conventions that break the connection between words and the world established by the rules [of the sentence issued]. (*FicDis*, p. 66)

That these "extralinguistic, nonsemantic conventions" "break the connection between words and the world established by the rules" (the determination of the illocutionary act by the meaning of the sentence issued) is meant to entail, more concretely, that they somehow manage it that the illocutionary act of asserting does not come about: Although the rules of the sentences are supposed to constitute assertions, the "extra-linguistic, non-semantic conventions" inhibit them from doing their job. Let me call these powerful conventions "anti-conventions".

These anti-conventions are obviously meant to apply in all cases in which "pretension" is involved. Since in fictional cases "pretension" is supposed to be involved, the anti-conventions are supposed to solve the problem that Miss Murdoch does not make assertions:

[...] [T]he pretended illocutions which constitute a work of fiction are made possible by the existence of a set of conventions which suspend the normal operation of the rules relating illocutionary acts and the world. (*FicDis*, p. 67)

So Searle "solves" the problem which fictional issuances are supposed to pose by assuming a set of extralinguistic anti-conventions which disable the semantical rules his account assumes as constituting illocutionary acts.

Let me apply his solution to the case with which we started: Mary says, in the second scene, "I hereby promise to go". The sentence indicates a promise to go and Mary is speaking literally. It might be that, as things happen, Mark actually wants her to leave the stage, and that she knows that; furthermore, it might be not obvious that she would leave the stage anyway. Thus the preparatory conditions of promising might be satisfied. It might also be that Mark understands both what the sentence means and what Mary means, and so on – to put it briefly, it might well be that all conditions necessary for a promise, according to Searle's analysis, are satisfied and thus it would in principle follow from Searle's original account that a promise has been performed: Searle will – obviously quite rightly – still maintain that no promise is performed. And the reason he suggests is

that in fictional cases the satisfaction of all necessary conditions is not sufficient: there are certain anti-conventions which are still capable of averting the promise.

§ 5.6 Summary

To sum up: As initially presented in *SA*, Searle's account was restricted to illocutionary acts performed in the literal utterance of a sentence. In *ISA* Searle then deals with different cases of non-literal performances, as cases of metaphor and cases of what he calls "indirect" illocutionary acts. However, he does nothing substantial in order to make his account cope with these cases. According to his exposition, the (one and only) problem posed by these cases is how it is possible that the audience can "understand the utterance" in a case in which the speaker does not exactly say what she means. However, for the account he had suggested in *SA* there are actually problems which are much more essential – I have mentioned three of them. Two concern primarily Searle's analysis of "meaning", and thereby secondarily his account of illocutionary acts: his analysis of "meaning" fails to be applicable to non-literal cases. The "solution" Searle applies (without any comment) in *ISA* is one which he had himself blamed for involving circularity before. The third problem is that according to Searle's account an illocutionary act of a given type is constituted by the rules of the IFIDs of this type: in the case of non-literal performance these rules will usually not apply and thus Searle's account mistakenly predicts the impossibility of those cases. Since Searle's remarks about "how it is possible" that the hearer understand what the speaker means entirely miss the point, and since he ignores the real problems, he cannot be said to have generalised his account over non-literal issuances.

In contrast, he provides a substantial attempt to explain why in the case of "non-serious" issuances the act indicated by the sentence can fail to be performed. He rejects the idea that there is a special illocutionary act type of novel-writing, and he does not attempt to argue that "non-serious" issuances were non-literal: instead he assumes certain sets of anti-conventions which somehow make it the case that the satisfaction of all necessary conditions of an illocutionary act is not yet sufficient for its coming into being: the anti-conventions are still able to avert the act.

6

Searle's underlying assumptions

In the course of his exposition in *SA*, Searle mentions some of the fundamental claims from which he had proceeded in making his account. In these sections I introduce them and attempt to make them as transparent as I can. In my interpretation of these claims, there is a constant tendency towards viewing them as *analytic* claims, rather than as contingent ones: let me explain the reason. Shortly after the beginning of *SA*, Searle announces that he will "explore" certain "analytic connections" between different notions supposed to be central for the study of speech acts:

The hypothesis that the speech act is the basic unit of communication, taken together with the principle of expressibility, suggests that there are a series of analytic connections between the notion of speech acts, what the speaker means, what the sentence (or other linguistic element) uttered means, what the speaker intends, what the hearer understands, and what the rules governing the linguistic elements are. The aim of the next four chapters is to explore some of those connections. (*SA*, p. 21)

Searle does not specify which of the various assumptions he introduces in the course of his exposition are particularly meant to be among these "analytic connections". The claims I will consider in the following are what I think he probably had in mind when making the above remark.

§ 6.1 The "incompleteness AXIOM"

The first claim concerns the relation between illocutionary acts, other speech acts, and the notion of "completeness". Remember how the propositional act was introduced: It was represented as connected with sentence *parts*. In introducing it I referred to the subordinate clause "that Napoleon died at Elba". The words "that Napoleon died at Elba", it is clear, do not make a *complete* sentence. The following is perhaps a consequence (or might alternatively be valued as a reason): From knowing that someone has issued these mere words we do not precisely know what the speaker meant when issuing these words. Something seems to be missing.

It is supposedly some considerations like this which make Searle repeatedly claim that the illocutionary act is "*the complete*" speech act,²⁷⁴ thereby suggesting that, in contrast, acts of referring and predicating as well as propositional acts are somehow *incomplete*. Indeed, Searle explicitly makes the statement that "one cannot *just* refer and predicate without making an assertion or asking a question or performing some other illocutionary

²⁷⁴ See *SA*, pp. 23, 25, 28 f.

act"²⁷⁵. He argues with reference to a "linguistic correlate" of this supposed fact, and he refers to a *dictum* Frege once made:

The linguistic correlate of this point is that sentences, not words, are used to say things. This is also what Frege meant when he said that only in the context of a sentence do words have reference – "Nur im Zusammenhang eines Satzes bedeuten die Wörter etwas." The same thing in my terminology: One only refers as part of the performance of an illocutionary act, and the grammatical clothing of an illocutionary act is the complete sentence. An utterance of a referring expression only counts as referring if one says something. (SA, p. 25)

Neither my interpretation of Searle's conceptions of "propositional act", "reference act", and "predication act", nor my intuitive interpretation of these notions, nor any later remark of Searle have enabled me to see from which more fundamental assumptions the claim Searle states here could follow. Searle's attempt to connect it with what he calls "Frege's dictum" appears to me implausible: For example, where Searle speaks about illocutionary *acts* and about the human *act* of referring, Frege speaks about sentences as linguistic *tokens*, and about reference as a relation between a *sign* and an object. Without any account of what precisely the relation between sentences and illocutionary acts, or the act of referring and Frege's "Bedeutung" is, the correlation is unclear and vague. In fact, it would presumably be a rather long theoretical way to go from "Frege's dictum" about sentences and words to Searle's account of speech acts.

In general, I do not see how to derive Searle's assumption from anything more fundamental, and I will therefore record it as an axiom, specifically, ...

The incompleteness AXIOM:

One cannot just refer and predicate without making an assertion or asking a question or performing some other illocutionary act.

As I understand it, this is intended to imply at least the three following weaker claims:

- (1) (x performs an act of referring) → (x performs an illocutionary act)
- (2) (x performs an act of predicating) → (x performs an illocutionary act)
- (3) (x performs a propositional act) → (x performs an illocutionary act)

§ 6.2 The "minimal unit AXIOM"

The second of Searle's fundamental claims I want to mention states a connection between the concepts of linguistic communication and of the illocutionary act. Consider the following passage:

The unit of linguistic communication is not, as has generally been supposed, the symbol, word or sentence, or even the token of the symbol, word or sentence, but rather the production or issuance of the symbol or word or sentence in the performance of the speech act. (SA, p. 16)

Searle seems here to make up the illocutionary act as an alternative to words, or sentences, as minimal units to be considered in the study of language. What he thereby seems to suggest is that the study of language should be pursued by a study of linguistic communication, rather than by a study of linguistic tokens. And he thereby also suggests, it would seem, that the study of illocutionary acts is of some extraordinary, fundamental importance for the study of language.

²⁷⁵ SA, p. 25.

In this connection, it is further helpful to notice that, in general, there is a tendency in Searle's study of illocutionary acts to press towards semantical aims.²⁷⁶ Accordingly, Searle actually *justifies* his interest in illocutionary acts by their supposed fundamental importance for linguistic communication:

The reason for concentrating on the study of speech acts is simply this; all linguistic communication involves linguistic acts. (SA, p. 16)

What he seems to suggest in the first quotation and to presuppose in the latter is that the study of language, hitherto usually pursued with primary reference to words and sentences, actually has to change its paradigm and has to be pursued primarily in terms of certain actions.

Although Searle's claim is literally about "speech acts", he uses this notion, as he often does, particularly for *illocutionary* acts. Consider another formulation of the claim:

[T]he production or issuance of a sentence token under certain conditions is a speech act, and speech acts (of certain kinds to be explained later) are the basic or minimal units of linguistic communication. (SA, p. 16)

I think it is clear that by "speech act", in this passage, Searle intends to refer only to the illocutionary act: for he associates the "speech act" in the quotation with the issuance of a *sentence* token, and as we saw, he strongly associates the (issuance of a) sentence with the illocutionary act as the "complete" speech act (in contrast to sentence parts and "incomplete" speech acts). So the claim is probably intended to associate the study of language with the study of illocutionary acts, and it does so in a straightforward way: by claiming that the latter was the "minimal unit of linguistic communication".

As I understand this claim, it can be paralleled, for example, to the claim that the minimal unit of gold is the Au atom. In the case of the Au atom, we can say that whenever somewhere an Au atom is present then there is gold present (because every Au atom is an instance of gold), and whenever somewhere is gold present there is at least one instance of Au present (because *only* Au atoms can instantiate gold). According to this interpretation, Searle's claim entails at least the following two partial claims: Firstly, if someone performs an illocutionary act then this entails that she communicates linguistically; secondly, if someone communicates linguistically then this entails that she performs an illocutionary act.

Searle does not argue for his assumption, and I do not see how it could follow from anything in his account; I also do not see any way to deduce it otherwise. Therefore, I will again give the assumption the status of an axiom, calling it, the "minimal unit AXIOM":

The minimal unit AXIOM:

The illocutionary act is the minimal unit of linguistic communication

It seems to entail the following two theorems:

Minimal unit THEOREM (a):

(*x* performs an illocutionary act) → (*x* communicates linguistically)

Minimal unit THEOREM (b):

(*x* communicates linguistically) → (*x* performs an illocutionary act)

²⁷⁶ An example of this is that Searle presents us his rules of IFIDs of promising in the course of the analysis of promising. And he further generally "analyses" illocutionary act types by way of providing the *rules of IFIDs* of these types (SA, p. 64-67). Notice that the rules are actually not analyses of the act type, but rather explications of certain meanings which are supposed to *indicate* these types.

§ 6.3 The "IA-intention AXIOM"

The next of Searle's fundamental assumptions connects the concept of the literal issuance of a sentence with the intentions a speaker has in performing an illocutionary act. Searle makes it in a rather vague version in *SA*, at a point at which he is delimiting his conception of "meaning" from Grice's. He objects against what he supposes to be one of Grice's implicit assumptions, that meaning was to be analysed in terms of (as Searle puts it) "perlocutionary acts", as follows:

In the examples Grice gives, the effects cited are invariably perlocutionary. I wish to argue that *saying something and meaning it is a matter of intending to perform an illocutionary act.* (*SA*, p. 46; my italics)

What I want to emphasise is Searle's *argument* against Grice. It says that one cannot issue a sentence and mean what this sentence means without intending to perform some illocutionary act.²⁷⁷ In principle, this claim could literally be interpreted in a very weak way: that whenever someone says something and means it then she intends to perform an illocutionary act (of whatever kind this illocutionary act may be). But Searle obviously commits himself to a stronger claim. This stronger claim includes that if one issues a sentence and means what the sentence means then one's intentions are determined *dependently on what the sentence issued means*. In order to show this let me introduce a passage from *AoLaIA*. Searle attempts to show there that Austin's concept of a locutionary act already entailed the concept of an illocutionary act. He argues in the following way:

Thus, though the sentence "I am going to do it" can be seriously uttered with its literal meaning in any number of illocutionary acts, what about the sentence "I hereby promise that I am going to do it"? Its serious and literal utterance must be a promise. [Fn. 3] It may on occasion be other illocutionary acts as well, but it must at least be a promise – that is, an illocutionary act of a certain type. (*AoLaIA*, p. 263)

Footnote 3 reads: "Assuming that the act is successful, that is, that the conditions of successful utterance are satisfied".

What Searle claims here is that we have at least one sentence which, if literally and seriously issued, determines, not only that *some* illocutionary act is performed, but that *a certain* illocutionary act type is performed (given certain further conditions). Now for the successful performance of an illocutionary act of a certain kind it is certainly necessary, not only that the speaker intends to perform *some* (any) illocutionary act, but particularly that she intends to perform an illocutionary act *of that kind* (the kind which is actually performed). It is certainly neither a sufficient nor a necessary demand on the intentions of Mary that, in order to promise to go, she intends to state that Napoleon is dead, or that she intends to lend some money: what she must particularly have is the intention *to promise to go*.²⁷⁸

Up to now the claim is supposed to hold with respect to *some* sentences, particularly, with respect to the sentence "I hereby promise that I am going to do it". Now notice how Searle continues arguing:

²⁷⁷ See *SA*, p. 43 f., for a further reference.

²⁷⁸ Although Searle makes a claim about the literal *and serious* issuance of a sentence, the determination of the speaker's intentions must be meant to be caused by the mere *literal* issuance of a sentence, without the further necessity of serious issuance. For what non-seriousness of an issuance, according to Searle's account, alters, concerns (not the speaker's intentions, but) merely the applicability of certain conventions preventing the application of the rules constituting the act; cf. Searle's presentation of the matter in *FicDis* and § 5.5 of this text.

We saw above that the original locutionary-illocutionary distinction is best designed to account for those cases where the meaning of the sentence is, so to speak, force-neutral [...]. But now further consideration will force us to the following conclusion: no sentence is completely force-neutral. *For this reason*²⁷⁹ there is no specification of a locutionary act performed in the utterance of a complete sentence which will not determine the specification of an illocutionary act. [...] [A]ll the members of the class of locutionary acts (performed in the utterance of complete sentences) are members of the class of illocutionary acts, because every rhetic act, and hence every locutionary act, is an illocutionary act. (*AoLaIA*, p. 267)

Searle argues here that all locutionary acts are illocutionary acts. And the reason he puts forward is that all sentences contain IFIDs. Now if all locutionary acts are at the same time illocutionary acts, then every locutionary act must, among other things, entail *the intention to perform a certain illocutionary act*. Furthermore, if the fact that all sentences contain IFIDs is the reason for all locutionary act's being illocutionary acts, then we can assume that the illocutionary act as well as the intention to perform it are determined by IFIDs. It is then not too outrageous to assume that these IFIDs determine the actual act to be of the type of which the IFIDs are, and it is further fairly clear that possible propositional indicators determine the propositional content of the act in the same way.

Let me next say a few words about the status the claim is to have. Notice that according to the "little" illocutionary act conception the claim may seem to hold trivially, as a theorem. According to the "little" conception, what is essentially demanded for an "illocutionary act" to be performed is (roughly) that a speaker issues some sentence, means what she says, and gets herself understood. According to Searle's conception of "meaning" (what one says), to mean something (namely, what one says) is to intend the hearer to know, of some illocutionary act, that one is performing it (and to recognise this by a certain reasoning involving this intention and the meaning of the sentence). In the case in which a speaker "says what she means" in the sense of Searle's analysis, speaker meaning is identical with sentence meaning. That is, in this case we can say, in some sense, that the meaning of the sentence "determines" speaker meaning.

Furthermore, according to the "little" illocutionary act conception the complex speaker meaning intention seems to be the *only* intention essentially demanded for the performance of an illocutionary act. So one might – at least *prima facie* – be tempted to call *this* intention *the* "intention to perform" the illocutionary act. Now given that all sentences "indicate" some illocutionary act, and if in the case of "saying something and meaning it" what the speaker means is entirely determined by sentence meaning, and if the meaning intention can adequately be called "the intention to perform" the illocutionary act, then it may indeed seem to follow that saying something and meaning it is a matter of intending to perform the illocutionary act "indicated" by the sentence. That is, according to the "little" illocutionary act conception, the claim may appear fairly credible.

And, in fact, there are arguments that in introducing the claim Searle had the "little" conception in mind. It is introduced as an objection to Grice's analysis of "meaningNN". And in the course of this discussion Searle says that "[i]n the case of illocutionary acts we succeed in doing what we are trying to do by getting our audience to recognize what we are trying to do"²⁸⁰. This statement is at least very misleading, if not just false, in the light of the "large" conception. For according to the "large" conception the "meaning" intention

²⁷⁹ My italics.

²⁸⁰ SA, p. 47.

complex is not the only intention (complex) necessary in the case of an illocutionary act and thus can hardly be called "the" intention to perform the illocutionary act. The speaker must have the further intention to produce the conventional consequences of the act – this, at least, is strongly suggested by Searle's statement of condition (7) of the analysis of promising, which is explicitly identified as a necessary one and is called the "essential" condition.

Nevertheless, it is *the "large" conception* which Searle after all adopts. And applying this conception I do not see how it should follow that saying something and meaning it is automatically to intend to perform a certain illocutionary act. I do not, for example, see why I cannot literally issue the sentence "I promise to go" without intending to commit myself to go. I have just issued the sentence, and to my best knowledge I have issued it literally; but I did not thereby intend to become committed to go.

In short, that saying something and meaning it generally entailed, or implied, the intention to perform the act "indicated" by the sentence seems to me hardly trivial in the light of Searle's "large" conception. Thus, I will again view Searle's claim as an axiom. Since I value the claim in question as an axiom, and since it states a determination of what Searle calls the "intention to perform an illocutionary act", I shall call it the "IA-intention AXIOM".

It should be noted that the IA-intention AXIOM is restricted in its scope in the same way in which Searle's analysis of "saying something and meaning it" is restricted. For it postulates a connection between this concept and the concept of an illocutionary intention. Such a connection cannot be stated for cases in which the concept of "saying something and meaning it" itself is not defined. The axiom may then be stated as follows:

The IA-intention AXIOM:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, *F*(*P*),
(*S* utters sentence *T* and means it) → (*S* has the intention to perform the illocutionary act *F*(*P*)).

§ 6.4 The axiom that all sentences contain IFIDs

The next of Searle's fundamental assumptions I want to specify states a connection between sentences and those (parts, or aspects of) linguistic devices which Searle calls IFIDs. We have already met this claim in passing.

In *AoLaIA*, Searle is concerned with Austin's distinction between the act of saying something – the "locutionary act" – and the illocutionary act. Searle had ignored Austin's concept of a locutionary act in *SA*, and he now wants to give reasons for this. In order to justify himself he argues that the concept of a locutionary act was superfluous: for, he claims, one cannot say something (under certain conditions) without at the same time performing a certain illocutionary act. In order to show that all locutionary acts are already illocutionary acts he first argues that *some* sentences determine the intentions of speakers in such a way that one cannot issue them (under certain conditions) without at the same time performing an illocutionary act of a certain type. They do so, he assumes, because of the IFIDs contained in them: if the sentence is literally issued, these IFIDs

determine the intentions of the speaker. For example, if "I promise to go" is literally and seriously issued, the speaker "cannot but" perform a promise to go, given that certain further circumstances are satisfied.

Up to that point, Searle had argued that literal issuances of some sentences were determined with respect to the speaker's intentions and the act performed by virtue of the IFIDs they contain. If, however, there were sentences which *do not contain any* IFIDs then it would still be possible to literally issue them without one's intentions being determined in the relevant way. The concept of a "locutionary act" would then remain valuable: it would be possible to perform such an act without performing an illocutionary act.

The way in which Searle now argues tackles the problem straightforwardly: He just claims – and this is the fundamental assumption I want to emphasise here – that *every* sentence contains IFIDs of some illocutionary act type. In Searle's terms: "[N]o sentence is completely force-neutral"²⁸¹. Searle does not provide much by way of reasons why we should believe his claim. The nearest he comes to an argument is with reference to traditional grammatical categories:

Every sentence has some illocutionary force potential if only of a very broad kind, built into its meaning. For example, even the most primitive of the old-fashioned grammatical categories of indicative, interrogative, and imperative sentences already contain determinants of illocutionary force. (*AoLaIA*, p. 267)

The point of Searle's argument seems to be this: In order to be "indicating" a certain illocutionary act type, a sentence need not necessarily contain any of the devices which, for example, Austin would have viewed as "explicit" devices, like "I hereby promise" or "I hereby state". There are devices which "indicate" a certain illocutionary act type although they do not make it explicit. What Searle has particularly in mind is the different moods of sentences:

[W]hen I wrote *Speech Acts* I [...] thought we could see the theory [of speech acts] as part of semantics, since clearly there is always some illocutionary force in the meaning of any sentence, even if the sentence only carries a very weak or indefinite determiner of illocutionary force such as the indicative mood. Clearly that determines a different force than the interrogative mood, the imperative mood, or the optative mood. (Searle (1980b), p. 19)

Sentences, Searle argues here, have *a sentence mood*, and although sentence moods do not "make explicit" any illocutionary act type, they nevertheless "indicate" always some (rather general) illocutionary act type. Thus a directive sentence seems to "indicate" a directive illocutionary act, declarative sentences seem to "indicate" an assertive illocutionary act, and so on.

Now given that sentence mood is, or contains, an indicator of "illocutionary force" one might suggest that Searle's claim is a theorem, following after all from our concept of a sentence. However, I do not think that we can assume this that easily. Consider what is commonly called a one-word sentence like, for example, "Yes": It is at least far from clear that "Yes" *actually has* a sentence mood. However, Searle explicitly accepts "one-word sentences"²⁸² in *SA*. Furthermore, he uses "Yes" in an example of the performance of an illocutionary act²⁸³, and if he would not accept "Yes" as a sentence then this would be, as far as I know, the only example he has ever provided performed by the issuance of a *non-*

²⁸¹ *AoLaIA*, p. 267.

²⁸² See p. 25.

²⁸³ See p. 19.

sentential unit. So although one might be tempted to consider restricting the notion of a "sentence" to exclude one-word sentences, at least Searle himself appears not to do so.

Since I also do not see how the claim would strictly follow from any other more fundamental assumption, I suggest again treating it as an axiom, calling it the "IFID-containment AXIOM":

The IFID-containment AXIOM:

All sentences contain IFIDs

§ 6.5 Searle's MAIN THESIS

We now turn to what I shall call the MAIN THESIS of Searle's account. In one of Searle's own formulations of this claim it states that "the semantic structure of a language may be regarded as a conventional realization of a series of sets of underlying constitutive rules, and that speech acts are acts characteristically performed by uttering expressions in accordance with these sets of constitutive rules"²⁸⁴.

This claim builds a bridge between Austin's account of illocutionary acts on the one hand and of Alston's account of semantical rules on the other hand. To start with, remember the first criterion of adequacy I developed out of Austin's representation of illocutionary acts:²⁸⁵ in order to be represented in accordance with Austin's conception, illocutionary acts must be essentially ascribed certain conventional consequences. It seems then that we must assume some elements constituting them as, for instance, conventions. Remember further Alston's account of "linguistic acts": he had introduced, as connected with these acts, certain rules. Alston derived them from an analysis of a non-defective linguistic act by letting them demand the satisfaction of the conditions of this analysis.

Searle's MAIN THESIS connects now these fundamental elements of the accounts of Austin and Alston. To put it in a nutshell (and somewhat crudely), Searle's MAIN THESIS is that Austin's constitutive elements are realised by Alston-style rules and, *vice versa*, that Alston's rules realise Austin's constituting elements. As Searle himself emphasises, the claim is the *central* hypothesis aimed at in SA.²⁸⁶ This is the reason why I speak of it as the "MAIN THESIS".

Before starting with reconstructing the claim, two remarks should be made. First, Searle develops the MAIN THESIS in the section "Rules" in SA. What he there provides us with is, as the reader can see for herself, rather confusing. One of the reasons is the following. Searle's representation of the MAIN THESIS can be divided into two layers: There is a succinct and clear version of the MAIN THESIS which runs all through what Searle says. I will state this succinct thesis at the end of this section. As I shall show in

²⁸⁴ SA, p. 36 f.

²⁸⁵ See § 1.2 and § 2.2.

²⁸⁶ "I said in the last section that I hypothesize that speaking a language is engaging in a rule governed form of behavior. [...] In a sense *this entire book might be construed as an attempt to explore, to spell out some of the implications of, and so to test that hypothesis*" (SA, p. 16; my italics). "The hypothesis then of this work is that speaking a language is engaging in a rule governed form of behavior. [...] *In order to substantiate that hypothesis* and explicate speech, I shall state some of the rules according to which we talk. The procedure which I shall follow is to state a set of necessary and sufficient conditions for the performance of particular kinds of speech acts and then extract from those conditions sets of semantic rules for the use of the linguistic devices which mark the utterance as speech acts of those kinds" (SA, p. 22; my italics).

the third part,²⁸⁷ in the straightforward form the thesis produces contradictions with both certain obvious data and Searle's own account. Searle attempts to avoid these contradictions by a number of modified, weaker versions of the MAIN THESIS.²⁸⁸ Such weaker versions are, for example, that at least performing illocutionary acts *in a language* is rule governed, or that at least *certain types of* illocutionary acts are governed by the rules in question. Now the trouble is that Searle's original presentation of the MAIN THESIS is already infected by these modifications, and this is one of the reasons why the presentation is somewhat chaotic. In the following reconstruction I will, in order to keep the original version as well as the various amendments properly distinct, ignore all of the qualifications and amendments Searle makes and reconstruct the MAIN THESIS in its original, plain version. The more important ones of the suggested modifications will then be considered in § 9.5.

Secondly, a remark about the form of my exposition is necessary. In a "rough" version, which Searle repeatedly uses, his MAIN THESIS literally says that "speaking a language is engaging in a rule governed form of behavior"²⁸⁹. In this "rough" version, the MAIN THESIS is far from being clear. Searle takes some run-ups to get it clearer. These can be divided into two layers:

- (a) *observations*, or supposed observations, presented with reference to examples, which are meant to support, and make clearer, single aspects of the MAIN THESIS
- (b) a more systematic way of tackling the matter by posing *three questions*, refining on them, and answering them.

My proceeding reflects this division: I shall first collect what I think are the central (supposed) observations Searle introduces in those paragraphs, and number them. I shall then secondly expound his attempt to bring the matter to the point with respect to his three questions. Finally, I shall attempt to show how the answers to the questions may be connected to the (supposed) observations.

§ 6.5.1 Examples and observations

Searle first comments on "the form [the MAIN THESIS] will take": "[T]he semantic structure of a language", he says, is "a conventional realization of a series of sets of underlying constitutive rules"; and "speech acts", he adds, are "performed by uttering expressions in accordance with these sets of constitutive rules"²⁹⁰. I assume that by "speech acts" he means illocutionary acts, rather than acts of referring and predicating, and that by "constitutive rules" he means the rules of IFIDs, rather than rules of reference and predication.²⁹¹

²⁸⁷ See § 9.4.

²⁸⁸ See § 9.5.

²⁸⁹ See SA, pp. 12, 16, 22, 41.

²⁹⁰ SA, p. 37.

²⁹¹ This follows from a remark in which he announces that "[o]ne of the aims of the next chapter is to formulate sets of constitutive rules for the performances of certain kinds of speech acts" (SA, p. 37; my italics). The chapter after that from which the passage quoted is taken is "The structure of illocutionary acts", in which he presents the analysis of promising and the rules of IFIDs of promising as well as information about further illocutionary acts. In contrast, with reference and predication and with the rules of these acts he deals separately in later chapters. It is further suggested by the fact that in the course of the presentation of his MAIN THESIS Searle *tacitly changes* from dealing with "speech acts" to considering "illocutionary acts".

Let me emphasise some of the claims entailed by these two remarks:

- (1) The rules involved in the MAIN THESIS are *constitutive* rules.
- (2) These constitutive rules "underlie" some certain "*conventional realisations*".
- (3) The *semantic structure of a language* is a "conventional realisation" of certain constitutive rules.
- (4) *Speech acts* are performed by issuing certain *expressions*.
- (5) These expressions are (issued) *in accordance with*²⁹² the constitutive rules.

Searle next attempts to make clearer "the sense in which constitutive rules are involved". In order to do this, he introduces two examples of different activities: (a) promising (as an illocutionary act), and (b) fishing (as a non-illocutionary act). The reason for Searle to choose precisely fishing is that it involves rules, too, but that these rules are different from those involved in illocutionary acts. He wants to clarify in which sense rules are involved in illocutionary acts by *contrasting* them with the rules involved in fishing.

What, then, is the difference between the rules involved in promising and the rules involved in fishing? – Promising, Searle says, "*is only made possible by the existence of constitutive rules concerning the elements of a language*". In contrast, fishing "requires no analogous set of constitutive rules"²⁹³. "A crucial part of the difference", he further comments, "is this: In the case of fishing the ends-means relations, i.e. the relations that facilitate or enable me to reach my goal, are *matters of natural physical facts*; such facts, for example, as that fish sometimes bite a worm but very seldom at empty hooks; hooks made of steel hold fish, hooks made of butter do not."²⁹⁴ In contrast, in the case of the illocutionary act of promising "it is a *matter of convention* [...] *that the utterance of such and such expressions under certain conditions counts as the making of a promise*"²⁹⁵. The difference between promising and fishing can also be stated in terms of Searle's distinction between constitutive and regulative rules: The rules involved in fishing do not constitute at all because they are *regulative* rules, as Searle mentions in passing²⁹⁶.

What we have learned about the rules aimed at in Searle's MAIN THESIS is especially something about the relation between illocutionary acts and the rules:

- (6) Illocutionary acts are *not matters of purely physical facts* (fishing *is contrasted* with promising, and promising stands paradigmatically for the illocutionary act).
- (7) Illocutionary acts are *only made possible* by the constitutive rules aimed at in the MAIN THESIS.
- (8) In the case of illocutionary acts it is a matter of certain conventions that the utterance of such and such expressions under certain conditions counts as the making of this or that illocutionary act.

Recall that the rules mentioned in the MAIN THESIS are said to be "conventionally" realised and that the semantic structure of a language is supposed to be such a "conventional realisation". So there seem to be certain conventions connected with the rules. In

²⁹² Note the vagueness of this "in accordance with". In the case of a *constitutive* rule we might perhaps rather expect something like "in order to satisfy the condition posed by" – after all, how to "accord with" a rule of the form "X counts as Y"? The reason for the vagueness is perhaps that most of Searle's rules – indeed, all which are correctly accounted for according to Alston's rational – are actually "regulative", rather than constitutive rules. Perhaps Searle has attempted to use an expression which can be applied in both cases, with constitutive and with regulative rules.

²⁹³ SA, p. 37; my italics.

²⁹⁴ SA, p. 37; my italics.

²⁹⁵ SA, p. 37; my italics.

²⁹⁶ See SA, p. 37.

order to clarify what kind of conventions are meant, Searle again introduces two contrasting cases:

- (a) conventions involved in playing chess (as a case parallel to illocutionary acts); and, in contrast,
- (b) certain hypothetical conventions which could be adopted for frightening other people.

His description of the cases is this:

First, imagine that chess is played in different countries according to different conventions. Imagine, e.g., that in one country the king is represented by a big piece, in another the king is smaller than the rook. In one country the game is played on a board as we do it, in another the board is represented entirely by a sequence of numbers, one of which is assigned to any piece that 'moves' to that number. Of these different countries, we could say that they play the same game of chess according to different conventional forms. Notice, also, that the rules must be realized in some form in order that the game be playable. Something, even if it is not a material object, must represent what we call the king or the board.

Secondly, imagine a society of sadists who like to cause each other pain by making loud noises in each others' ears. Suppose that for convenience they adopt the convention of always making the noise BANG to achieve this purpose. Of this case, like the chess case, we can say that it is a practice involving a convention. But unlike the chess case, the convention is not a realization of any underlying constitutive rules. Unlike the chess case, the conventional device is a device to achieve a natural effect. There is no rule to the effect that saying BANG *counts as* causing pain; one can feel the pain whether or not one knows the conventions. And pain still can be caused without employing any conventions. (SA, p. 39)

In both cases we have "a practice involving a convention"²⁹⁷. (At least) with respect to the chess case Searle emphasises further that "the rules *must be realized in some form*" in order for the game to be playable. We can make the parallel to the MAIN THESIS:

- (9) The constitutive rules must be realised in some form in order for the illocutionary act to be executable.

Now in both the first and the second example conventions, and a "conventional device", seem somehow to be involved; however, a crucial difference between them is that in the BANG case, "[u]nlike the chess case, *the conventional device is a device to achieve a natural effect*"²⁹⁸. In contrast, we may add, the chess case involves a device to achieve a "non-natural" effect. So we can say, with respect to the MAIN THESIS:

- (10) The conventional devices involved in illocutionary act performances are devices to achieve a "non-natural" effect.

Furthermore, in the BANG case "[t]here is no rule to the effect that saying BANG *counts as* causing pain"²⁹⁹. We can conclude, with respect to the MAIN THESIS, that ...

- (11) In the case of the performance of an illocutionary act *there is a rule to the effect that something counts as something*.

Finally, "pain still can be caused without employing any conventions"³⁰⁰. In contrast, we can conclude, one cannot move kings, or check the king without employing any conventions. Making the parallel to the MAIN THESIS we can say:

- (12) An illocutionary act *cannot be performed without* employing some conventions.

Let me collect the claims and (supposed) observations Searle has so far suggested:

²⁹⁷ SA, p. 39.

²⁹⁸ SA, p. 39; my italics.

²⁹⁹ SA, p. 39.

³⁰⁰ SA, p. 39.

- (1) The rules involved in the MAIN THESIS are *constitutive* rules.
- (2) These constitutive rules "underlie" some certain "*conventional realisation*".
- (3) The *semantic structure of a language* is a "conventional realisation" of certain constitutive rules.
- (4) *Speech acts* are performed by issuing certain *expressions*.
- (5) These expressions are (issued) *in accordance with* the constitutive rules.
- (6) Illocutionary acts are *not matters of purely physical facts*.
- (7) Illocutionary acts are *only made possible* by the constitutive rules aimed at in the MAIN THESIS.
- (8) In the case of illocutionary acts it is a matter of certain conventions that the utterance of such and such expressions under certain conditions counts as the making of this or that illocutionary act.
- (9) The constitutive rules must be realised in some form in order for the illocutionary act to be executable.
- (10) The conventional devices involved in illocutionary act performances are devices to achieve a "*non-natural*" effect.
- (11) In the case of the performance of an illocutionary act *there is a rule to the effect that* something counts as something.
- (12) An illocutionary act *cannot be performed without* employing some conventions.

Up to this point, Searle attempted to collect observations, or supposed observations, based on examples. The result, at least in the order I have used (in accordance with Searle's representation), leaves it still rather difficult to get a systematic view of the whole thing. However, Searle takes a further run-up in order to bring the whole story to a point. He thereby leaves the ground of examples and observations and puts the matter in a rather speculative, but thereby more straightforward way.

§ 6.5.2 Three questions

In order to bring the whole talk of rules, conventions, and speech acts to the point Searle states three questions which are meant to further clarify the relation between conventions, rules, and illocutionary acts. The three questions are:

- (1) Are there conventions of languages?
- (2) Are illocutionary acts constituted by rules?
- (3) Are the conventions of languages realisations of the rules constituting illocutionary acts?³⁰¹

Note that the third question *presupposes* that the first and the second are already answered positively: That the rules constituting illocutionary acts are realised by the conventions of languages presupposes that *there are* conventions of languages, and that *there are* rules constituting illocutionary acts. Note further that it is asked, in the third question, whether *the* conventions are realisations of *the* rules. This suggests that he asks on the one hand, *for all* conventions of languages, whether they are realisations of certain rules necessary for illocutionary acts to obtain; and on the other hand, whether, *for all* rules con-

³⁰¹ See SA, p. 38–40. Searle offers us different wordings of the questions. I have chosen what I took to be the clearest formulations of what I suppose he has in mind. Concerning the MAIN THESIS itself, in particular, Searle provides as the final version a wording which differs from what I state here in a crucial respect. This final version reads: "[Are] the conventions realizations of rules?" – where I have written: "Are the conventions realisations of *the* rules?". The reason for my inserting a definite article is that it seems clear that in the original version the MAIN THESIS is to be about the rules constituting illocutionary acts, rather than about *some* rules. To mention only one justification: otherwise it would have been utter misleading of Searle to pose the second question – about rules constituting illocutionary acts – in connection with the MAIN THESIS at all. (It would have been a violation of the maxim of quantity.) I think that the omission of an explicit reference must stem from a later modification Searle has made in the light of the fact that his actual account contradicts the MAIN THESIS in its original form. I shall justify my assumption about the original form of the MAIN THESIS more closely in the third part, § 9.7.

stituting illocutionary acts, there are some conventions of languages realising them. The relation of these three questions to the MAIN THESIS is very simple: to state the MAIN THESIS is nothing other than to answer to the third of these questions positively:

[W]hen I say that speaking a language is engaging in a rule-governed form of behavior it is in the sense of an answer to question three that I intend this remark. (SA, p. 41)

Since question (3) presupposes positive answers to question (1) and (2), the MAIN THESIS, as the positive answer to question (3), presupposes them, too.

Searle answers question (1), "Are there conventions of languages?", positively and comments, rather laconically:

The answer to the first [question] is obviously yes. I am writing this according to the conventions of English and not, say, those of French, German, or Swahili. In that sense languages (as opposed to language) are conventional. (SA, p. 38)

So Searle assumes that there are conventions of languages.

The second question reads: "Are illocutionary acts constituted by rules?" According to Searle's view, the answer must be "yes". In contrasting chess (as analogous to speech acts) with causing pain he emphasises that chess has *underlying rules*, which rules are *constitutive* rules, rules to the effect that something "counts as" some other thing. And when contrasting fishing with promising Searle emphasises that the performance of a speech act is *not a matter of natural physical facts*, and *only made possible by constitutive rules*. So the answer to question two must also be "yes": There are rules such that speech acts are constituted by them.

Let us come to Searle's third question, whether the conventions of languages *are realisations* of the rules constituting illocutionary acts. This question, according to Searle's presentation, can be answered with "yes", too, and this is his MAIN THESIS:

The MAIN THESIS:

The conventions of languages are realisations of the rules constituting illocutionary acts.

Let me say a few words about the notions "underlie" and "realise". Searle does not explain these concepts. However, there are some indications as to what he could have in mind. We may first remind ourselves of the fact that the "realisation" relation is often conceived of as a relation between *a token and a type*. This interpretation seems to conform quite well to the few remarks Searle makes on the matter. "Different human languages", he suggests, are "different conventional realizations of the same underlying rules".³⁰² So we have a relation between *one* rule, or set of rules, to *different* (sets of) conventions of actual languages – quite like in the case of the relation between, for example, the type of an apple and different particular apples.

He makes this more concrete with reference to the illocutionary act of promising:

The fact that in French one can make a promise by saying "je promets" and in English one can make it by saying "I promise" is a matter of convention. But the fact that an utterance of a promising device (under appropriate conditions) counts as the undertaking of an obligation is a matter of rules and not a matter of the conventions of French or English. Just as in the above example, we can translate a chess game in one country into a chess game of another because they share the same underlying rules, so we can translate utterances of one language into another because they share the same underlying rules. (SA, p. 39 f.)

³⁰² SA, p. 39.

Here "Je promets" and "I promise" are associated with the same rules but different conventions. Now it is striking that both expressions have the same meaning, but this meaning is applied to different forms. Notice that it is precisely the relation between form and meaning which is commonly assumed to be "conventional" with respect to languages. What Searle then has in mind, I think, is that the meanings of both "Je promets" and "I promise" are instantiations of a common type, which type consists of a set of *rules*. To what form these meanings are applied is a matter of the conventions of the single languages. Thus the same set of rules is instantiated in French by the conventions applying to "Je promets" and in English by the conventions applying to "I promise".

In *SA*, Searle has not given any example of a convention of IFIDs – that is, those "counterparts" of rules which apply to the tokens of *particular* languages –, and as far as I know he has not done so since then. Let me therefore attempt to show how, according to this view, we could conceive of (some of the) *conventions of actual languages*. For an example of such a convention, let us start from one of the rules of IFIDs of promising which Searle has provided, namely, rule (5):

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*. (*SA*, p. 63)

This rule specifies that the issuance of a certain linguistic token ("*Pr*") counts as obliging the speaker to do something. But what the rule *does not* represent is *to which actual token* this constituting property applies. If this rule is "realised" in a convention of an actual language, what will change is supposedly that the variable "*Pr*" is replaced by (a constant standing for) a linguistic device *of a particular language*.

Consider then, as an example, the sentence "I hereby promise to do go." (I assume that this sentence "indicates" a promise to go.) According to Searle's account it will have as part of its meaning a convention in which the term "*Pr*" is replaced by the name of the actual linguistic device. So a convention of English realising the essential rule of IFIDs of promising will be:

A realisation of rule (5) of IFIDs of promising in English:

The utterance of "I hereby promise to do go" counts as the undertaking of an obligation to go.

Another realisation of *the same* rule will apply to the French sentence "Je promets de m'en aller." It will go thus:

A realisation of rule (5) of IFIDs of promising in French:

The utterance of "Je promets m'en aller" counts as the undertaking of an obligation to go.

Both are "realisations" of one and the same rule, namely, the essential rule of IFIDs of promising.

§ 6.5.3 The MAIN THESIS: refinements

Let me turn to a more detailed view on the MAIN THESIS. This claim can be divided into two parts. It says that *the* conventions of languages are realisations of *the* rules constituting illocutionary acts. So it entails first that *every* convention of a language is a realisation of a IA-constituting rule. This is an assumption which is especially interesting for semantics because it tells us something about the nature of semantic conventions: they are all realisations of rules constituting illocutionary acts. I will call it "MT (1)":

MT (1):

All conventions of languages are realisations of rules constituting illocutionary acts.

The MAIN THESIS entails secondly that *all* rules constituting illocutionary acts are realised by certain conventions of a language. Since the present text is concerned with illocutionary acts, this second implication of the MAIN THESIS *is especially interesting here* because it tells us something about the rules which constitute illocutionary acts. I call it "MT (2)":

MT (2):

All rules constituting illocutionary acts are realised by conventions of languages

Let me point out an interesting consequence of MT (2). Part of Searle's presentation is the assumption that illocutionary acts involve conventional effects.³⁰³ These are meant to be constituted by rules. Searle emphasises that in such a case the constitutive rules *must* be realised by some conventions.³⁰⁴ We can conclude that one cannot perform an illocutionary act without the constitutive rules being somehow realised. Since they are said to be realised by semantic conventions, and since it is linguistic tokens to which the conventions of languages apply, we can conclude that it is impossible to perform an illocutionary act without thereby using a linguistic token. Searle confirms this consequence at one place in a rather explicit way with respect to promising and stating:

[T]here must be some way of invoking the underlying rules. For the case of promises and statements there must be some conventional elements the utterance of which counts as an undertaking of an obligation or the commitment to the existence of some state of affairs in order for it to be the possible to perform such speech acts as promising or stating. (SA, p. 40)

In the light of MT (2), the only kind of "conventional element" to be considered are linguistic tokens.

There is a third claim, which, although it does not follow from the MAIN THESIS as it stands, is implicit throughout Searle's exposition and for which particular evidence can be given. Consider the following quotation:

I have said that the hypothesis of this book is that speaking a language is performing acts according to rules. The form this hypothesis will take is that the semantic structure of a language may be regarded as a conventional realization of a series of sets of underlying constitutive rules, and that speech acts are acts characteristically performed by uttering expressions in accordance with these sets of constitutive rules. One of the aims of the next chapter is to formulate sets of constitutive rules for the performances of certain kinds of speech acts [...]. (SA, p. 36 f.)

Obviously the rules in question in this passage are the rules constituting illocutionary acts, the ones with which the MAIN THESIS is concerned. Searle announces that he will provide sets of these rules "in the next chapter". The chapter next after the quotation is chapter 3, and in this chapter Searle is exclusively concerned with sets of rules of IFIDs of promising and some further illocutionary act types. It follows that Searle tacitly assumes that the sets of rules constituting illocutionary acts are sets of rules *of IFIDs* of different act types. That means, he seems not to include the rules of referring and predicating, for these are dealt with in separate chapters (chapter 4 and 5 of SA).

It is further fairly obvious that the rules constituting a given type are meant to be the rules of the IFIDs *of this type*. The rules constituting promises are obviously meant to be

³⁰³ Cf. claim (6).

³⁰⁴ Cf. claim (9).

the rules of the IFIDs of promising, the rules constituting requests are meant to be the rules of the IFIDs of requesting, and so on. Although this assumption is not logically entailed by the above statement of the MAIN THESIS, it is constantly implicit in Searle's exposition, and since it is closely connected with his MAIN THESIS I shall associate it with this thesis, calling it "MT (*3)":³⁰⁵

MT (*3):

The rules constituting an illocutionary act of a certain type are the rules of IFIDs of this type.

Now that we have got the MAIN THESIS in a fairly perspicuous version, let me try to show how the remarks I have collected from Searle's discussion of rules and conventions can be ordered in a more systematic way in the spirit of Searle's final statement of the MAIN THESIS, his positive answer to his three questions.

According to the way in which Austin had designed the illocutionary act in *Words*, illocutionary acts are to be defined as acts which contain certain conventional states of affairs. So ...

(6) Illocutionary acts are *not matters of purely physical facts*.

Conventional states of affairs need to be constituted somehow. Now ...

(11) In the case of the performance of an illocutionary act *there is a rule to the effect that something counts as something*.

In order to constitute conventional states of affairs a rule must be a constitutive rule. The MAIN THESIS is concerned with the rules constituting the states of affairs involved in performances of illocutionary acts, and thus ...

(1) The rules involved in the MAIN THESIS are *constitutive rules*.

Since illocutionary acts necessarily involve conventional states of affairs, and since the latter *need to be constituted*, ...

(7) Illocutionary acts are *only made possible* by the constitutive rules aimed at in the MAIN THESIS.

Now Searle assumes that ...

(9) The constitutive rules must be realised in some form in order for the illocutionary act to be executable.

They are realised by certain "conventions", and thus ...

(2) These constitutive rules "underlie" some certain "*conventional realisation*".

Since (the conventional effects entailed by) illocutionary acts must be constituted, and the rules constituting them must be conventionally realised, we can say that ...

(8) In the case of illocutionary acts it is a matter of certain conventions that the utterance of such and such expressions under certain conditions counts as the making of this or that illocutionary act.

What kinds of conventions realise the constitutive rules? – Searle's answer starts with the supposed observation that ...

(4) *Speech acts* are performed by issuing certain *expressions*.

³⁰⁵ The asterisk is meant to indicate that Searle himself does not explicitly state the claim and that it does not strictly follow from the MAIN THESIS.

Now these expressions, the expressions of natural languages, are – as we know – subject to the conventions of natural languages. We can perhaps say, in some sense, that these expressions of natural languages are issued "in accordance with" the conventions.

Let us now suppose that these conventions are *generally* realisations of those rules, the rules constituting illocutionary acts. Since, as we assume, the conventions of languages are realisations of those rules, we may say, about the expressions of natural languages, more generally that ...

(5) These expressions are (issued) *in accordance with* the constitutive rules.

Since the conventions realise constitutive rules and thus are "constitutive conventions", and since it is conventional states of affairs, rather than purely physical ones, which are constituted, we can say that ...

(10) The conventional devices involved in illocutionary act performances are devices to achieve a "non-natural" effect.

Since illocutionary acts entail conventional states of affairs, and since such states of affairs *must* be constituted somehow, and since the rules constituting them must be realised by conventions in order for the rules to apply, ...

(12) An illocutionary act *cannot be performed without* employing some conventions.

Since it is the conventions of actual languages which are supposed to realise the rules constituting (the conventional states of affairs involved in) illocutionary acts, and if we further assume that *all* conventions of actual languages are of this kind, we can make the following bold claim:

(3) The *semantic structure of a language* is a "conventional realisation" of certain constitutive rules.

... , namely, those rules which constitute (the conventional states of affairs involved in) illocutionary acts.

§ 6.6 The illocutionary act: a function of the sentence issued

Searle's account, as presented so far, contains a number of assumptions about supposed connections between sentence meaning, speakers' intentions, and illocutionary acts. Recall, for instance, the IA-intention AXIOM. According to this, all sentences determine, if literally issued, the speaker's intention to perform an illocutionary act such that she must intend to perform precisely the act "indicated" by the sentence. Or recall Searle's conception of "meaning": It suggests that, whenever a speaker literally issues a sentence, there is an illocutionary act such that the speaker means the issuance as an instance of this act, which illocutionary act is precisely the one "indicated" by the sentence. These and further assumptions of Searle's account provide the basis for, and add up to, a certain thesis Searle holds about a determination from sentences to illocutionary acts.

In a rough version, when an illocutionary act is performed in the literal issuance of a sentence then the illocutionary act is, as Searle puts it, "*uniquely determined*"³⁰⁶ by the

³⁰⁶ See SA, p. 18; *AoLaIA*, pp. 263 f..

sentence, or the illocutionary act is "*a function of the meaning of the sentence*"³⁰⁷. Following the latter formulation, I shall speak of the "FUNCTION claim".

The most straightforward statement of the FUNCTION claim I have found is the following:

[I]t is part of our notion of the meaning of a sentence that a literal utterance of that sentence with that meaning in a certain context would be the performance of a particular speech act (SA, p. 17 f.)

I assume that with "speech act" Searle means the illocutionary act.³⁰⁸ Note that the statement quoted divides into two functionally different parts:

- (1) A claim about an analytic connection between sentences and illocutionary acts, and
- (2) supposed evidence Searle provides for this claim.

Let me first say a few words about the evidence Searle provides for the claim. Searle literally says something about (our notions of) the meanings of *particular* sentences: He says, "it is part of our notion of the meaning of a sentence that a literal utterance of *that* sentence ..." – "That" must refer to a particular sentence, and since it is co-referent with "the meaning of a sentence" it follows that this expression refers to a certain particular sentence, too.

Nevertheless, in contrast to this literal reading, I do not think that Searle intends to make a claim about thousands of analytic connections between thousands of particular sentences and our thousands of conceptions of these sentences: I rather think that Searle argues for a certain analytic connection by recourse to the concept of "sentence meaning" *in general*. What I think he means can easily be made clearer by using inverted commas: "It is part of our notion of 'the meaning of a sentence' that ...". A clearer formulation would then be:

It is part of our notion of sentence meaning that, for all sentences, a literal utterance of that sentence with that meaning in a certain context would be the performance of a particular illocutionary act.

Let us turn to the FUNCTION claim itself. The formulation I have so far introduced is too rough: I shall argue that we have to refine upon it in some respects in order to get the claim Searle actually states. First of all I want to point out that the scope of the claim is restricted. It refers to the *literal* issuance of a sentence. Now remember that Searle's definition of the literal issuance of a sentence has a restricted scope of application. It presupposes, among various other things, that the sentence issued is Searle-explicit and unambiguous. A preliminary spelled-out version of the FUNCTION claim would then be:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, *F*(*P*),

a literal utterance of that sentence *T* with that meaning in a certain context would be the performance of a particular illocutionary act.

Let me next turn to the formulation "that sentence *with that meaning*". It is not possible, one may be tempted to object, to issue a sentence *without* its meaning. The best explanation for Searle's formulation I have found is this: The qualification is intended to

³⁰⁷ SA, p. 18.

³⁰⁸ Alternatively, the reader may take the following presentation to be restricted to illocutionary acts and to exclude those parts of the claim which are about further speech acts.

cope with certain problems which would arise as soon as we wanted to include ambiguous sentences. Let us consider, for example, the ambiguous sentence "Go to the bank!". Perhaps Searle would want to say that we can issue this sentence literally and thereby mean at one occasion by "bank" a (building of a certain) financial institution and at another occasion a (location belonging to a certain) terrain type. And perhaps he would express this by saying that we issue the sentence once "with" the first meaning and at another time "with" the second meaning. In this case, there would be two different illocutionary acts "indicated" by the sentence and thus the connection to *a (one) particular* illocutionary act would seem odd. In this interpretation, the qualification "with its meaning" would be meant to secure that *merely one* of the two, or more, different meanings which can be applied to the ambiguous sentence is picked out, in order to be able to associate to the *different* meaning "versions" of ambiguous sentences *different* illocutionary acts.

This matter would certainly be worth some further investigation. However, Searle confronts us with the formulation without any further comment. Now the use of "literal", I have just said, anyway restricts the scope of the claim to cases in which the sentence is unambiguous. Therefore, I suggest simply dropping "with that meaning". The claim would then read as follows:

[...] a literal utterance of that sentence *T* in a certain context would be the performance of a particular illocutionary act

As I have stated the FUNCTION claim so far, it does not necessarily need to be read as saying that a certain illocutionary act is determined by the sentence issued. It may be interpreted like this:

[...] a literal issuance of that sentence *T* in a certain context would be the performance of *some* (whatever) particular illocutionary act.

Searle, however, has a stronger claim in mind:

[...] *there is a particular illocutionary act such that* a literal issuance of that sentence *T* in a certain context would be the performance of *this* illocutionary act.

In particular, Searle intends to claim that *the sentence determines* the kind of illocutionary act performed. Consider the following passage in which he makes a qualification upon the FUNCTION claim:

The speech act or acts performed in the utterance of a sentence are in general a function of the meaning of the sentence. The meaning of a sentence does not in all cases uniquely determine *what* speech act is performed in a given utterance of that sentence, for a speaker may mean more than what he actually says, but it is always in principle possible for him to say exactly what he means. (*SA*, p. 18; my italics)

Searle's qualifying remark about certain indirect illocutionary acts, that they are *not* "uniquely determined" by the sentence, implicitly shows us that the *positive* claim demands a *unique* determination. This interpretation is confirmed in *FicDis*, where Searle explains the matter by way of an example:

In general the illocutionary act (or acts) performed in the utterance of the sentence is a function of the meaning of the sentence. We know, for example, that an utterance of the sentence "John can run the mile" is a performance of one kind of illocutionary act, and that an utterance of the sentence "Can John run the mile?" is a performance of another kind of illocutionary act, because we know that the indicative sentence form means something different from the interrogative sentence form. (*FicDis*, p. 64)

An illocutionary act, it is clear, cannot be said to be "uniquely determined" unless it is determined *what particular* illocutionary act (including its type and its propositional

content) is at issue. So it strongly seems that Searle conceives of the relation such that for every sentence there is *a certain* illocutionary act (rather than merely *some (whatever)* illocutionary act) which is performed under certain conditions if the sentence is literally issued.

And, indeed, in *AoLaIA* Searle emphasises that the illocutionary act is determined with respect to its illocutionary act type. He first claims this for the special case of the sentence "I hereby promise that I am going to do it":

[F]or some sentences at least, meaning, in Austin's sense, determines (at least one) illocutionary force of the utterance of the sentence. Thus, though the sentence "I am going to do it" can be seriously uttered with its literal meaning in any number of illocutionary acts, what about the sentence "I hereby promise that I am going to do it"? *Its serious and literal utterance must be a promise*. It may on occasion be other illocutionary acts as well, but it must at least be a promise – that is, an illocutionary act of a certain type. (*AoLaIA*, p. 263; my italics)

Although Searle does not explicitly refer to the propositional content, we may assume that an according determination is meant to be present, too.

In the passage just quoted Searle confirms the claim, that the illocutionary act is determined by the sentence, merely with respect to *one particular* sentence (whereas I suggest that it goes about *all* sentences). However, as we saw in § 6.4, Searle continues in *AoLaIA* by claiming that *all* sentences contain IFIDs. And from this he concludes that the illocutionary act is *always* determined by the sentence issued. Remember his argument:

We saw above that the original locutionary-illocutionary distinction is best designed to account for those cases where the literal meaning of the sentence is, so to speak, force-neutral – that is, where its literal utterance did not serve to distinguish a particular illocutionary force. But now further consideration will force us to the following conclusion: no sentence is completely force-neutral. Every sentence has some illocutionary force potential if only of a very broad kind, built into its meaning. For example, even the most primitive of the old-fashioned grammatical categories of indicative, interrogative, and imperative sentences already contain determinants of illocutionary force. For this reason there is no specification of a locutionary act performed in the utterance of a complete sentence which will not determine the specification of an illocutionary act. (*AoLaIA*, p. 267)

Searle deduces that all sentences determine the illocutionary act from the assumption that all sentences contain IFIDs. Since, in the case of the FUNCTION claim, we are concerned with a *unique* determination, we can assume that a determination with respect to the propositional content is meant to be entailed, too.

One might object that Searle's argument fails to give us a sufficient reason for such a conclusion. In particular, one might argue that the determination *of the propositional content* of an illocutionary act needed to be managed by *propositional indicators*, rather than by, or additionally to, IFIDs: What Searle has so far claimed is merely that all sentences contain IFIDs, but not that all sentences contain propositional "indicators". However, fortunately, we can bypass any objection like this, just because the FUNCTION claim contains the word "literal" and therefore is restricted to cases in which the sentence is Searle-explicit – that is, in which the sentence actually "indicates" a propositional content.

The next version of the FUNCTION claim can then be stated as follows:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, *F(P)*,

a literal utterance of that sentence *T* in a certain context would be the performance of an illocutionary act of type *F*, relative to the propositional content *P*.

The passage just quoted from *AoLaIA*, page 263, suggests further qualifications of the FUNCTION claim. Searle had said (roughly) that to issue "I hereby promise that I am going to do it" was (under certain conditions) necessarily to promise.

(1) Firstly, Searle makes in a footnote the qualification "Assuming that the act is successful, that is, that the conditions of successful utterance are satisfied."³⁰⁹ I suppose that the conditions aimed at are the preparatory conditions of the act. The FUNCTION claim is then limited to cases in which they are satisfied.

(2) Secondly, Searle claims merely that the literal *and serious* issuance of the sentence "I hereby promise that I am going to do it" must be a promise. As we have already seen, according to Searle's account, seriousness of the issuance is a precondition of the obtainment of *any* illocutionary act. For non-serious issuances of sentences are never illocutionary act performances.³¹⁰ We must make sure that the claim ranges merely over cases of serious issuance.

We arrive then at the following formulation:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, $F(P)$,

a literal and serious utterance of that sentence *T* in a certain context would be the performance of an illocutionary act of type *F*, relative to the propositional content *P*, given the preparatory conditions of the act obtain.

(3) There is still a further qualification to be made. Remember that it is necessary for an illocutionary act to succeed that "uptake" is secured, that is, that the hearer "understands the utterance". As Searle puts it in *AoLaIA*:

As it stands there is an easy, but in the end unsatisfactory, way out of this difficulty. A locutionary act is defined by Austin as the uttering of certain vocables with a certain sense and reference. But if that is absolutely all there is to the definition, then, it could be argued, the objection just raised is not really valid; because even for such cases as an utterance of "I hereby order you to leave" there is still a distinction between uttering the sentence with (that is, as having) a certain sense and reference on the one hand (the locutionary act) and actually bringing off a *successfully* performed illocutionary act. For example, I might utter the sentence to someone who does not hear me, and so I would not succeed in performing the illocutionary act of ordering him, even though I did perform a locutionary act since I uttered the sentence with its usual meaning (in Austin's terminology in such cases I fail to secure "illocutionary uptake"). (*AoLaIA*, p. 264)

So the determination from sentences in (successful) illocutionary acts will hold merely given that the hearer "understands the utterance". My final version of the reconstruction is then the following:

The FUNCTION claim:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, $F(P)$,

a literal and serious utterance of that sentence *T* in a certain context would be the performance of an illocutionary act of type *F*, relative to the propositional content *P*, given that the preparatory conditions of the act obtain, and given that the hearer "understands the utterance".

The FUNCTION claim, remember, is identified as an analytic claim, following from our notion of sentence meaning.

³⁰⁹ *AoLaIA*, p. 263, Fn. 3.

³¹⁰ See § 5.5.

The point of Searle's function claim is that the semantics of sentences of natural languages determine the issuance of these sentences in a way that the speaker, given certain conditions, *cannot fail to* perform a certain illocutionary act – which act is "uniquely" determined by the sentence. I want now to show how this claim actually seems to hold, given Searle's account, and given the various restrictions and qualifications by which the account is limited.

According to my reconstruction of Searle's analysis of promising, the conditions of this analysis necessary for the *success* of the act are (at most) conditions (1.*), (2), (3), (4), (5), (7), (8), and (9):

- 1.* The knowledge *K* that the states of affairs specified by the meaning of *T* obtain (that *S* is promising that *P*) is produced in *H* by means of *S*'s intention to produce it, which recognition is achieved in virtue of *H*'s knowledge of the meaning of *T*.
2. *S* expresses the proposition that *p* in the utterance of *T*.
3. In expressing that *p*, *S* predicates a future act *A* of *S*.
4. *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer his doing *A* to his not doing *A*.
5. It is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events.
7. *S* intends that the utterance of *T* will place him under an obligation to do *A*.
8. In the utterance of *T*...
 - (a) *S* intends (*i*-1) the utterance of *T* to produce in *H* the knowledge (*K*) that the states of affairs specified by the meaning of *T* obtain (*S* is promising to do *A*).
 - (b) *S* intends to produce *K* by means of the recognition of *i*-1.
 - (c) *S* intends that *i*-1 will be recognised in virtue of *H*'s knowledge of the meaning of *T*.
9. The semantical conventions of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 2–7 (1–8, 1–9) obtain.

Let us assume that conditions of these types – referred to by these numbers – are necessary for every illocutionary act performance. We can then observe in detail how the FUNCTION claim works in such an account in the following step-by-step procedure:

- (a) The FUNCTION claim is restricted to cases in which a speaker issues a sentence. Remember further first that it is an axiom, according to Searle, that all sentences contain IFIDs of some type; and, secondly, the scope of the claim is restricted to Searle-explicit and unambiguous sentences. Such sentences will "indicate" *one and only one* propositional content and *one and only one* illocutionary act type. Let us refer to the type of the act "indicated" by "*F*" and to its propositional content by "*P*". Niceties aside, it is then granted that in the issuance of a sentence the conditions (9), (2), and (3) of the illocutionary act *F(P)* are satisfied.
- (b) The FUNCTION claim demands that the issuance of the sentence must be literal. So it is granted that the speaker satisfies condition (8) of *F(P)*.
- (c) The FUNCTION claim is restricted in its scope to cases in which it is granted that the hearer "understands the utterance". So the satisfaction of condition (1.*) of *F(P)* is granted.
- (d) Furthermore, the FUNCTION claim is restricted to cases in which it is granted that the preparatory conditions of the act obtain. So conditions (4) and (5) of *F(P)* are granted.
- (e) Moreover, remember that the literal issuance is granted. It then follows further from the IA-intention AXIOM that the speaker has the intention to perform the act "indicated" by the sentence. So it is granted, not only that condition (8) is satisfied, but also that condition (7) of *F(P)* is fulfilled.
- (f) From the satisfaction of condition (9) (granted in (a)) it follows that the sentence issued is subject to the rule constituting the conventional consequences associated with

$F(P)$ (let that be "rule (5)"). Rule (5), according to Searle's account, applies only if conditions (2) and (3) of the act obtain (an appropriate propositional content is "expressed"). We have granted these conditions in (a). And it is further necessary for the application of rule (5) that conditions (4) and (5) (the preparatory conditions) obtain. These are granted in (d). So rule (5), constituting the conventional consequences, applies.

(g) Finally, according to Searle, if the issuance of the sentence had been non-serious, then the illocutionary act would not come off because the rules constituting the act would be disabled by certain "anti-conventions" – but this danger does not threaten because the FUNCTION claim demands the issuance of the sentence to be serious.

And now we seem to be through: Given the literal and serious issuance of an unambiguous and Searle-explicit sentence in the presence of a hearer, and given Searle's conceptions of speaker meaning and sentence meaning, and given all sentences contain IFIDs, and given the IA-intention axiom, and given the hearer "understands the utterance", and given the preparatory conditions of the act "indicated" by the sentence obtain, according to Searle's account, the sentence indeed *uniquely determines the illocutionary act performed*.

PART III: Problems of Searle's account and the question of adequacy

After the exposition of Searle's account of illocutionary acts, we now turn to a detailed assessment of this account. Chapter 8 will deal with the analysis of promising, the attempts to generalise this analysis towards a general theory, and the path along which Searle suggests proceeding towards a general definition of the illocutionary act. In Chapter 9 I shall examine the basic claims which, according to Searle, underlie his account. Finally I shall ask the question whether Searle's conception of illocutionary acts satisfies the conditions of adequacy posed in the first Part.

In advance of all this I shall first have to justify two claims from which I have been proceeding up to now but which might, for one or another reason, be doubted. The first claim is that Searle has not provided any definition of the illocutionary act: and yet especially *Foundations*, one might argue, seems to contain quite a number of definitions, or statements very similar to definitions. Apart from the fact that I did not count this book as part of Searle's account of illocutionary acts – the account with which his name is usually connected, developed in *SA* and *EaM* –, I want to show that a meaningful definition is after all not given in *Foundations* either. On the second claim to be defended I have just been relying: I claim that Searle's account – despite the impression Searle himself attempts to convey – has gone through several crucial alterations over time. Since these two issues grew somewhat out of hand, they now make up the whole Chapter (7), "Excursus".

7

Excursus

§ 7.1 Is "illocutionary act" defined in *Foundations*?

In the course of my reconstruction of what I have been calling "Searle's account" of illocutionary acts I claimed that this account does not contain any definition of the notion of an illocutionary act. In fact, in the texts to which I ascribe this account Searle does not even make any serious attempt to provide any definition. However, there is a prominent text which I do not count as part of the original account, namely *Foundations*, in which we are provided with quite a number of definitions connected with the notion "illocutionary act". It might be asked why I did not regard *Foundations* in my reconstruction, and it might be supposed that the definitions there provided would have solved the problem of making clear what an illocutionary act is supposed to be.

In the next section I shall justify my decision to restrict the exposition to Searle's earlier writings: the later ones develop conceptions of the "illocutionary act" which are fundamentally different from and thus inconsistent with Searle's earlier views. In the present section I shall show that *Foundations*, despite the variety of definitions the book contains, does not succeed in making clear what an illocutionary act is supposed to be.

§ 7.1.1 "Illocutionary act" in *Foundations*: no proper definition

The first place in the *Foundations* at which one may expect a meaningful definition of the illocutionary act is in the first chapter, "Introduction to the theory of speech acts", where Searle and Vanderveken present a section "Definitions of illocutionary force and related notions". They provide there a statement headed "Definition of a successful and nondefective performance of an elementary illocutionary act". The heading already makes clear that the statement is not a straightforward definition of the notion of an illocutionary act; but let me go into the detail.

Before stating the definition, Searle and Vanderveken make a brief remark which is of importance for the definition itself:

[W]hether or not an illocutionary act with [a certain] force is successfully and nondefectively performed involves [...] a set of [...] conditions which must be satisfied. Prominent among these conditions are those that have to do with achieving what Austin called "illocutionary uptake". [...] Since these conditions of understanding are of little theoretical interest in a theory of speech acts, we will simply henceforth assume that they are satisfied. (*Foundations*, p. 21)

Then they provide us with the following definition:

Assuming that all conditions necessary and sufficient for hearer understanding are satisfied when the utterance is made, an illocutionary act of the form $F(P)$ is successfully and nondefectively performed in a context of utterance iff:

- (1) The speaker succeeds in achieving in that context the illocutionary point of F on the proposition P with the required characteristic mode of achievement and degree of strength of illocutionary point of F .
- (2) He expresses the proposition P and that proposition satisfies the propositional content conditions imposed by F .
- (3) The preparatory conditions of the illocution and the propositional presuppositions obtain in the world of the utterance, and the speaker presupposes that they obtain.
- (4) He expresses and possesses the psychological state determined by F with the characteristic degree of strength of the sincerity conditions of F . (*Foundations*, p. 21 f.)

Let me initially make some remarks about the concept of "understanding" involved in the definition: In introducing and stating their definition, Searle and Vanderveken mention "the conditions that have to do with achieving" "illocutionary uptake" as being "prominent" among the conditions of the successful and non-defective performance of an illocutionary act. They say further that "these conditions of understanding" are of little theoretical interest in a theory of speech acts, equating by the use of "these" the former with the latter conditions: the conditions "which have to do with achieving" uptake are equated with the conditions "of understanding".

Since we are dealing with a definition we might perhaps at first be tempted to assume that those conditions are meant to be *analytic* conditions of "illocutionary uptake", that is, the conditions of *an analysis of* the notion of hearers' understanding. However, in the light of Searle's original account we have also to be aware that there is another sense in which the talk of "conditions of" understanding could be intended.³¹¹ Remember condition (1) of Searle's analysis of promising in *SA*: it demanded "normal input and output conditions" and was intended to demand such things as that the speaker does not have laryngitis and that the speaker is not deaf. Although these conditions may be *connected with* the understanding on the side of the hearer in some or the other contingent way, they are plainly not the conditions *of (an analysis of)* understanding: it is possible to understand even when being deaf, and it is possible to be understood even when one has laryngitis.

Nevertheless I suppose that it is these kinds of conditions which Searle and Vanderveken have in mind. For notice that Searle and Vanderveken emphasise in the above passage, about the "conditions of understanding", *that they are of little interest* in a theory of speech acts. But it would be rather strange to say that *an analysis of* "illocutionary uptake" is of little interest in a theory of illocutionary acts: recall only that according to Austin the illocutionary act *is to be defined* by use of this very notion: in fact, an analysis of "uptake", *prima facie*, seems to be one of the central aims of a theory of illocutionary acts. However, the question *how understanding is actually brought about*, especially if it concerns itself with such phenomena as laryngitis and deafness, may of course be viewed as not of primary interest. It thus seems to me that in the above passage what Searle and Vanderveken aim at are those conditions contingently connected with understanding which Searle had introduced in *SA*, those conditions under which it is *rather probable* that "uptake" will be secured.

³¹¹ Cf. § 3.2.1.

Now is the above statement an appropriate definition of the illocutionary act? – It is plainly not, for a number of reasons: Firstly, notice that the scope of this definition is *restricted*. It is specifically valid only in cases in which "the conditions necessary and sufficient for hearer understanding" are satisfied. Secondly, notice the form of the definiens: what is defined is not that something is an illocutionary act but rather that such an act is performed. The question "What is an illocutionary act?" is not straightforwardly answered but only *indirectly* treated. Thirdly, the definition is not a definition of the *mere* performance of an illocutionary act but of the *non-defective* performance of such an act.

Furthermore, the definition captures merely those non-defective performances of an illocutionary act in which the act takes the form $F(P)$. There are, however, illocutionary acts which do not have this form. According to Searle and Vanderveken, there are illocutionary acts of the form " $F(u)$ " (where u is meant to be "some entity of the universe of discourse"³¹²), and there are even illocutionary acts of the simple form " F ". By way of examples they mention "an utterance of 'Hurrah for the Raiders!'" on the one hand and "'Hurrah!', 'Ouch', and 'Damn'" on the other hand.³¹³ Illocutionary acts without propositional content are neglected by the definition.

Finally, consider condition (3) of the definiens: it contains a reference to "the illocution", and "illocution" is here nothing than a somewhat loose word for "illocutionary act".³¹⁴ The definition can then not be a definition of the illocutionary act just because the expression "illocutionary act" is used in the definiens.

Not much later, Searle and Vanderveken provide another definition which might at first seem more promising: In chapter 4, section I, "Conditions of success of illocutionary acts and illocutionary commitments", they provide a definition of a certain "set of illocutionary acts":

The set of illocutionary acts that we discuss in this book is the smallest set Act which (1) contains all elementary illocutionary acts of form $F(P)$ where $F \in \phi$ and $P \in \text{Prop}$ and (2) contains all complex acts of form $(|A_1 \& |A_2), \neg|A$ and $(P \Rightarrow |A)$ when $|A, |A_1, |A_2$ belong to Act and $P \in \text{Prop}$. (*Foundations*, p. 74)

However, after all this statement does not succeed in defining the illocutionary act either. I want to emphasise the following two reasons:

(1) What is defined in this statement is not the illocutionary act in general but only the set of illocutionary acts "*that we discuss in this book*"; and as the definiens unfolds this set contains only those illocutionary acts which have the form $F(P)$. So the definition cannot be a general definition of the illocutionary act: it neglects illocutionary acts of the forms $F(u)$ and F .

(2) Furthermore, this definition solves the basic problem not even for illocutionary acts of form $F(P)$: it defines the set of illocutionary acts of the form $F(P)$ in terms of the notion of an "elementary illocutionary act of the form $F(P)$ ".³¹⁵

³¹² *Foundations*, p. 9.

³¹³ *Foundations*, p. 9.

³¹⁴ Compare, for instance, how Searle and Vanderveken make use of this word in introducing the definition in question: "The seven features of illocutionary force that we have specified reduce to four different types of necessary and sufficient conditions for the successful and nondefective performance of an elementary illocution" (*Foundations*, p. 21). Here they refer to the conditions of the definition, which are announced and executed as a definition of the successful and non-defective *illocutionary act*.

³¹⁵ At pp. 117 ff. Searle and Vanderveken provide further a recursive definition of "An illocutionary act $|A$ is performed in a context i "; both arguments apply to this definition, too.

Searle and Vanderveken reduce, that is, the performance of an illocutionary act of the form $F(P)$ to the performance of an "elementary illocutionary act" of the form $F(P)$.³¹⁶ So let us see how the performance of such an "elementary illocutionary act" is defined:

Basis: IA is an elementary illocutionary act of the form $F(P)$.

An elementary illocutionary act of the form $F(P)$ is performed in a context of utterance i iff the speaker a_i in that context

- (1) succeeds in achieving the illocutionary point of F on P with the characteristic mode of achievement and degree of strength of F ,
- (2) performs the propositional act which consists in expressing P and P satisfies the propositional content conditions of F with respect to i ,
- (3) presupposes that the preparatory conditions of $F(P)$ and the propositional presuppositions obtain, and, finally,
- (4) expresses the psychological states specified by the sincerity conditions of $F(P)$ with the characteristic degree of strength of sincerity conditions of F . (*Foundations*, p. 75 f.)

It will be useful to uncover some of the presuppositions which this definition makes: let me therefore provide a rough reformulation of the statement which keeps them separate:

Given an utterance U , a context of this utterance $i(U)$, a speaker in this context a_i , an illocutionary force F , a propositional content P , and an elementary illocutionary act of the form $F(P)$ $IA_{F(P)}$, and further

given an illocutionary point of F on P $\Pi_{F(P)}$, a characteristic mode of achievement of F $\text{mode}(F)$, a degree of strength of illocutionary point of F $\text{degree}(F)$, a set of propositional content conditions of F with respect to i $\text{Prop}_F(i)$, a set of preparatory conditions of $F(P)$ $\Sigma_{F(P)}$, a set of propositional presuppositions of P $\sigma(P)$, a set of sincerity conditions of $F(P)$ $\Psi_{F(P)}$, and a degree of strength of sincerity conditions of F $\eta(F)$,

$IA_{F(P)}$ is performed in $i(U)$ iff a_i in $i \dots$

- (1) succeeds in achieving $\Pi_{F(P)}$ with $\text{mode}(F)$ and $\text{degree}(F)$,
- (2) performs the propositional act which consists in expressing P and P satisfies $\text{Prop}_F(i)$,
- (3) presupposes that $\Sigma_{F(P)}$ and $\sigma(P)$ obtain, and, finally,
- (4) expresses the psychological states specified by $\Psi_{F(P)}$ with $\eta(F)$.

My reformulation is particularly intended to make clear that the definition introduces quite a number of rather peculiar further notions, like "characteristic mode of achievement", "propositional content conditions", "sincerity conditions", and so on: it seems to be precisely these notions which are eventually meant to perform the trick of distinguishing *illocutionary* acts from other acts.

Despite the use of these peculiar notions, the definition fails to be a general definition of the elementary illocutionary act for at least two reasons: Firstly, this definition again captures merely performances of elementary illocutionary acts of the form $F(P)$. Thus (elementary) illocutionary acts of the form $F(u)$ and of the form F are not captured. Secondly, although the heading announces a definition of an act's being an elementary illocutionary act – which formulation suggests of course that we are concerned with a straightforward definition –, the actual statement does not execute this task: it takes the expression "elementary illocutionary act of the form $F(P)$ " as *already transparent* and defines what it is for its referent *to be performed in a context of utterance*.

³¹⁶ Notice, incidentally, a rather strange consequence: they treat the notion of an "elementary illocutionary act" as more fundamental than the notion of an "illocutionary act". According to this, the expression "elementary illocutionary act" is to be understood, not as a compositional expression ("an illocutionary act which is elementary") but rather as an elementary one.

So although Searle and Vanderveken provide quite a number of definitions, the definiendum of which is somehow connected with the notion of an illocutionary act, no one of them can seriously be admitted as a proper definition of this notion. All definitions are restricted to acts of the form $F(P)$, and no one of them tells us what the essential properties of an illocutionary act are in a plain way. The notion of an illocutionary act, I preliminarily conclude, is not properly defined.

§ 7.1.2 "Illocutionary force": a distinguishing feature?

However, a question might well be raised about this consequence I suggest. Setting formalities aside, might it not be that, although the form of those definitions is not appropriate, they do what definitions are primarily required to do: give us enough information for distinguishing illocutionary acts from other acts? In the following I want to argue that they do not.

Let me start by considering again what the point of those definitions is, that is, what the necessary peculiarities are which are meant to distinguish (elementary) illocutionary acts from other acts. Remember the definition of the "elementary illocutionary act of the form $F(P)$ " with which I was last concerned: at the surface it demands that the speaker satisfies a number of different conditions, the formulation of which involves such peculiar notions as "characteristic mode of achievement", "propositional content conditions", "sincerity conditions", and so on. In the statement of the conditions the presence of these peculiar entities is presupposed. I have made a rough reformulation of the definition in order to bring these presuppositions to the surface.

Now the trick by which the (elementary) illocutionary act is meant to be individuated is, we can assume, certainly not the fact that, given some certain conditions, the person performing the act satisfies them: for any act whatsoever we can demand, of certain conditions, that the speaker must satisfy them. – The crucial defining trait is rather what Searle and Vanderveken hide in the presuppositions of their definitions: that it is an *illocutionary point* which must be achieved, that it is a set of *preparatory conditions* which must be satisfied, that it is a *sincerity condition* which must be expressed, and so on.

This is in fact precisely the outline of individuating the illocutionary act which Searle originally suggested in *SA*: he said, concerning his analysis of promising and with reference to those categories he had applied in this analysis, that "[i]f the analysis is of any general interest beyond the case of promising, then it would seem that these distinctions should carry over into other types of illocutionary act."³¹⁷

Now if we could really say that it was necessary for something's being an illocutionary act that it has such characteristic properties as an illocutionary point, preparatory conditions, sincerity conditions, and so on, then it might well appear that the reference to these categories will enable us to distinguish illocutionary acts from all other phenomena in the world: at least it has never been heard, of any other phenomena, that they were connected with such peculiar properties as illocutionary point, preparatory conditions and sincerity conditions.

³¹⁷ *SA*, p. 64.

Searle and Vanderveken divide these peculiar properties into seven groups. The presence of those seven features is in the account of Searle and Vanderveken closely connected with the applicability of the notion of "illocutionary force". Indeed, it seems that it is possible to say that having an illocutionary force *is equivalent to* having those seven characteristic kinds of properties. This is suggested by the fact that they *define "illocutionary force" as consisting of* those seven components:

The set-theoretical definitions of the illocutionary point Π_F , the mode of achievement of illocutionary point mode (F), the degree of strength of illocutionary point degree(F), the propositional content conditions Prop_F , the preparatory conditions Σ_F , the sincerity conditions Ψ_F , and the degree of strength of sincerity conditions $\eta(F)$ of an illocutionary force F permit us to *identify* set-theoretically that illocutionary force. *Each illocutionary force $F \in \Phi$ is a septuple consisting of these seven components.* (*Foundations*, p. 46)

It seems then that the spirit of the way in which Searle and Vanderveken hope to distinguish illocutionary acts from other acts can be captured by saying that an act is an illocutionary act if and only if it has an illocutionary force (and is successful)³¹⁸.

In order to see whether the reference to an act's having an illocutionary force suffices to exclude non-illocutionary acts, let us then examine the notion of an illocutionary force in some more detail. "Illocutionary force", Searle and Vanderveken define, is a septuple of those seven components such as illocutionary point, propositional content conditions, preparatory conditions, and so on. If we could assume that we have a conception of what it is for an act to have an "illocutionary point", a "preparatory condition", and so on, we would seem to have at least a partial conception of what an illocutionary force is as well: for such a force is, say, just a "combination" of those elements.

Nevertheless, in order to fully grasp what an illocutionary force is we should at least know the answer to a further question: What, actually, is *the bearer of* illocutionary force, that is, what are the entities which actually have illocutionary force? The above definition leaves this question entirely untouched. It does so because it is not a *straightforward* definition: actually, it does not tell us what an illocutionary force is but rather under which conditions a certain illocutionary force would be determined. Because of this "indirect" form, the bearer question is bypassed. And actually one may get the impression that it is not voluntarily that an explicit introduction of the bearer is avoided: at least it appears that Searle and Vanderveken themselves do not have any clear conception as to what the bearer of illocutionary force is. Let me introduce a number of different statements about illocutionary force with which they provide us.

(1) In *Austin on Locutionary and Illocutionary Acts* Searle equates the concept of an utterance with a certain force with the concept of an illocutionary act: "Throughout this paper I use [the concept of an utterance with a certain force and the concept of an illocutionary act] as equivalent."³¹⁹ According to this exposition, "illocutionary force" is to be viewed as a property of (successfully performed) illocutionary acts, representing which particular kind of (successfully performed) illocutionary act it is. When an act is a promise to go then it has the force of promising (to go), and when it is a request for salt then it has the force of requesting (for salt). I shall assume that force is intended to be associated

³¹⁸ It may be that *an attempt to perform* an illocutionary act is already meant to have an illocutionary force: therefore the additional demand for the act's success might be necessary.

³¹⁹ *AoLaIA*, p. 264, Fn. 4.

with the illocutionary act type, rather than with the type *together with a (propositional) content*.³²⁰ Let me then introduce this conception as "force-bearer (1)":

force-bearer (1):

"illocutionary force" is the property of a (successfully performed) illocutionary act to be of this or that illocutionary act type.

(2) In contrast to this interpretation, in the *Foundations* Searle and Vanderveken suggest that "[i]llocutionary force is a component of meaning", where "meaning" clearly is meant to refer to "sentence meaning"³²¹; thus they argue in this section, for instance, as follows: "Since illocutionary forces and propositions are two components of the meanings of elementary sentences, the ideal language of a universal grammar must contain logical constants and operators capable of generating names of all possible illocutionary forces of utterances."³²² So we have a second interpretation what the bearer of force is:

force-bearer (2):

"illocutionary force" is the property of linguistic tokens (sentences) to indicate this or that illocutionary act type.

Notice that force-bearer (1) and force-bearer (2) are incompatible with each other. On the one hand, illocutionary acts can be performed without the use of a sentence and thus according to solution (1) there can be an illocutionary force where solution (2) denies this. On the other hand, sentences can be issued without an illocutionary act's being performed, and thus there are cases in which solution (2) ascribes an illocutionary force but solution (1) does not.

(3) It is also in the *Foundations* that Searle and Vanderveken present a third version. Consider the following passage:

Whether or not an utterance has a certain force is a matter of the illocutionary intentions of the speaker, but whether or not an illocutionary act with that force is successfully and nondefectively performed involves a good deal more than just his intentions; it involves a set of further conditions which must be satisfied. (*Foundations*, p. 21)

This connects illocutionary force with the intentions of speakers and suggests something like the following assumption.

force-bearer (3):

"illocutionary force" is the property of some "utterance" to be intended as this or that illocutionary act type.

Interpretation (3) is incompatible with both (1) and (2). It is incompatible with force-bearer (1) because, as Searle and Vanderveken themselves emphasise in the passage just cited, it is not merely a matter of intentions whether an illocutionary act succeeds; thus solution (3) can ascribe illocutionary force in cases in which (1) does not, where the intention to perform an illocutionary act is present but the act is not successful. It is incompatible with force-bearer (2) because one can issue a sentence indicating an illocutionary act without intending to perform an illocutionary act. To take an example which meets Searle's account: one may issue a sentence in acting a play and thereby not perform any illocutionary act. If the speaker is rational in that she knows this then she will hardly in-

³²⁰ In Searle's presentation in *AoLaIA* this is not entirely clear, but in *SA*, remember, he *contrasted* rules of IFIDs with rules of referring and predicating.

³²¹ *Foundations*, p. 7.

³²² *Foundations*, p. 8.

tend to perform any illocutionary act. Thus in such a case force-bearer (2) will let us assume an illocutionary force, whereas force-bearer (3) does not need to.

We have then three versions of what the bearer of illocutionary force is supposed to be: it is either an aspect of a (successfully performed) illocutionary act, or of a sentence, or of an "utterance" made with a certain intention. These three possibilities are mutually incompatible with each other. In order to emphasise how different these solutions are, let me introduce two examples:

- (a) In acting in a play, Mark says "I promise to go".
- (b) Mark kisses Mary, smiles, and leaves, thereby intending to promise her not to drink more than ten pints this evening; but Mary rejects the promise.

According to force-bearer (2), we have illocutionary force in (a) but not in (b). According to force-bearer (3), we have illocutionary force in (b) but not in (a). According to force-bearer (1) we have illocutionary force neither in (a) nor in (b). This happens because the three solutions make the notions of "illocutionary force" relevant for distinct issues: force-bearer (1) is concerned with a certain aspect of (successful) illocutionary acts, force bearer (2) is concerned with linguistic meaning, and force-bearer (3) is concerned with speakers' intentions to perform this or that illocutionary act. Unless a decision in the bearer-question is made, the notion of "illocutionary force" will suffer from a crucial ambiguity.

But let us for the moment forget about the bearer-question. Let us take a somewhat closer look at the notions in terms of which the definition is made, like "illocutionary point", "preparatory condition", and so on. Since "illocutionary force" is defined in terms of these notions, the definition of the latter notion will succeed *only if, and only insofar as, those former notions are transparent*. As I want now to argue, they are far from transparent.

To start with, at one place those notions are represented as "primitive"³²³. I think it is fairly clear that this at least cannot mean that those notions were *transparent in advance*: "preparatory condition", "mode of achievement" and all those other notions are purely technical concepts and need some substantial explanation. And, Searle and Vanderveken themselves do not seem to consider the reference to "primitivity" to be sufficient; for in addition to this remark they actually make several attempts to give definitions of these notions. These attempts, however, are far from giving us any clear conception of the notions either.

Let me take as an example the case of the preparatory condition. At one place, Searle and Vanderveken advise us to determine preparatory conditions of single illocutionary forces in the following way:

The preparatory conditions of an illocutionary force *F* are defined by specifying for each context of utterance *i* and proposition *P*, which states of affairs the speaker *a_i* must presuppose to obtain in the world of the utterance *w_i* if he performs the illocution *F(P)* in *i*. (*Foundations*, p. 43 f.)

The preparatory conditions of a given illocutionary act, Searle and Vanderveken tell us here, are to be determined in terms of this illocutionary act. However, remember that they also assume – *vice versa* – that illocutionary acts are to be determined in terms of their preparatory conditions (and the other components of illocutionary force). Thus if we ac-

³²³ See *Foundations*, p. 109 f.

cepted the explanation in the above passage as a definition then the account of illocutionary acts would become circular.

At another place we are given a, say, "characterisation" of the preparatory condition in general:³²⁴

Formally, a preparatory condition is then determined in illocutionary logic by a function $\Sigma \in (P(\text{Prop}))^{I \times \text{Prop}}$ from possible contexts of utterance and propositions into sets of propositions having a certain feature. (*Foundations*; p. 44)

Although this statement is presented as a "definition"³²⁵, it is clearly far from providing us sufficient conditions: obviously, *not any* function from possible contexts of utterance and propositions into sets of propositions is a preparatory condition; consider only the function from possible contexts of utterance and propositions into those sets of propositions which cannot be preparatory conditions of illocutionary acts. In general, the vague hint to a function from possible contexts and propositions into sets of propositions leaves the notion of a preparatory condition extremely underdetermined.

This problem, that the conditions given by way of a "definition" are underdetermined, concerns more or less strikingly the "definitions" of all those seven components, as the following statement shows ("M" names the set of all types of psychological states with propositional contents; "Z" names the set of all integers):

By definition an illocutionary point Π_F is a function from $I \times \text{Prop}$, a mode of achievement $\text{mode}(F)$ is a function from $I \times \text{Prop}$ into truth values, degrees of strength $\text{degree}(F)$ and $\eta(F)$ are integers, propositional content conditions Prop_F are a function from I into $|P(\text{Prop})|$, preparatory conditions Σ_F are a function from I into $|P(\text{Prop})|$, and sincerity conditions Ψ_F are a function from $I \times \text{Prop}$ into $|P(M \times \text{Prop})|$. As a consequence of these definitions the set of all illocutionary forces is a subset of the set $|P(I \times \text{Prop})| \times 2^{I \times \text{Prop}} \times Z \times (|P(\text{Prop})|)^I \times (|P(\text{Prop})|)^{I \times \text{Prop}} \times (|P(M \times \text{Prop})|)^{I \times \text{Prop}} \times Z$. In defining the set of illocutionary forces Φ , we do not need any entities except those belonging to I , Prop , Z , and M . (*Foundations*, p. 46 f.)³²⁶

Searle and Vanderveken themselves frankly admit that these "definitions" of the components of illocutionary force are underdetermined. Firstly, they admit that the functions they suggest as representing those components are underdetermined:

Of course, not any relation on $I \times \text{Prop}$ determines an illocutionary point, not any function from $I \times \text{Prop}$ into 2 , from I into $|P(\text{Prop})|$, from $I \times \text{Prop}$ into $|P(\text{Prop})|$ or from $I \times \text{Prop}$ into $|P(M \times \text{Prop})|$ determines a mode of achievement of illocutionary point, a propositional content, a preparatory, or a sincerity condition. Thus, for example, there are only five on $I \times \text{Prop}$ that determine the conditions of achievement of illocutionary points. Moreover the only functions from $I \times \text{Prop}$ into 2 that determine the conditions of achievement of an illocutionary force are functions μ such that $\{(i,P)/\mu(i,P) = 1\} \neq \emptyset$ because each mode of achievement of an illocutionary force is a *possible* mode of achievement of its point. The set of all illocutionary forces is thus a *small proper subset* of the set $|P(I \times \text{Prop})| \times 2^{I \times \text{Prop}} \times Z \times (|P(\text{Prop})|)^I \times (|P(\text{Prop})|)^{I \times \text{Prop}} \times (|P(M \times \text{Prop})|)^{I \times \text{Prop}} \times Z$. (*Foundations*, p. 47)

Secondly, they admit that not any septuple of the components will be an illocutionary force:

Furthermore, not any arbitrary septuple consisting of elements of these seven types is an illocutionary force, because there are logical relations between the various components of a possible illocutionary force which restrict the possible combinations of the elements. For example, the mode of achievement $\text{mode}(F)$ of an illocutionary force F must be a mode of achievement of its illocutionary point Π_F , and requires a degree of

³²⁴ See *Foundations*, p. 46 and p. 66, for similar statements.

³²⁵ See *Foundations*, p. 46.

³²⁶ Incidentally, the final remark in this passage strikes me as rather absurd: Searle and Vanderveken state, or speculate, that they can define (or have defined) the seven components of illocutionary forces *exclusively* in terms of the sets I , Prop , Z , and M – but the "definitions" they provide us with obviously fail to give us sufficient conditions, the notions are all severely *underdetermined* and the definitions thus not successful. But unless they are *able to make* the definitions, how can they claim that no further entities will be necessary in order to do so?

strength of illocutionary point, $\text{degree}(F)$, of a certain value; $\text{degree}(F)$ must be the maximum of $\eta(F)$ and $|\text{mode}(F)|$. [...] (*Foundations*, p. 47)

Recognise the outcome: neither are those seven components of illocutionary force defined in any really meaningful way; nor would we, if we had a conception of those components, be capable of getting a satisfactory conception of the term "illocutionary force": for the nature of the function which gives illocutionary forces is not stated in any really meaningful way itself.

Over and above this, Searle's and Vanderveken's reference to illocutionary force as a "septuple" of those seven components is actually quite misleading. It suggests that we could say, about illocutionary acts and illocutionary forces, that they always involve all those seven very peculiar entities, such that having such a force, and being such an act, would be a very peculiar thing. Of course, in order to distinguish illocutionary acts from other acts we need characteristics of the former which those other acts do not have; and the more distinguishing features we have the greater our hope that we have succeeded. Now if having an illocutionary force, and hence being an illocutionary act, was a matter of involving those seven, no less, components of a rather specific nature, it may appear that it is very easy to distinguish illocutionary acts from other acts, the latter not having any, or at least not having all, of those seven features. This hope, however, is treacherous. The main reason is that, actually, *we are far from being capable of saying* that illocutionary acts must really have all those features.

To start with, remember that there are illocutionary acts which do not have any propositional content. There are acts of the form $F(u)$, and there are even acts which have just the form F . Since these acts do not have any propositional content, they will obviously not have any corresponding condition. Furthermore, there seem to be illocutionary acts which do not have any sincerity condition; one of Searle's own examples is greeting.³²⁷ But if there is no sincerity condition then there will be no degree of strength of sincerity condition either. Furthermore, there seem to be types of illocutionary acts which do not entail any special mode of achievement of illocutionary point. "Assert", for example, is a very general expression and seems not to imply any special mode of achievement.

The reader will perhaps foresee the outcome. Consider how the so-called "primitive expressive illocutionary force" is defined by Searle and Vanderveken:

5. *The primitive expressive illocutionary force.*

The primitive expressive illocutionary force has the expressive point, no special mode of achievement, and no propositional content, preparatory, and sincerity conditions. It is defined as follows:

$\Pi_{\leftarrow} = \Pi_5$; $\text{mode}(\leftarrow) = \Pi_5$; $\text{degree}(\leftarrow) = \eta(\leftarrow) = 0$; $\text{Prop}_{\leftarrow}(i) = \text{Prop}$, $\Sigma_{\leftarrow}(i,P) = \emptyset$ and $\Psi_{\leftarrow}(i,P) = \emptyset$. (*Foundations*, p. 62)

According to this description, a primitive expressive illocutionary act does not have any (special) mode of achievement, no (special) degree of strength of illocutionary point, no propositional content (conditions), no preparatory conditions, no sincerity conditions, and no degree of strength of sincerity conditions. It is sufficiently determined by saying that it has the illocutionary point of expressives – no further word is necessary to describe a primitive expressive illocutionary act.

³²⁷ See SA, p. 66 f.

Now the question naturally arises: If it is possible that some, or even most, of those seven components can be missing in a given case of an illocutionary act, how can Searle and Vanderveken define illocutionary force *as a septuple of those components*? In order to see the answer, consider the following set-theoretical definition of propositional content, preparatory, and sincerity conditions:

Three sets of functions $\Xi \subseteq (\mathbb{P}(\text{Prop}))^I$, $\Lambda \subseteq (\mathbb{P}(\text{Prop}))^{I \times \text{Prop}}$ and $\chi \subseteq (\mathbb{P}(M \times \text{Prop}))^{I \times \text{Prop}}$ determine respectively in illocutionary logic all (linguistically significant) propositional content, preparatory and sincerity conditions. They contain respectively the empty propositional content condition θ such that $\theta(i) = \text{Prop}$ and the empty preparatory and sincerity conditions Σ and Ψ such that $\Sigma(i, P) = \Psi(i, P) = \emptyset$. (*Foundations*, p. 111)

According to this definition, if a given act does not have any of these three conditions then according to the account Searle and Vanderveken construe we may simply ascribe to it *the empty set as the corresponding condition*. An according license can be taken in the case in which a given act does not have any degree of strength of illocutionary point, or of sincerity condition: in the former case, *the illocutionary point* is taken to represent its degree of strength, and in the latter case the (unspecified) degree of strength is just to be represented *by the number zero*.

Leaving such technical pastimes aside, the above definition of the primitive expressive force uncovers that Searle and Vanderveken accept illocutionary acts which are fully determined once we have given *one and only one of* those seven components: the illocutionary point. The presence of the remaining six components cannot be demanded for all illocutionary acts in any meaningful way, and hence this presence is not to be demanded for illocutionary acts in general.

That means: Apart from the problem that Searle and Vanderveken do not appear to know to what entities "illocutionary force" is to be applied, the notion of "force" itself remains highly underdetermined. Moreover, the impression suggested by the talk of a septuple of those characteristic components, that "illocutionary force" could easily do the trick of detaching illocutionary acts from other acts, is quite misleading: actually there is only one single one of those seven component that an illocutionary force really must contain, namely, an illocutionary point.

§ 7.1.3 "Illocutionary point": a distinguishing feature?

As we have seen, despite the talk of illocutionary force as a septuple of those various components, the only component which all illocutionary acts actually *must* have is an illocutionary point. Let us then turn to the crucial question, whether to maintain the presence of an illocutionary point would enable us to distinguish illocutionary acts from other acts.³²⁸ In order to do this, we must first find out precisely what the notion "illocutionary point" is actually intended to mean.

As a caveat in advance, let me point out one rather trivial thing: in defining "illocutionary point", it seems, we must not use any of those expressions which involve the word "illocutionary", like "illocutionary act" or "illocutionary force": illocutionary acts are

³²⁸ My discussion of "illocutionary point" takes up several arguments Mark Siebel (2002) makes; Siebel's exposition contains a number of further quite instructive discussions concerning the notion in Searle's and Vanderveken's accounts.

defined in terms of illocutionary force and those seven components, among them illocutionary point; and illocutionary force is determined in terms of the seven components, among them illocutionary point. The notion of an illocutionary point is at the bottom of the definitorial structure and must not be determined in terms of either illocutionary act or illocutionary force.

What, then, is an illocutionary point according to Searle and Vanderveken? As we saw, a first strategy – not of defining the notion, but of avoiding defining the notion – which Searle and Vanderveken pursue is to claim that it was a "fundamental and primitive notion" and to suggest that it could remain undefined.³²⁹ I mention this only in order to repeat that I find it quite implausible: "illocutionary point" is hardly a primitive notion, and although it may be fundamental in the theoretical structure of the account of Searle and Vanderveken, it cannot be taken as clear without definition.

As we have also already seen, Searle and Vanderveken themselves seem not to take their remark as providing a substantial solution; in fact, they make quite a number of attempts to clarify the notion of an "illocutionary point, or to postpone the problem. To start with, they attempt to justify not giving any definition in the following way:

We believe a formal definition of this notion could be given within a theory of intentionality, but as such a theory goes beyond the scope of this book, we will here simply list the various illocutionary points of possible utterances and thus define the notion in extension. (*Foundations*, p. 37)

We shall come to the "definition in extension" below. As to the promised formal definition within a theory of intentionality: it may be that such a definition in a theory of intentionality might be given or not, unless a concrete suggestion is made, or at least outlined, this is an open promise.³³⁰

Another statement which might appear to be a definition is the following passage about an illocutionary point Π_F :

The *illocutionary point* Π_F is the intersection of all illocutionary points Π such that if an illocutionary act of the form $F(P)$ is performed in a context of utterance i , then $i\Pi P$. (*Foundations*, p. 115)

Although this statement has the form of a definition, it cannot be one (or else would cause definitorial circularity) because the statement is in terms of "illocutionary acts" and "illocutionary force": according to the general outline of the account, the latter notions are to be defined in terms of the former, rather than *vice versa*.

In connection with the seven components of force we have already met the statement that "[b]y definition an illocutionary point Π_F is a function from $I \times \text{Prop}$ "³³¹. It is clear, and Searle and Vanderveken admit, that not any such function gives illocutionary points. – Notice that *all propositions, or sets of propositions, whatsoever* could be picked out by such a kind of function and thus satisfy the condition posed: consider a function which takes a possible context and the value of which is always the proposition, say, that illocutions are truth-evaluable.

³²⁹ See *Foundations*, p. 37.

³³⁰ Incidentally, two years before the *Foundations*, Searle delivered a whole book about the matter, *Intentionality* (1983), where he uses the notion of an illocutionary point but does not even make an attempt to define it.

³³¹ *Foundations*, p. 46.

As announced, at another place Searle and Vanderveken "define" the notion "in extension". According to them, there are the following five, and only these five, illocutionary points:³³²

Class	Illocutionary point
<i>Assertives</i>	<i>S</i> presents a proposition as representing an actual state of affairs in the world of utterance
<i>Commissives</i>	<i>S</i> commits himself to carrying out the course of action represented by the propositional content
<i>Directives</i>	<i>S</i> attempts to get the hearer to carry out the course of action represented
<i>Declaratives</i>	<i>S</i> brings about the state of affairs represented by the propositional content solely in virtue of his successful performance of the speech act
<i>Expressives</i>	<i>S</i> expresses some psychological attitude about the state of affairs represented by the propositional content

The first problem with this "definition" is that it is a definition of the extension, rather than of the conception, of illocutionary point. To outline how problematical such a "definition in extension" is, let me make a parallel: Imagine little Mary announces that she will define what a "blafriut" is, and in order to do so she puts three fruits on the table: a tomato, a cherry, and a water-melon. All fruits of these three kinds, she says, are blafriuts. This action, unfortunately, will not be very helpful in showing us what Mary means by "blafriut". To see this, imagine we know, of Mary, that she does not know apples. Would she, if she knew them, take them to be blafriuts? Or consider the same question with respect to pears. We will, it is clear, be perfectly unable to settle our question on the basis of her "definition in extension"; the reason is that Mary's action of referring to those three kinds of fruits does not make clear what *the unifying feature* of the class of blafriuts is meant to be: it could, for instance, be their comparatively sweet taste; or it could be that it is the red colour of their flesh; or it could be the fact that their flesh is very juicy. Even if we stop here, assuming that further features are out of the question, it could still be further that the blafriut is defined either by one of those three features, or by any pair of them; or by all of them.

In the case of Searle's and Vanderveken's "definition in extension" the same problem occurs. Consider the following suggestion for an illocutionary point:

S commits herself (in varying degrees) to the truth of a given proposition.

Would this be an illocutionary point? – In the absence of any *intensional* definition of "illocutionary point" we simply have no basis for making the decision. Or imagine, *vice versa*, that someone were to claim that what Searle and Vanderveken represent in the above list under "declaratives" actually is not an illocutionary point: how to decide whether she is right or wrong? Again, I think, we just cannot decide the matter. The reason is that we do not know *what it is that makes* something an illocutionary point. A definition by extension does not do what definitions are usually supposed to do: it does not give us any clear conception of the nature of the subject matter defined.

³³² See *Foundations*, p. 38 f.

However, one might now object in something like the following way: In the above case of Mary's definition of blafruits I assumed that Mary's decision is not reliable. I suggested, for instance, that she does not know apples. The case of the definition of illocutionary point Searle and Vanderveken provide us with, one might suggest, is not quite parallel: we can assume that they have a sufficiently reliable conception of what an illocutionary point is, and thus their "definition in extension" can be taken as infallible: questions like those I have suggested do not arise. This would finally settle the question whether something is an illocutionary point: if something occurs in the list Searle and Vanderveken suggest then this means that it is an illocutionary point, otherwise it is not.

However, to start with, can we really assume that Searle and Vanderveken themselves have a sufficiently clear conception of what an illocutionary point is? – If they do, one might ask, why do they not give a straightforward definition? It might be suggested that the relevant knowledge they have was intuitive, in which case it would not need to follow that the knowledge can easily be made explicit. But notice then, secondly, that the above suggestion I have made for an additional illocutionary point has originally been put forward by *Searle himself* as the point of assertives – the relevant suggestion made in *Foundations* is quite different from this. In fact, as Alston notes,³³³ Searle provides us with "quite a mixed bag"³³⁴ of suggestions as to what the point of asserting is supposed to be. But if we could *rely on* Searle's intuitive decisions, how can we explain this inconsistency?

In fact – given we actually accept the notion of an illocutionary point at all –, I would suggest that Searle's original suggestion was more appropriate than the one he subscribes to in *Foundations*, and that the latter is not an illocutionary point at all. The same holds in the case of Searle's and Vanderveken's suggestions for the directive and for the expressive point, since these do not involve any conventional effects. So, on the one hand, I think that some of the suggestions for illocutionary points Searle and Vanderveken suggest are not plausible.

On the other hand, I want to argue that, even if the above list of five points represented illocutionary points, and represented them correctly, the list would still seem to be incomplete.³³⁵ Consider how Searle and Vanderveken conceive of the directive illocutionary point: it is to attempt to get the hearer to do what she is directed. Compare this with the commissive point: it is to commit the speaker to a certain course of action. We have then a division between the following two parameters:

- (a) the speaker attempts to motivate a future action, or she "produces" a commitment to a future course of action
- (b) the future action is an action of the speaker, or else it is an action of the hearer

We might ask, comparing directives and commissives as represented, why there should not be illocutionary acts the point of which is ...

- (1) ... to be an attempt to get the speaker to do something
- (2) ... to commit the hearer to do something

³³³ See Alston (1991), p. 68 f.

³³⁴ Alston (1991), p. 68.

³³⁵ It is, of course, impossible to make a strong case for a new illocutionary point in the absence of a proper definition: my argument relies on intuition.

It may now be (or not be) the case that points according to (1) are for some logical or other reasons not instantiated; but what about (2): why should it not be possible that there are illocutionary acts the point of which is to commit the hearer to doing something?

And, indeed, I think that there are illocutionary acts which have this point (provided we actually accept the reference to point at all), rather than the point ascribed to them by Searle and Vanderveken. Consider the case of commanding: Searle and Vanderveken view this as a directive and thus ascribe to it the point of being an attempt to get the hearer to do what she is commanded. But it is possible to give a command without intending the audience to do what is commanded. In the military it is the very "point" (in a non-technical sense of the word) of the institution of commanding that it does not depend on the intentions of the speaker whether a certain conduct is to be executed or not: commands have the very purpose of making sure that what is commanded will be executed *independently of* what the personal intentions of single members of the whole are. In order to give a command the speaker need not intend the hearer to do what she is commanded, but by giving the command she commits the hearer.

Accordingly, I think, we can imagine that someone gives a command while not intending, and even without pretending to intend, that the hearer executes it as, for instance, by saying "I am committed to command you to kill these people. I do not want you to, but I hereby give the command." Now if we can imagine such a command then I do not see any justification for ascribing to commanding the "illocutionary point" that it is an attempt to make the hearer do something: if there is any "illocutionary point" then its *committing* the hearer will at any rate be a much more promising candidate. And if so then we appear to have at least one illocutionary point which is not in the list of Searle and Vanderveken.

Notice a consequence we are faced with: if some, or more, of the suggestions in the list are not illocutionary points, or if it turns out that there exist illocutionary points which do not appear in the list, then the whole business of making a "definition in extension" turns out to be *pointless*. If the list is faulty then we must assume that it is not backed up by certain knowledge. However, in the absence of certain knowledge what could the point of a definition in extension be? Given the list is not accurate, we shall have to correct, or develop it. In order to do so what we would need is a definition of the *intension* of "illocutionary point" – but once we have such a intensional definition, no need for the extensional definition would be left.

Finally, Searle and Vanderveken indeed make an attempt to clarify the intension of the notion of an illocutionary point:

Each type of illocution has a point or purpose which is internal to its being an act of that type. [...] By saying that the illocutionary point is internal to the type of illocutionary act, we mean simply that a successful performance of an act of that type necessarily achieves that purpose and it achieves it in virtue of being an act of that type. [...] [W]hen [someone] makes a promise he necessarily commits himself to doing something. (*Foundations*, p. 13 f.)

This statement is valued as an "informal explanation"³³⁶. Searle and Vanderveken suggest here that illocutionary points are "purposes", and that they are purposes "internal" to the act to which they apply. What does this mean precisely, that a given "purpose" is "in-

³³⁶ See *Foundations*, p. 37.

ternal" to a given act? According to the above quotation it means that the illocutionary point is something which must *necessarily have been realised* if the act is performed. As applied to promising: given that the point of promises is to commit the speaker, then a speaker promising something must thereby commit herself by virtue of the act's being a promise. Let me state this in a semi-formal way as "internal purpose (1)":

Internal purpose (1):

(for every speaker *S*, illocutionary act type *IAT*, and illocutionary point Π)

(Π is the illocutionary point internal to *IAT*) \rightarrow ((*S* performs an illocutionary act of *IAT*) \rightarrow (*S* achieves Π))

This statement is numbered because there is a second and, unfortunately, inconsistent characterisation of the relation between illocutionary point and illocutionary act type. It is provided by Vanderveken, pretty much at the same time at which the *Foundations* appeared, in a separate article:

The illocutionary point of an illocutionary force is what the speaker necessarily *intends to* do when he or she performs an act with that force. [...] [W]hen [someone] makes a statement, he or she may want to impress or amuse or irritate the audience, but he has always necessarily *at least the intention of* achieving the illocutionary point, because that point is the purpose which is essential to the type of act that he performs. (Vanderveken (1985), p. 183; my italics)

Vanderveken emphasises here that the speaker must *at least intend to* achieve the point. That is, he suggests that intending to achieve the point is *sufficient*, and that the point need *not be actually achieved*. If so, being "internal" would here be characterised in a way crucially different from the solution suggested in the *Foundations*. As applied, for example, to the case of promising: given the point of promising was to commit the speaker to do something, speakers promising something need *not actually achieve* a commitment but merely need to *intend to achieve* the commitment in promising, in order for the act to have the relevant point. Let me state this condition as "internal purpose (2):

Internal purpose (2):

(for every speaker *S*, illocutionary act type *IAT*, and illocutionary point Π)

(Π is the illocutionary point internal to *IAT*) \rightarrow ((*S* performs an illocutionary act of *IAT*) \rightarrow (*S* intends to achieve Π))

Yet a third version may be assumed: as Siebel argues,³³⁷ Searle and Vanderveken can be taken to suggest a solution according to which *both* achieving and intending to achieve the illocutionary point is necessary for its being "internal" to a given act type:³³⁸

Internal purpose (3):

(for every speaker *S*, illocutionary act type *IAT*, and illocutionary point Π)

(Π is the illocutionary point internal to *IAT*) \rightarrow ((*S* performs an illocutionary act of *IAT*) \rightarrow (*S* intends to achieve Π) \wedge (*S* achieves Π))

I shall now argue, against "Internal purpose (1)" and "Internal purpose (2)", that the condition they assume as necessary for something's being an illocutionary point is inconsistent with the account of illocutionary acts Searle and Vanderveken espouse. Since "Internal purpose (3)" contains both necessary conditions it is at the same time subject to both objections.

³³⁷ Siebel (2002), p. 126 ff.

³³⁸ A fourth version is suggested, though rather vaguely and quite by the way, in another paper of Searle's. He says there that "one cannot even have the intention to communicate unless one has an illocutionary force and propositional content which one intends to communicate" (Searle (1989b), 5): this sounds as if intending to *communicate* a force with a certain point was sufficient for the existence of the force, including the point.

I shall start with "Internal purpose (1), according to which the illocutionary point must be actually achieved, rather than merely be aimed at. The point of directives, as represented by Searle and Vanderveken, is "to try to get the hearer to carry out the course of action represented by the propositional content"³³⁹. And commanding, for example, is taken to be a directive.³⁴⁰ However, as I have argued, it is possible to imagine that I command someone to do something without intending her to carry the command out. If so, internal purpose (2) would, in contradiction to Searle's and Vanderveken's account, entail that commanding cannot be a directive.

Consider further the case of asking a question. According to Searle and Vanderveken, the point of such acts is that "they are attempts to get the hearer to perform a speech act"³⁴¹. Consider now Mary wants to humiliate Mark by putting a question to him at a workshop which, she hopes, he will be unable to answer, leaving him unable to say anything. In such a case Mary will actually not attempt to get the hearer to say something (what she aims at is quite the opposite). If one can ask a question under such conditions, then asking is another internal counterexample to internal purpose (1).

To take a third example, consider Searle's and Vanderveken's exposition of congratulating. The illocutionary point of this type of act is supposed to be that "one expresses pleasure with the preparatory condition that the thing in question is beneficial or good for the hearer"³⁴². But I think it is possible to congratulate someone without expressing any pleasure at all. Imagine a tennis player who has lost an important match and who has now the duty of congratulating the opponent, although she is overcome with fury (remember McEnroe). If she dutifully goes to the net and congratulates her opponent – if only to avoid fines – she may do so without expressing any pleasure. If so, we would have a third type in the account the point of which does not satisfy internal purpose (1).

But internal purpose (2), demanding that the speaker must *intend to* achieve the point, seems inconsistent with the account as well. In the case of commanding, it needed to be the case that I cannot perform the act without intending to make an attempt to get the hearer to do what she is commanded. Apart from the fact that it seems somewhat strange to demand someone to intend to make an attempt, in the case of a command I have outlined above, I do not see how we might come to assume that the condition needs to be satisfied. Likewise in the case of asking a question: I think one can state a question without even intending to make an attempt to get an answer if, for example, the question is stated in order to show up the addressee. It is the same in the case of congratulating: imagine a tennis player who does not show the least pleasure about his losing the match, and even does not intend to express any pleasure, but is sufficiently disciplined to go to the net and shake hands: certainly we and the umpire would have to accept that she has done her duty and congratulated her opponent although she did not even attempt to express any pleasure. So internal purpose (2) seems inconsistent with the account either.

It seems then that Searle and Vanderveken are unable to accept any of those three attempts to analyse the description of illocutionary point as an "internal purpose". So we

³³⁹ *Foundations*, p. 37.

³⁴⁰ See *Foundations*, p. 201.

³⁴¹ *Foundations*, p. 37.

³⁴² *Foundations*, p. 212.

must be content with the original description: illocutionary points are "informally explained" as "internal purposes" of acts.

Let me take stock: The only substantial information about "illocutionary points" we are given is that they are "internal purposes" of actions. Remember now that, despite the misleading talk of illocutionary force as a "septuple" of seven components, illocutionary point was the only one of those seven components which is always to be demanded for the presence of such an act. So a definition of the illocutionary act in general, according to the lines Searle and Vanderveken pursue, seems after all to be dependent on one and only one component, namely "illocutionary point". The crucial question will then be whether the demand for the act's having such a point will suffice to distinguish illocutionary acts from other acts. I think it hardly will.

To start with, let me state a rather funny question: is the act of *kicking a penalty* an illocutionary act? According to the account of Searle and Vanderveken it needed to be subject to a septuple of components. Six of them can be represented by the empty set, or the number zero, if the relevant component is not present. I suggest now that kicking a penalty indeed satisfies the conditions which Searle and Vanderveken are actually in a position to state and thus turns out to be an illocutionary act according to their account: Kicking a penalty, I claim, has the internal purpose of scoring a goal. One might argue that it is possible to kick a penalty without attempting to score a goal (if, for example, one is bribed), but this objection seems to hold, for example, in the cases of commanding, stating a question, and congratulating either. One might object that the point is obviously not an illocutionary one, but "illocutionary point" is the most fundamental notion in the account and must not be explained in terms of either "illocutionary force" or "illocutionary act": it must cross the borderline to the "illocutionary" on its own.

As to the mode of achievement of the illocutionary point, I suggest that the act is performed by use of a foot, rather than any other part of the body. If this would not hold, and if no other mode of achievement could be found, then we could just insert the illocutionary point as representing the relevant mode of achievement. The same holds *mutatis mutandis* with the degree of strength of illocutionary point: if there is no particular value for this parameter we can just insert the number zero as its degree of strength.

As a preparatory condition of kicking a penalty I suggest that the person kicking the penalty must be in the team against which the penalty-foul has been committed. But again, even if this condition would not be appropriate, and even if no other preparatory condition could be found, we would just have to assume the empty set as its preparatory condition and would satisfy the condition stated in the account.

And so on: the only component of the "septuple" with which Searle and Vanderveken attempt to distinguish illocutionary acts from other acts which must actually be present is the "illocutionary point": all other components can formally be applied even if actually there is no such component. Thus, I conclude, we are to assume that kicking a penalty is an illocutionary act because it is subject to such a septuple.

To take a second example, consider the act of *attempting to open a door*. As its illocutionary point I suggest that it is an attempt to open a door. As a preparatory condition I suggest that the person performing the act actually wants the door to be opened. If this does not work we just insert the empty set. The same is true of the other components: either we find any such component as connected with the act or we just insert the empty

set, or the number zero. We can then conclude that attempting to open a door is an illocutionary act.

However, holding to the facts, it is obviously nonsense to say that either the act of kicking a penalty or the act of attempting to open a door are illocutionary acts. The crucial thing is just: Searle and Vanderveken do not give us sufficient information about the illocutionary act in order to distinguish it from other acts. From the seven components they bring to bear only one is actually necessary, namely, illocutionary point. All the other components are presented as essential only by means of a technical trick: they cannot be generally demanded, but if they are not involved we can do as if they were in representing "them" by the empty set, or the number zero.

The only component remaining as necessary, illocutionary point, is very vaguely characterised as the internal purpose of the act. *But having an internal purpose is certainly not something which is particular to illocutionary acts.* Thus the account Searle and Vanderveken present not only fails to contain any straightforward definition of the subject matter of their theory, it also fails to give us sufficient information for distinguishing illocutionary acts from other acts.

§ 7.2 Alterations in Searle's conception of "illocutionary act"

In my presentation I have restricted what I called "Searle's account" to certain of his earlier writings about illocutionary acts, especially including *SA* and *EaM*. In order to justify this I argued that the account Searle gives in his later writings is incompatible with his original conception. His account has gone through some crucial amendments during the years.

Notice, incidentally, a consequence which would follow if my assumption were correct: If his conception of what an illocutionary act is had changed then what would have been changing is *the very subject matter* of the account. The reason is that "illocutionary act" is a stipulative term. In the case of a stipulative term, the set of essential features which an author ascribes to the term *makes up* the meaning and *is the crucial determinant* of the extension of this term. Thus if, as I claim, Searle ascribes different essential features to "illocutionary acts" during the time then he thereby changes the very subject matter with which his account is concerned: he thereby *re-interprets the question* actually stated when it is asked what an "illocutionary act" actually is.

It is thus no wonder that Searle has denied what I am claiming. For example, in reply to Habermas (1991) and Apel (1991), who also assume that his account has changed, particularly in connection with Searle's attempt to "reduce" the study of "illocutionary acts" to the terms of what he calls "Intentionality", Searle suggests that this attempt to base his account was not connected with any substantial amendments:

My attempt to give an Intentionalistic account of meaning is not intended as a rejection of the project that I originally stated in *Speech Acts*. It is rather an attempt to go deeper, to provide the project with a more thorough grounding in the basic Intentionality of the mind. (Searle (1991), p. 91)

The absence of fundamental changes is also presupposed when Searle and Vanderveken say, in the *Foundations*, that the account presented there "is based on and is a de-

velopment of"³⁴³ Searle's original account. If they were right then the essential features they ascribe to the illocutionary act in the *Foundations* needed to conform, at least in all fundamental respects, to the essential features Searle suggested in these two books. In objection to this assumption, I want now to set out some of the ways in which Searle's original account has essentially changed: I shall restrict myself to three examples.

§ 7.2.1 The role of preparatory conditions

Let me start with the role of the so-called "preparatory conditions". In *SA* it is strongly suggested that all illocutionary acts have preparatory conditions: in the list in which Searle represents further illocutionary act types over and above promising "Preparatory" is one of only two categories which is generally applied – and remember that it is with reference to these categories that Searle hopes to be able to individuate the illocutionary act. Secondly, conditions of this type are represented as necessary for the mere obtainment of the act. This is suggested in the analysis of promising, particularly by a certain comment on rule (5) of IFIDs of promising. This rule is meant to constitute the conventional consequence of getting committed, and the success of a promise, as Searle himself emphasises, *implies* the obtainment of this commitment. So the success of a promise implies the application of rule (5). In a comment, Searle says further that rule (5) applies only if conditions (4) and (5), the preparatory conditions, of his analysis of promising obtain. It follows that the preparatory conditions are necessary for the mere obtainment of a promise and, as far as this analysis is meant to be paradigmatic for illocutionary acts in general, we can conclude that the preparatory conditions are conceived of as necessary ones.

However, compare now the exposition of the matter in the *Foundations*: Firstly, in a comment on the "Definition of a successful and nondefective performance of an elementary illocutionary act" Searle and Vanderveken treat the preparatory conditions parallel to the sincerity condition as a kind of condition not generally necessary for the success of the act:

"In our view there are only two ways that an act can be successfully performed though still be defective. First, some of the preparatory conditions might not obtain and yet the act might still be performed. This possibility holds only for some, but not all, preparatory conditions. Second, the sincerity conditions might not obtain, i.e., the act can be successfully performed even though it be insincere." (*Foundations*, p. 23)

They secondly do not demand there that all illocutionary acts actually need to have any necessary preparatory condition. And, actually, according to their definition of "The primitive expressive illocutionary force", this force in fact does not determine any preparatory condition at all. It follows that an act with this force need not involve any preparatory conditions and thus, according to Searle and Vanderveken's exposition in the *Foundations*, there are illocutionary acts which *do not even have any* preparatory conditions. The status of these kinds of conditions has then changed from strictly necessary ones, which seem to be always present, to ones which need not be essential when they are involved, and which actually need not even be involved at all.

³⁴³ *Foundations*, p. 1, Fn. 1.

§ 7.2.2 The role of communication

Let us secondly consider the role "communication"³⁴⁴ is meant to play in the study of illocutionary acts. In Searle's original account, communication was an essential (if not *the* central) feature of illocutionary acts. Remember condition (8) of the analysis of promising: it demanded the speaker to "mean the utterance as" a (certain) promise. According to Searle's analysis of "meaning", this implies the intention of the speaker that the hearer believe something, namely, that the speaker is performing a promise (and what promise that is). Furthermore, according to my reconstruction, Searle's analysis of promising contains, in the form of condition (1.*), the demand that the hearer understand what the speaker means, which entails that the hearer knows that the speaker performs the illocutionary act in question.

This condition is identified, in *AoLaIA*, as a necessary one. Recall the following passage:

As it stands there is an easy, but in the end unsatisfactory, way out of this difficulty. A locutionary act is defined by Austin as the uttering of certain vocables with a certain sense and reference. But if that is absolutely all there is to the definition, then, it could be argued, the objection just raised is not really valid; because even for such cases as an utterance of "I hereby order you to leave" there is still a distinction between uttering the sentence with (that is, as having) a certain sense and reference on the one hand (the locutionary act) and actually bringing off a *successfully* performed illocutionary act. For example, I might utter the sentence to someone who does not hear me, and so I would not succeed in performing the illocutionary act of ordering him, even though I did perform a locutionary act since I uttered the sentence with its usual meaning (in Austin's terminology in such cases I fail to secure "illocutionary uptake"). (*AoLaIA*, p. 264)

The difference Searle introduces here is the difference between an act which has been understood and is a successful illocutionary act on the one hand, and an act which has not been understood and *therefore* is not a successful illocutionary act on the other hand. He thereby clearly assumes that understanding is a condition *necessary* for illocutionary acts. Thus, communication originally has been taken to be an essential condition, a condition necessary for the instantiation of an illocutionary act.

The crucial break appears (at the latest) in *MCR*. Searle suggests there a difference between a "primary-meaning intention" and a "communication intention":

A primary-meaning intention is an intention to represent; a communication intention is an intention that the hearer should know the representing intention. (*MCR*, p. 216)

And he emphasises this distinction by saying:

I believe that the distinction between representation and communication was disguised by the concentration on speech acts rather than pictures, for in the standard speech situation the utterance both represents and communicates, and it is tempting (and, in general, correct) to construe a failure to communicate as a failure of the speech act; [...] (*MCR*, p. 216)

The necessary demand that communication must have succeeded in order for a speech act to succeed is here restricted by the qualification "in general" – which suggests that the connection is no longer meant as a necessary one.

And, indeed, in *MCR* Searle introduces the case of an illocutionary act without successful communication:

³⁴⁴ I use "communication" here in order to capture a speaker's meaning something and her being understood by some audience.

In a case, for example, where I know that my hearer is not paying any attention to me I might feel it my duty to make a statement even though I know he will not understand me. In such cases the speech act is indeed defective, because the speaker fails to secure illocutionary up-take; but even in such cases it seems clear that the speaker means *something* by what he says even though he knows his speech act is defective. (*MCR*, p. 211)

With "speech act", it is quite clear, Searle means here the illocutionary act. From the fact that he emphasises the "defectiveness" of the statement we can conclude that he takes the act to have succeeded – even though defectively. It follows that Searle now accepts illocutionary act performances in cases in which "uptake" is not brought about.³⁴⁵ The "securing of uptake", that is, is no longer necessary for the obtainment of an illocutionary act: illocutionary acts can now come into being in the absence of communication. This break with his earlier position is, indeed, fundamental, if only because the "securing of uptake" was in Austin's account unambiguously maintained as an essential condition for illocutionary acts.

Furthermore, even the *intention to communicate* seems to disappear in Searle's later accounts. In the analysis of promising, remember, the speaker is demanded to "*mean*" something (particularly, what the sentence issued means). And according to Searle's original conception of "meaning", in *SA* as well as in *ISA*, to mean something is necessarily to intend to *communicate* something, namely, (in effect, and at least) that one is performing a certain illocutionary act and what illocutionary act that is. It is quite clear that this condition is meant to be, in *SA*, a necessary condition for the success of an illocutionary act.

But recall now the case, presented in *MCR*, where I make a statement just because I feel it my duty to make it, even though I know that the hearer will not understand me: this sounds as if we need not even have *the intention to communicate* something to the hearer in order to perform certain illocutionary acts as, for example, a statement. And this impression is reinforced in the *Foundations*:

One of the most pervasive distinctions among [illocutionary] verbs is between those that name an illocutionary force which is essentially hearer-directed, that is where the speech act must be aimed at a specific hearer, and those where the speech act can be addressed to anyone or no one. [...] Statements need not [...] be aimed at any specific hearer, but rather simply involve the speaker's adopting a certain stance to the propositional content. (*Foundations*, p. 180)

It is now obviously meant to be possible to perform illocutionary acts *without even intending to communicate*: that an illocutionary act can be addressed to anyone *or no one* does not sound as if a communicative intention was demanded. This is again confirmed in another passage:

[W]e need to distinguish those acts that require an overt public performance from those that can be performed in silent soliloqui. Declaring war and resigning from office require a public performance, conjecturing and asserting do not. (*Foundations*, p. 180)

Someone who performs an act "in silent soliloqui" can hardly be said to have any intention to communicate in the sense at issue. So Searle's conception of an "illocutionary act", which originally entailed that the speaker must intend to communicate and succeed in communicating, has now lost *any* essential connection to communication: Searle has

³⁴⁵ Cf. Liedtke (1990, pp. 194 ff.), who distinguishes the development of Searle's account into two phases, "Searle I" and "Searle II", with reference to this shift in Searle's opinions.

dropped the demand for communicative success, and he has even dropped the demand that the speaker intends to communicate.

§ 7.2.3 The role of conventional consequences

Yet a further fundamental change in Searle's account concerns the role conventional effects are meant to play, or are not meant to play, in the performance of "illocutionary acts". Recall Searle's MAIN THESIS: It claimed that the rules constituting illocutionary acts are realised by semantic conventions. It is presupposed in this claim that illocutionary acts are constituted by rules.

The process of constitution and the nature of the states of affairs constituted are represented in a way which rather much conforms to Austin's exposition of his conventional effects: Searle explained the MAIN THESIS with reference to the contrast between fishing and promising, emphasising that, in contrast to fishing, promising is "only made possible by the existence of constitutive rules"³⁴⁶. By way of a reason he emphasised that fishing was a matter of "natural physical facts", thereby suggesting that promising, as standing for the illocutionary act, is *not* merely a matter of "natural physical facts". Furthermore, he emphasises that "[t]he essential feature of a promise is that it is the undertaking of an obligation to perform a certain act"³⁴⁷. His analysis of promising ascribes the job of constituting the commitment to rule (5), the "essential" rule. So the MAIN THESIS as well as the analysis of promising – assuming that promising has a paradigmatic status – *at least strongly suggest* that illocutionary acts must have conventional effects.

However, recall the table with information about further illocutionary act types Searle gives in *SA*: In this table, some (supposed) illocutionary act types are represented as being bound to consequences which are *purely natural* ones. For example, the essential rule of IFIDs of requesting was represented thus: "Counts as an attempt to get *H* to do *A*."³⁴⁸; – an attempt, I argued, is not a conventional state of affairs: in order to attempt something I do not need to invoke any constitutive rules or conventions. The same problem seemed to threaten, for instance, in the case of stating a question ("Counts as an attempt to elicit [...] information from *H*.") or congratulating ("Counts as an expression of pleasure at *E*."³⁴⁹). Compare the cases of making an attempt and expressing something with the case of causing pain: they are precisely parallel to causing pain, rather than to making moves in chess; for one can both make an attempt and express something whether or not one knows, or whether there are, any constitutive conventions. Thus, Searle represents some illocutionary acts as having purely natural effects instead of conventional effects. Given his conception of requesting, congratulating, and greeting were correct, it would then follow that some illocutionary acts need not have any conventional effects.

Searle's account in *SA* thus falls between two stools: on the one hand he takes it, in accordance with Austin's conception of an illocutionary act, that these acts essentially involve conventional effects; on the other hand he accepts analyses of illocutionary act

³⁴⁶ *SA*, p. 37.

³⁴⁷ *SA*, p. 60.

³⁴⁸ *SA*, p. 66 f.

³⁴⁹ *SA*, p. 66 f.

types according to which no conventional effects are involved. In *SA* Searle after all tends to the first view – in accordance with Austin's account, the MAIN THESIS and the analysis of promising as a paradigmatic analysis: for he says that the utterance made in requesting *counts as* an attempt to get *H* to do *A*, and that the issuance made in congratulating *counts as* an expression of pleasure. The application of "counts as" to purely natural facts like attempts is, I think, just a categorical fault; but at least it is obvious that Searle *has a strong wish* to insinuate the involvement of conventional consequences: for in "*X counts as Y*", it is clear, *Y* is supposed to refer to a non-natural state of affairs.

We have then an inconsistency between, on the one hand, the general outline he suggests, in which illocutionary act do generally involve conventional effects, and the effects he actually ascribes to single act types, some of which are purely natural. These natural effects might be considered as perlocutionary effects, and, in fact, Searle himself considers them as such. He explicitly emphasises, at the end of the third chapter, that some illocutionary acts *could* be defined in terms of perlocutionary effects:

9. Some illocutionary verbs are definable in terms of the intended perlocutionary effect, some not. Thus requesting is, as a matter of its essential condition, an attempt to get a hearer to do something, but promising is not essentially tied to such effects on or responses from the hearer. (*SA*, p. 71)

As far as I can see, at this point Searle would have had three possibilities of proceeding in order to remove the inconsistency:

(1) Searle could have re-examined his analyses in terms of perlocutionary effects. If, for example, it turned out that his initial analysis of requesting is false and that requesting is to be defined in terms of a certain conventional effect then it would be possible to maintain that requesting is a type of illocutionary act without contradiction to the MAIN THESIS. In order to show that this expectation is not that absurd, let me make a suggestion: a candidate for such a conventional state of affairs internal to requests could be that the speaker commits the hearer (perhaps to a rather low extent) to do what she is requested.

(2) It would further have been possible to assume – not without reason, I think – that the common concept of the type of requesting (as well as the concepts of those further types which Searle analyses in terms of perlocutionary effects) is ambiguous or vague, such that we might, and need to, distinguish between cases in which conventional consequences are present and cases in which no such consequences are involved: these latter cases could just be ruled out as being not illocutionary. Proceeding this way, Searle could have maintained that the former cases are illocutionary acts without dropping the demand for conventional effects.

(3) Given that Searle's analyses of requesting and those other act types are correct, and assuming further that the relevant conceptions are neither ambiguous nor crucially vague, it would still have been possible to say that those act types are not types of *illocutionary* acts.

Searle takes none of these ways: instead he tacitly drops the demand that illocutionary acts must have conventional consequences in later writings. As a consequence, he now accepts that mere attempts to perform a perlocutionary act can be classified as "illocutionary acts" according to his account. Recall the formulation Searle applied in his description of requests: he had suggested that requests "count as" an attempt to get a hearer to doing something, suggesting with the use of "counts as" that the attempt was not a

natural fact. Compare how he represents the matter in "A Taxonomy of Illocutionary Acts" (1975c, henceforth: *Taxonomy*):

The point or purpose of an order can be specified by saying that it is an attempt to get the hearer to do something. (*Taxonomy*, p. 2)

Notice especially that this formulation does not make use of the expression "counts as" any more. Searle straightforwardly says here that an order *is* an attempt. At another place he expresses the matter in the following way:

The illocutionary point of [directives] is the fact that they are attempts [...] by the speaker to get the hearer to do something (*Taxonomy*, p. 13)

Here, too, the attempt is not associated to the formulation "counts as" but to the plain "is"; moreover, the act's being an attempt is represented as a plain "*fact*". That is, Searle avoids now the terminology bound up with conventional states of affairs and thus gives up his resistance to the insight that those effects are purely natural. Nevertheless, Searle still considers directive types as illocutionary act types. Thus he now overtly accepts, in conflict with his original account, illocutionary acts which involve the production of purely natural, rather than conventional effects.

This development is confirmed in *Foundations*. Consider the following remark Searle and Vanderveken make about illocutionary acts and perlocutionary intents:

It is important to notice that the terminology of "point" or "purpose" is not meant to imply, nor is it based on the view, that every illocutionary act has a definitionally associated perlocutionary intent. For many, perhaps most, of the most important illocutionary acts, there is no essential perlocutionary intent associated by definition with the corresponding verb, e.g. statement and promises are not by definition attempts to produce perlocutionary effects in hearers. (*Foundations*, p. 3)

Note the particular examples with which Searle and Vanderveken argue: promising and stating. Both acts were in *SA* represented as involving commitments. So it seems that Searle and Vanderveken suggest that these two act types entail conventional effects, and the fact that a special reference to them is made suggests that in other cases such effects are not present.³⁵⁰ This impression is strengthened by the fact that Searle and Vanderveken do *not* argue that there are *no* illocutionary acts which are "definitionally associated" to perlocutionary intents: they merely argue that this holds *not for all* illocutionary acts. This suggests that they now assume that *some* illocutionary acts *in fact are* "definitionally associated" to a perlocutionary intent.

But if some illocutionary acts are represented as not essentially involving conventional effects *over and above* the perlocutionary aims then the demand for these conventional effects cannot be stated for illocutionary acts in general. And, in fact, in the *Foundations* this way is finally chosen. For example, the point of directives, as represented there, is that "the speaker attempts to get the hearer to carry out the course of action represented by the propositional content"³⁵¹. And the point of so-called "expressives" is that "the speaker expresses some psychological attitude about the state of affairs represented by the

³⁵⁰ In *Foundations* the matter remains uncertain, for here Searle and Vanderveken avoid any clear statement. But in a later paper Searle is more explicit: "Certain types of speech acts require constitutive rules, and certain other types do not. Assertions and promises require constitutive rules. All of those speech acts that require extra-linguistic institutions, such as pronouncing somebody man and wife, declaring war, adjourning a meeting, etc., require systems of constitutive rules. But some speech acts, usually of a rather simple kind, such as greetings and simple requests, do not in this way require systems of constitutive rules." (Searle (1989b), 14).

³⁵¹ *Foundations*, p. 37.

propositional content"³⁵². In both cases no conventional effects need to be involved: I can attempt something or express attitudes without employing any constitutive conventions.

Moreover, even the point of assertives seems in the later account to be detached from the involvement of constitution. According to the exposition in *Foundations* the point of statements is that "the speaker presents a proposition as representing an actual state of affairs in the world of utterance". – As far as I can see, there is no reason to assume that it is impossible to represent a proposition without invoking any constitutive conventions. So in contradiction to Searle's original account in *SA*, especially in contradiction to the MAIN THESIS defended there, two or three of the five basic illocutionary points Searle and Vanderveken assume do not essentially involve conventional effects.

These findings are further reconfirmed by the way in which the illocutionary act in general is described in *Foundations*. Remember that Searle's analysis of promising entailed, in condition (9), the demand that the sentence issued by the speaker contains IFIDs of promising. Given this demand, and given Searle's assumption that the rules (or conventions) of IFIDs constitute the promise, this analysis could be viewed as accounting for the assumption that promises, or the commitments entailed by promises, are constituted by rules (or conventions). But none of the various definitions in the *Foundations* contains the least reference to such constitutive rules, or conventions. Thus, it is not demanded that constitutive rules, or conventions, are present in the performance of an illocutionary act. Hence illocutionary acts are represented as essentially involving neither constitutive rules nor conventional consequences.

§ 7.2.4 Summary

These few remarks may suffice to show that Searle's exposition of what an "illocutionary act" actually is meant to be has gone through a number of fundamental changes. Firstly, Searle originally suggested that an illocutionary act must have preparatory conditions, which conditions must be necessary for the success. However, in later writings these conditions are represented as not necessarily necessary and, moreover, not needing to be present at all. Secondly, the illocutionary act was originally represented as necessarily involving communication. In later writings communication need not succeed in order for an illocutionary act to come into being, and even the demand that the speaker intend to communicate is dropped: "illocutionary acts" can now be a purely private business. Thirdly, originally Searle had attempted to conform to Austin's account in demanding that illocutionary acts involve the production of conventional effects, although this conception conflicted with his analyses of a number of (supposed) illocutionary act types. Instead of revising these analyses, or dropping these acts from the range of illocutionary acts, Searle amends his conception of what an illocutionary act is, dropping the demand for conventional effects; attempts to perform perlocutionary acts, for instance, are now admitted under the cloak of the "illocutionary act", too.

These differences between Searle's original account and his later expositions are indeed fundamental. Especially the decisions to do without "securing uptake" and conven-

³⁵² *Foundations*, p. 38.

tional consequences seems to me devastating: according to my reconstruction of Austin's account these two features are *the only ones* which we can clearly derive from Austin's exposition. Searle drops both of them. Incidentally, this seems to me the plain and simple reason why Searle and Vanderveken are unable to find criteria for distinguishing illocutionary acts from other acts as, for instance, kicking a penalty:³⁵³ since both criteria Austin had originally introduced are dropped, no appropriate criterion is left.

³⁵³ Cf. § 7.1.3.

8

Problems of Searle's account of illocutionary acts

§ 8.1 Searle's account: only fragments of a theory of illocutionary acts

As Searle himself recently emphasised, what he provides in *SA* "was intended to offer a general theory of speech acts".³⁵⁴ And, in fact, many do not cease to value his account, as set out mainly in *SA* and *EaM*, as a theory of illocutionary acts.³⁵⁵ However, it appears to me quite an exaggeration to apply the notion of a "theory" to what Searle provides us with. Leaving aside a great number of very serious problems of Searle's account – to be considered in this Chapter and the next –, in order to apply such a term like "theory" to the account, this account needed at least to give us much clearer a conception of *what kind of phenomenon is actually supposed to be the subject matter* than Searle's account does; what is missing in the case of Searle's account, that is, is a definition of the illocutionary act.

As I have shown³⁵⁶, some casual remarks Searle makes in *SA* indicate that he has a certain programme *how to proceed towards* a general analysis of the illocutionary act. In my reconstruction it contained the following three steps:

Searle's programme of defining the illocutionary act:

- Step (1):** We make an analysis of promising – because we assume that it is a paradigmatic case of an illocutionary act
- Step (2):** We test whether the categories applied in the analysis of a paradigmatic case "carry over" into analyses of further illocutionary act types.
- Step (3):** We define the illocutionary act in general in terms of the categories applied in the analysis of step (1) – given they have proved their worth in step (2).

A general definition of the subject matter, and the very birth of a *theory of illocutionary acts*, would be the result of step (3) in this programme.

Searle's efforts, however, have not arrived at, let alone led to a successful execution of, step (3). Although already in *SA* a "full-dress analysis" of the illocutionary act is heralded³⁵⁷, such a general analysis is nowhere stated, neither in *SA* itself nor in any other writing.

Apart from the fact that the third step of Searle's programme has not been taken, Searle has not even properly executed the second step. All that he provides us with by way of this step is a table of information about (rules of IFIDs of) altogether eight (sup-

³⁵⁴ Searle (2001), p. 175.

³⁵⁵ Searle himself, together with Daniel Vanderveken, is among them: cf., e.g., *Foundations*, p. 1, Fn. 1.

³⁵⁶ See § 5.1.

³⁵⁷ *SA*, p. 54.

posed) illocutionary act types. Most importantly, the pieces of information Searle provides in this table *raise serious doubts* that, as he suggests, the categories ascribed to promising really "carry over" into analyses of further types. Searle said, remember, that if the analysis of promising "is of any general interest beyond the case of promising, then it would seem that [the categories applied in the analysis of promising] should carry over into other types of illocutionary acts"³⁵⁸. – According to the table, however, at least some of them actually turn out *not* to "carry over". Greeting, for instance, is represented as having neither propositional content conditions nor any sincerity condition. We might then easily conclude that those conditions – which are not of general application – were to be neglected in the third step, the "full-blown" analysis of the illocutionary act: being subject to properties of those categories, it seems, is not necessary for an act's being an illocutionary act.

Notice also that it is merely about eight illocutionary act types that Searle gives us information in his table. It appears, however, that we have to examine the categories with respect to *every single* illocutionary act type in order to make sure that the application of the categories is *really necessary* for an act's being an illocutionary act. In sum: the second step of Searle's programme has not been properly executed either.

To turn now to the issue of the following paragraphs: even the first step of Searle's programme is not properly taken. What I have constantly been calling Searle's "analysis of promising" is far from being a *general* analysis of this act type. The scope of the analysis is restricted in various ways, and the analysandum is subject to quite a number of restrictions. Moreover, as I want to argue in the following, it is rather doubtful that we *will ever be able* to properly execute step (1) at all, given the rest of Searle's account: the general outline of his conception, together with some of the basic assumptions he makes, seems to withhold us from this.

§ 8.1.1 The analysis of promising: far from being general

Recall my reconstruction of the scope and the analysandum of what I have been calling Searle's "analysis of promising". According to my reconstruction it is not a general analysis of promising but an analysis of the *explicit and non-defective* promise, as performed *in the literal issuance of a sentence*. Furthermore, the scope of the analysis is restricted to cases in which *speaker and hearer are both conscious of what they are doing, know how to speak the language (which S will use), do not have any impediments to communication and are not acting in a play, joking or the like*, and to cases in which the sentence issued by the speaker is *well-formed, unambiguous and Searle-explicit*. To say it in Searle's own words, this analysis captures merely "a simple and idealized case"³⁵⁹.

Now the problem posed (or indicated) by those various restrictions and qualifications is not simply that we are not actually provided with a general analysis: the problem seems to be much more serious. At least some of those restrictions and qualifications appear to be *forced upon us* in order to avoid problems connected with the fundamental assump-

³⁵⁸ SA, p. 64.

³⁵⁹ SA, p. 56.

tions which are made in Searle's account. However, given that certain assumptions *force us* to make those restrictions and qualifications, doubts must arise as to whether it is *possible* to generalise Searle's account at all, *given those fundamental assumptions*. In this section I shall analyse this kind of problem in some detail; I shall thereby restrict myself to one of the scope restrictions and one of the qualifications of the analysandum.

To start with, let me outline some of the problems which appear when we attempt to withdraw the qualification of the analysandum "in the literal utterance of the sentence". The question is whether it is possible, given Searle's account, to abstract from this qualification and account for non-literal issuances, too. As an example of an illocutionary act which is not performed "in the literal issuance of" a sentence I suggest the following example of an indirect illocutionary act of promising:

Mark is leaving the apartment heading for the pub; but Mary stops him, saying "You are not to go unless you promise me to drink no beer!". Mark answers "How could I ever deny you any request?", kisses her and leaves.

Mark has literally asked Mary how he could ever deny her any request, but I think we can well imagine that he has thereby promised not to drink any beer. The question is now whether we can hope to generalise Searle's analysis of "meaning" such that it can be applied in the case of Mark's promise, too. This attempt will be faced with some quite serious problems. I shall restrict myself to two of them.

(1) The first problem concerns the question how to determine the content of "meaning". Searle's original idea was that in cases in which a speaker *S* says something and means it in issuing a sentence *T* there is always some hearer *H* and some illocutionary act *F(P)* – which is specified by the meaning of the sentence issued – such that *S* intends *H* to recognise that *S* is performing *F(P)*. That means, what speakers mean is always to be determined in terms of certain illocutionary acts.

According to Searle's account, however, illocutionary acts are themselves to be determined in terms of the concept of "meaning" in question. If we determine what speakers mean in terms of illocutionary acts, and also illocutionary acts in terms of what speakers mean, then we appear to be faced with circularity. As we saw, Searle himself recognises this problem. As a solution he suggests reducing what the speaker means into the terms of what the sentence issued by the speaker means.

In accordance with this suggestion, Searle's "revised analysis" of meaning (what one says) determines what the speaker means in terms of what the sentence issued means. That is, he reacts by reducing the *direct* reference to the illocutionary act to an *indirect* reference, inserting a detour through the meaning of the sentence issued. Since in literal cases this sentence is supposed to mean exactly what the speaker means, this detour may seem to bring us to the appropriate outcome: If I issue a sentence indicating a promise to go, thereby meaning what the sentence means and thus "meaning the utterance as a promise" to go, then, it seems, we can specify what *I* mean with reference to what *the sentence* means.

However, as soon as we turn to illocutionary acts which are *not* performed "in the literal utterance of" the sentence this detour will lead into a blind alley: If Mark promises Mary to drink no beer by saying "How could I ever deny you any request?" then we will *not* be able to determine his speaker meaning *in promising* by reference to what the sentence issued means. To put it generally: In the case of at least many, if not all, non-literal

illocutionary acts it is not possible to determine what the speaker means by simply pointing to what the sentence means. So the part (a) of condition (8) of promising cannot serve in a general analysis of "illocutionary act" because its way of introducing the content of speaker meaning works only in some "idealised" cases.

One might be tempted to think that this problem can be solved by just amending Searle's analysis of "meaning" in a way that it works in non-literal cases, too. A serious discussion and final decision of this matter goes beyond the limits of this text. In the light of Searle's account, however, there are strong indications that it will be very difficult, or even impossible, to generalise; Searle himself, at any rate, did not succeed in finding any solution.

Remember that Searle himself is at great pains to cope with the problem of determining the content of speaker meaning *without* involving circularity: over and above the two explicative versions just mentioned, he suggests two further ways of picking out what the speaker means in *SA*. As I argued,³⁶⁰ these do not seem to work either. Furthermore, remember the solution Searle provides us with ten years later in *ISA*: he just returns to a direct reference to the illocutionary act. – This, however, is precisely the version which, he assumed, makes his account circular. I think we can assume that he would not have chosen a solution which is supposed by himself to make his account circular if he had found any workable solution whatsoever.

(2) There is a second problem arising out of non-literal performances of illocutionary acts, which problem is similarly fundamental; it concerns what I have called – in accordance with Searle's own judgement – his MAIN THESIS. Remember that this thesis proceeds from the assumption that all illocutionary acts have to be constituted, and it claims that they are constituted by semantic rules. More particularly, the rules constituting an illocutionary act of a given type are meant to be the rules of the IFIDs of this type.

In the case of indirect illocutionary acts, however, the linguistic token the speaker uses *does not generally contain* IFIDs of the type of which the indirect act is. If, for example, Mark makes a promise by saying "How could I ever deny you any request?" then he has performed a promise by saying something which does not indicate a promise and thus does not contain IFIDs of promising. If so, Searle's MAIN THESIS predicts – in contradiction to a possible situation – that no promise can be performed. So the possibility of non-literal cases seems to bring with it the possibility of data which contradict the very core of Searle's account, his MAIN THESIS. I shall leave the problem for the time being with this brief indication: we come back to this matter in § 9.4.

Let me turn to the restrictions of the scope. Some of them might be quite inessential and could probably simply be dropped without consequences. Some of them, however, turn again out to be rather persistent. I shall confine myself to cases in which *no sentence has been issued*.

Consider, for example, the issuance of "Napoleon I.". This name is hardly a sentence, but undoubtedly it is possible to perform illocutionary acts in just issuing this name. I can, for example, use it for stating that it was Napoleon I. who won the battle of Waterloo: If someone asks who won that battle I have just to issue "Napoleon I.". I can alternatively use it in order to choose to act as Napoleon I. in a play, as when someone asks me

³⁶⁰ See § 3.4.4.

"What part do you want to play?". Or else one can order someone by issuing it, as when a general is asked by her subordinate "Whom shall I kill first?".

Since the expression "Napoleon I." is not a complete sentence, Searle's axiom that all sentences contain IFIDs and thus indicate a certain illocutionary act type is not applicable to this expression. Furthermore, I think, nobody will seriously claim that "Napoleon I." indicated any illocutionary act type.

But if, then, "Napoleon I." does not contain any IFIDs, and if one can perform illocutionary acts in issuing this expression, Searle's account is again faced (at least) with the well-known two problems: Firstly, what the speaker means in performing an illocutionary act is in Searle's account determined by recourse to what the sentence issued means. But if no sentence is issued, this reference will fail to give a satisfactory result. Secondly, Searle's MAIN THESIS says that illocutionary acts must be constituted by rules of IFIDs. However, even if all sentences contained IFIDs, as Searle claims, in the case of non-sentence units no IFIDs may be present. And in these cases Searle's account cannot explain why an illocutionary act is performed.

To sum up these brief indications: There are at least two problems which raise serious doubts as to whether the various restrictions of the scope and the qualifications of the analysandum to which Searle's analysis of promising is subject can ever be withdrawn inside his account. That is, Searle not only fails to take the first step of his programme, but it is further doubtful whether this step could ever be properly executed, given the basic assumptions on which Searle's account is based.

§ 8.1.2 The analysis of promising: *ad-hoc* modifications

In the last section I have indicated that Searle's analysis of promising seems to face some principal problems, deriving from certain assumptions underlying his account. This section continues with this issue. In my reconstruction of the analysis of promising I have pointed to what I called two "anomalies" in the execution of the overall conception Searle's adopts. These "anomalies", I want now to argue, correspond to certain crucial problems of the account in a way that makes them appear as *ad-hoc* modifications

The first anomaly occurs in the statement of condition (9) of Searle's analysis of promising. The purpose of this condition is to make sure that the sentence issued by the speaker (according to a restriction of the scope) contains IFIDs of promising. If this demand had been stated straightforwardly it might have been formulated as follows:

A straightforward statement of condition (9):

T contains IFIDs of promising

In this form, condition (9) would be explicitly using the notion of "IFIDs of promising". So the analysis of promising would be, among other terms, in terms of IFIDs of promising.

As to the notion of rules of IFIDs of promising, however, recall the conception of them which Searle's adopts following Alston: Alston's account suggests determining the rules connected with a given act type from an analysis of the non-defective performance

of this type.³⁶¹ Remember further that it is precisely the analysis of promising with which we are at present concerned that Searle assumes as the basis for this derivation.³⁶² So in adopting Alston's rationale Searle will be analysing (the rules of) IFIDs of promising in terms of his analysis of promising. And it is precisely condition (9) of this analysis with which we are concerned, that would, in the plain version, contain the concept of IFIDs of promising. In general, given that we make the analysis of rules of IFIDs of promising in terms of an analysis of promising, and at the same time use the notion of IFIDs of promising in this analysis, then the account of promising and the account of rules of IFIDs of promising become circular relative to each other. The straightforward version of condition (9) is thus not acceptable.

As we saw, Searle actually adopts another formulation of condition (9): his way out is that he reduces the notion of "IFIDs of promising" to the conditions of his analysis of promising. This may seem appropriate because the rules of IFIDs of promising are meant to be derived by letting them demand the conditions of an analysis of non-defectively promising to obtain; thus we are able to capture the rules by reference to these conditions. We might then expect Searle to refer to those IFIDs of promising by reference to *all* the conditions of his analysis of promising. That is, we might expect condition (9) to read³⁶³ as follows:

A version of condition (9) that might be expected:

The semantical rules of the dialect spoken by *S* and *H* are such that *T* is correctly and sincerely uttered if and only if conditions 1–9 obtain.

Notice that this would cause an infinite regress: for condition (9) would contain a reference to itself. And, as we saw, actually Searle's does not state this straightforward version of condition (9) either – in his formulation there is something which I called an "anomaly": he refers to the rules of IFIDs of promising as making it the case that the sentence "is correctly and sincerely uttered if and only if conditions 1–8 obtain"³⁶⁴. Condition (9) is in this formulation simply left out.

However, of course, condition (9) is still actually part of the analysis of promising from which, according to Searle's overall conception, the rules are to be derived. So Searle deviates here from his basic conception of rules of IFIDs. The question then forces itself upon us how he *justifies* this modification – Searle, however, does not say a single word about the anomaly.

In the light of the problem which the straightforward statements would be faced with, and in the light of the fact that Searle does not say anything to explain his modification, the best explanation I can see is that the appearance of the reference to condition (9) inside of condition (9) is avoided. However, if this were the actual reason for the "anomaly", and in the absence of any other, substantial reason, what I have been calling an "anomaly" appears to be an *ad-hoc* modification.

Let me turn to the second "anomaly". It appears in the actual statement of the rules of IFIDs of promising. Given the fact that Searle adopts Alston's conception of the deriva-

³⁶¹ See § 3.7.1.

³⁶² See *SA*, p. 54, and § 3.7.2 of the present study.

³⁶³ I make here a statement parallel to the wording Searle originally adopts, ignoring the amendments I have suggested in chapter 2.

³⁶⁴ *SA*, p. 61.

tion of rules from an analysis of non-defectively performing an act of a certain type, and given Searle's assumption that the relevant conditions are those of his analysis of promising, and given that this analysis contains nine conditions, we may expect Searle to state a set of nine rules of IFIDs of promising. And, indeed, we have seen in the statement of condition (9), that Searle associates the conception of rules of IFIDs of promising at least with conditions (1–8) of this analysis. Moreover, the omission of the reference to condition (9) in condition (9) is not positively justified. So we may, *prima facie*, expect that according to Searle's original conception of the rules of IFIDs, rules of IFIDs of promising are derived from each of the nine conditions of the analysis of promising.

But when Searle turns to actually stating the rules we hit upon a further "anomaly": In deriving the rules Searle does without stating any rule corresponding to either of conditions (1), (8), and (9). He attempts to justify this by saying that, "obviously", these conditions were "not relevant" in the derivation of rules of IFIDs:

Our next task is to extract from our set of conditions a set of rules for the use of the indicator of illocutionary force. Obviously, not all of our conditions are equally relevant to this task. Condition 1 and conditions of the forms 8 and 9 apply generally to all kinds of normal illocutionary acts and are not peculiar to promising. Rules for the illocutionary force indicator for promising are to be found corresponding to conditions 2-7. (p. 62)

I want now to argue that this "anomaly" is again an *ad-hoc* modification. Let us first have a closer look at the reason Searle provides, that conditions (1), (8), and (9) are not relevant for deriving appropriate rules, and that this is "obvious".

To start with condition (1): as Searle states it, this demands "normal input and output conditions". Searle argues that it is a *general* condition of *all* illocutionary act types, and concludes that, therefore, we do not have to use the condition in deriving the rules. Although I do not agree with the reason Searle brings to bear, I agree with his conclusion, that we should not assume any rule according to condition (1).

I argued³⁶⁵ that condition (1) is not a condition of non-defectively promising. It is in principle possible to make a promise when one has laryngitis, or when the hearer is deaf. Furthermore, deafness or laryngitis are hardly reasons for a promise's being defective. I think we can expect that the same is sound for all, or nearly all, illocutionary act types: we can perform them even if we have laryngitis, or perform them when the hearer is deaf, and laryngitis or deafness do not make the act defective. That is, I generally agree with Searle that we have good reasons to omit condition (1) from the derivation of rules of IFIDs, though not because it is a condition of all non-defective illocutionary acts in general, but rather because it is not a condition of non-defectively promising.

But let us turn to the case of conditions (8) and (9). As his reason to omit them Searle emphasises that "conditions of the forms 8 and 9 apply generally to all kinds of normal illocutionary acts and are not peculiar to promising"³⁶⁶. The underlying reasoning he thereby appears to assume is that if a condition of a certain form is common to different illocutionary act types then this condition will not be regarded in determining the meaning of IFIDs of these types. This may perhaps *prima facie* be supported by recognising that an account based on this assumption would be rather "parsimonious": we would as-

³⁶⁵ See § 3.2.1.

³⁶⁶ SA, p. 62.

cribe to different sentences merely those parts of meaning which they do not have in common.

But I want now to argue that even if Searle's argument were true, that conditions like condition (8) and (9) were conditions of all illocutionary act types, this would not justify his conclusion, namely, that we have to omit conditions (8) and (9) in determining the meaning of rules of IFIDs of promising. To say it with reference to "parsimony": an account based on Searle's assumption would be *too* "parsimonious"; it would neglect parts of the meaning of sentences and thus be inadequate. I shall argue by paralleling Alston's and Searle's account of semantic rules to a truth-conditional account of sentence meaning. In order to make plausible that the parallel is not entirely beside the point I will first roughly outline how I conceive of the relation between Alston's and Searle's account of sentence meaning and a truth-conditional account.

According to one version of truth-conditional semantics, the meaning of a (declarative) sentence consists in the conditions of the truth of the sentence. Sentence meaning is linked with certain states of affairs, and these states of affairs can be analysed into single conditions: these are the conditions of the truth of the sentence. Alston's conception is connected with certain states of affairs, too, but in his conception the relevant states are of another sort, and in his account the meaning of a sentence is connected with certain rules. These rules demand the non-defective performance of a certain illocutionary act for the issuance of the sentence to be "correct". So sentence meaning is linked to those states of affairs in which speakers *non-defectively perform certain illocutionary acts*. These states of affairs can again be analysed into single conditions, and the single rules are to be determined by reference to those conditions. In Alston's (and Searle's) account, we will then determine the meaning of sentences by relating it to certain states of affairs quite in the manner that a truth-conditional semantics might do. And these states of affairs are devised into single conditions as well.

Remember now Searle's reason for omitting single conditions from the derivation of the appropriate rules: He seems to assume that if certain illocutionary acts have some conditions in common, or even if they have conditions of the same form in common, then this would be a sufficient reason not to regard these conditions in the determination of sentence meaning, particularly, the meaning of IFIDs. Consider then the parallel of an analysis in terms of truth conditions, rather than "correctness" conditions.

"Mary has won the marathon" and "Mary has won the mile" both have as conditions of their truth that Mary has been running, that she has thereby taken part in a competition, and that she has won this competition. These conditions are "general" conditions of both states of affairs. But are we then to conclude that there is no connection between "Mary has won the marathon" and her running, taking part in a competition, and winning? To put it crudely, are we to assume that because of the close parallel between those two sentences their meaning can be reduced to nothing but "marathon" and "mile"? – Hardly so.

In general, I do not see any reason not to consider a given condition connected with the sentence just because there is another sentence connected with the same condition. It is at any rate not true as Searle suggests, that his reasoning is "obvious". In contrast, given that my parallel is adequate it would rather seem quite dubious.

Let me now set out what could perhaps be the real reasons for Searle not to assume rules out of conditions (8) and (9). To start with condition (9): this is originally intended

to demand that the sentence issued contain IFIDs of promising. A straightforward formulation of this condition would demand that the sentence issued contain IFIDs of promising. A rule derived from this condition would read as follows:

A rule of IFIDs of promising derived from a straightforward version of condition (9):

Pr is to be uttered only if *T* contains IFIDs of promising.

To include this rule in an analysis of rules of IFIDs of promising would lead to circularity of this analysis because it would involve the notion of IFIDs of promising itself.

However, as we saw, in Searle's actual statement of condition (9) the notion of IFIDs does not, or not obviously, appear: he reduces this notion to the conditions in terms of which it is to be derived, the conditions of the analysis of promising. We might then expect condition (9) to demand that the sentence issued is issued correctly only if all these conditions (that is, conditions (1–9) of the analysis of promising) obtain. However, I argued, this would involve self-referentiality: Firstly, condition (9) would contain a reference to itself. Secondly, and most importantly for the present issue: the *rule derived* from such a version of condition (9) would seem to cause circularity between the account of promising and the account of rules of IFIDs of promising: for condition (9) demands the sentence issued to contain IFIDs of promising – and the relevant rule of IFIDs of promising (derived from this very condition) would refer back to condition (9).

As we saw, Searle modifies condition (9) accordingly; its actual statement reads thus:

9. The semantical rules of the dialect spoken by S and H are such that T is correctly and sincerely uttered if and only if conditions 1-8 obtain. (p. 61)

I argued above that the omission of condition (9) appears to be an *ad-hoc* modification. But leaving this problem aside, even a rule derived from this version would turn out to be rather unsatisfactory. It would read as follows:

A rule of IFIDs of promising derived from Searle's actual statement of condition (9):

Pr is to be uttered only if the semantical rules of the dialect spoken by S and H are such that *T* is correctly and sincerely uttered if and only if conditions 1–8 obtain.

In effect, this formulation represents a rule of IFIDs of promising as demanding that the speaker, in issuing IFIDs of promising, issue a linguistic token which is subject to rules of IFIDs of promising. Notice well, however, that if the speaker is so demanded *by virtue of issuing IFIDs of promising*, the demand must already be satisfied – *by virtue of the very fact that she is issuing IFIDs of promising*. So far as I can see, such a rule would be quite nonsensical.

Such an outcome, on the one hand, would be unsatisfactory. It is also clear, on the other hand, that getting involved in circular or nonsensical results does not, by itself, justify a local modification of the overall account – which an omission of the derivation of rule (9) would be: an independent justification must be given. Searle's argument, however, that the relevant omission were obvious, is very unconvincing. In the absence of any convincing systematic reason, the measure of omitting the derivation of a rule from condition (9) appears again to be *ad hoc*.

Let me finally turn to the question why Searle does not derive any rule from condition (8). This condition is an application of Searle's conception of "meaning". The original idea behind this conception implicitly assumed that whenever someone "means" something then there is an illocutionary act and an audience such that she intends to let the audience know that she is performing this illocutionary act. According to this original

idea, the concept of "meaning" seems to essentially involve the reference to an illocutionary act.

On the other hand, the concept of an illocutionary act, according to Searle's account, involves the concept of "meaning". It is further clear that just "meaning" *something* will not be sufficient for a given illocutionary act to be performed. The content of the "meaning"-intention complex must be related to the act performed. For example, in order for Mary to be greeting Mark she must have a "meaning"-intention complex the content of which is that she is greeting Mark, and when she promises something then she must "mean the utterance as" a promise.

This seems to involve the following problem: In order to specify, in the analysis of a given illocutionary act type, what the speaker is demanded to mean adequately, we must refer to the very illocutionary act type analysed; but the concept of this act type itself involves the concept of the relevant meaning. In order to analyse that Mary is greeting Mark we demand that she let Mark know *that she is greeting Mark* – but that Mary is greeting Mark is precisely the concept which is to be analysed.

Let me illustrate this with reference to our present case, a rule derived from conditions (8) of Searle's analysis of promising. According to Searle's conception of meaning and his conception of the rules, it would read as follows:³⁶⁷

A rule of IFIDs of promising derived from condition (8):

P is to be issued only if in the utterance of *T* ...

- (a) *S* intends (i-1) the utterance of *T* to produce in *H* the knowledge (*K*) that the states of affairs specified by the meaning of *T* obtain (*S* is promising that *P*).
- (b) *S* intends to produce *K* by means of the recognition of i-1.
- (c) *S* intends that i-1 will be recognised in virtue of *H*'s knowledge of the meaning of *T*.

The reference to "the meaning of *T*", in order to work appropriately in the analysis of promising, must be accompanied by conditions like condition (9) and conditions (2/3) of Searle's analysis of promising, which guarantee that "the meaning of *T*" specifies the appropriate act. Condition (9) is meant to make sure that the sentence contains IFIDs of promising. However, it is precisely the meaning of IFIDs of promising which is meant to be analysed by the rules we are concerned with: so a rule derived from condition (8) appears to force us into circularity again.

I suppose that Searle recognised this problem, or a similar problem, in attempting to construe a rule according to condition (8), and I suspect that these problems might have been a motivation for him to prefer excluding condition (8) after all. However, if the reason for the measure was only the desire to avoid, or conceal, such problems, that is, in the absence of any substantial positive reasons, it looks as if the measure is another *ad-hoc* modification.

§ 8.2 Circularity in step 1 of Searle's programme

I have emphasised that Searle failed in establishing the first step of his programme, the analysis of promising: the analysis he provides is in various respects restricted; and even

³⁶⁷ I apply the unified and corrected version of Searle's analysis of "meaning" which I have developed, and defended, in §§ 3.4.1–3.4.4; the problem I describe will apply to his original formulation as well.

in this restricted form, I argued, it seems to be infected by *ad-hoc* modifications, supposedly made in order to avoid the appearance of certain circularities. I want now to set out in detail that, and where, these circularities occur. According to my analysis they concern the very core of the account, namely, Searle's conceptions of (the relations between) illocutionary acts, speaker meaning, and the rules of IFIDs. Thus they concern especially conditions (8) and (9) of the analysis of promising, together with Searle's conceptions of speaker meaning and the rules of IFIDs.³⁶⁸ I must ask the reader to excuse some repetition made for the sake of explicitness and transparency.

To start with, Searle's conception of IFIDs adopts Alston's rationale concerning certain linguistic rules, according to which these rules are to be derived from analyses of the non-defective performance of certain linguistic act types. The analysis Searle assumes as relevant in the case of the rules of the IFIDs of promising is precisely the analysis with which we have been concerned in the second Part. This analysis itself, however, contains a reference to the conception of IFIDs of promising in condition (9). Searle is forced to maintain this later condition because of his MAIN THESIS, which assumes that illocutionary acts of a given type are constituted by the rules of IFIDs of this type. But if we determine the meaning of the IFIDs of promising in terms of an analysis which itself contains a reference to this meaning then the analysis of promising and the account of the meaning of IFIDs become circular to each other.

Furthermore, according to Searle's analysis of promising it is necessary that the speaker "means the utterance as a promise" ("meaning" is here speaker meaning). Searle's original conception of speaker meaning entailed, as a crucial objection to Grice's proposal, that "saying something and meaning it is a matter of intending to perform an illocutionary, not necessarily a perlocutionary act"³⁶⁹. Thus Searle suggests analysing speaker meaning in terms of illocutionary (instead of perlocutionary) acts. Accordingly, his rough description of the illocutionary act of greeting entails that the speaker "intend[s] to produce in a hearer the knowledge that he is being greeted"³⁷⁰, that is, a reference to the act of greeting itself. This seems to involve, and Searle concedes that this involves³⁷¹, circularity between the account of speaker meaning and the account of illocutionary act types. In the analysis of promising this circularity would appear in a straightforward statement of condition (8), demanding that the speaker "mean the utterance as a promise".

Searle attempts to avoid this circularity by reducing the reference to what the speaker means to a reference to the meaning of the sentence issued. This reduction, however, works only as long as the analysis somehow ensures that this sentence contains IFIDs of promising: otherwise it would imply that a speaker can promise something by virtue of communicating that she is greeting, or requesting, or whatnot, rather than communicating that she is promising. The consequence is that the conception of speaker meaning applied

³⁶⁸ There are reasons to speculate that condition (7), which demands that the speaker intend to commit herself, might originally have been subject to the same problem, too: promising may well be taken to be essentially a "conscious" act, for the obtaining of which it is required that the speaker knows *what she is doing*. Condition (7), that is, may perhaps initially have demanded that the speaker intend *to promise* and may then be amended by Searle because of the supposed peril of circularity. A similar problem might further be involved in connection with condition (1.*): to secure uptake seems to demand that the hearer gets it known what act is performed, that is, that a *promise* is performed.

³⁶⁹ SA, p. 44.

³⁷⁰ SA, p. 43.

³⁷¹ See SA, p. 49.

in condition (8) forces Searle a second time to infect his accounts of promising and of IFIDs of promising by circularity.

Moreover, this conception of speaker meaning does not manage to escape from circularity between the accounts of illocutionary act type *and speaker meaning*: for the IFIDs of promising are determined in terms of the analysis of promising, and this analysis contains the reference to the speaker's "meaning the utterance as a promise". Thus the circularity will again appear as soon as the account is spelled out in detail.

Furthermore, we have an additional fundamental circularity between the account of speaker meaning and the account of the rules of IFIDs: Since condition (8) forces the analysis to contain the demand for the IFIDs of promising, and since the conception of the IFIDs of promising is determined in terms of the analysis of promising, which again contains condition (8), the speaker's "meaning the utterance as a promise" and the sentence's containing IFIDs of promising are analysed in terms of each other. Thus Searle's attempt to reduce illocutionary act types to the meaning of IFIDs does not avoid circularity between the account of illocutionary act types and the account of speaker meaning: even worse, it produces an additional circle between the latter notion and the concept of rules of IFIDs of the act type in question.

Since circles are round, the circularities will appear the other way round as well. For example, Searle determines the rules of IFIDs of promising in terms of the analysis of promising. This analysis contains the reference to condition (9), which demands that the sentence be subject to rules of IFIDs of promising. Thus rules of IFIDs of promising are to be determined in terms of a reference to themselves. This is concealed by what I suppose to be an *ad-hoc* modification: the reference to condition (9) in condition (9) itself is simply omitted.

Secondly, the analysis contains, in condition (8), the demand that the speaker "means the utterance as a promise". The speaker's "meaning the utterance as a promise" is reduced to the meaning of the sentence issued, and this condition will pose an adequate demand only if the analysis contains the demand that the sentence is subject to rules of IFIDs of promising. This would become obvious in a rule derived from condition (8), together with a rule derived from condition (9). But in both cases the derivation of corresponding rules is avoided; I have argued that the "reason" we are given, that these conditions were *obviously* not to be involved, is unconvincing: in fact, the measure seems to me another *ad-hoc* modification.

§ 8.3 Searle's programme is circular

Despite the fact that Searle announces in *SA* a "full-dress analysis of the illocutionary act", he actually does not provide any such general analysis. But in Part one I have, with reference to several remarks Searle makes, reconstructed the programme which Searle's account seems to pursue *in order to arrive at* such a general analysis:

Searle's programme of defining the illocutionary act:

- Step (1):** We make an analysis of promising – because we assume that it is a paradigmatic case.
- Step (2):** We test whether the categories applied in the analysis of a paradigmatic case "carry over" into analyses of further illocutionary act types.
- Step (3):** We define the illocutionary act in general in terms of the categories applied in the analysis of step (1) – given they have proved their worth in step (2).

The clue to this programme seems to be that we can individuate the illocutionary act by recourse to the categories which "carry over" from the analysis of promising into analyses of further types. So the plan seems to be that the final analysis of the illocutionary act in general will essentially distinguish illocutionary acts *by means of reference to those categories*. To make one possible particular suggestion as to what the general definition might look like: it may, for example, be a sentence which has, or can be paraphrased in, the form: "An illocutionary act is an act to which the following categories apply: (...)".

I think that, apart from Searle's failure to successfully execute either of the steps outlined in this programme, the programme itself is not a promising guide if we want to arrive at a definition of the illocutionary act: it is circular. I shall in the following, for the sake of the argument, rigidly assume that the act type Searle suggests for step (1), namely promising, is indeed a type of illocutionary act, that this type can in some sense be viewed as "paradigmatic", and that Searle's analysis of this act type is adequate. Let us then see whether the programme promises to bring us further, given that we do not have a definite conception of "illocutionary act" in advance.

The first step of the programme is to perform an analysis of some paradigmatic type of illocutionary act (Searle suggests promising) in terms of certain categories, and the point of the second step is to examine whether, and which of, the categories applied in this analysis are *generally applicable in analyses of all illocutionary act types*. It is presupposed by the purpose of the second step that some of the categories involved in the analysis of promising might possibly be applicable *merely* in the case of promising but do not apply to other illocutionary acts. These categories, which are not of general applicability, should then naturally not slip through into the great finale, the making of a general analysis of the illocutionary act: Searle suggests that if the categories are of any general interest they should "carry over" to other types, and this entails, correctly, that conditions which do *not* carry over are of no general interest.

To take an example: let us – for the sake of the argument – assume that it were not possible to perform a promise without using linguistic means; but let us further assume that there are other illocutionary acts which need not be verbally performed (Searle frankly admits this). In order for the statement of an analysis of the illocutionary act *in general* to be adequate it must not follow from this analysis that all illocutionary acts need to be performed by use of linguistic means. Thus if we happened to end up, in the analysis of promising, with a condition implying that linguistic means must be involved then we need to make sure that this demand will be ruled out before we come to step (3), the general analysis of the illocutionary act. It is *the very task of step 2* to achieve this.

In order for step (2) to be successful we must be at great pains to guarantee two further things:

(1) We must involve sufficiently many, and sufficiently various, types of illocutionary acts. Strictly speaking, in the course of step (2) we must examine *all* illocutionary act types. For the task of the second step is to eliminate *all* of the features used in the analysis of promising which are not among those categories *generally* necessary for illocutionary acts. Imagine, for example, that we included ten different types of illocutionary acts in step (2) and, as it happens, all of them must be performed by use of linguistic tokens – but despite this accident, there were still some illocutionary act types which can be non-

verbally performed: we would then *mistakenly* imply, in executing step (3), that linguistic means must be involved. Such accidents must be avoided, and the only watertight way of avoiding them seems to be to include every single illocutionary act type.

(2) On the other hand, in order for step (2) to work properly we must be sure that we do *not include any non-illocutionary acts*. For otherwise we would be in danger of *mistakenly dropping* essential categories, or features, of illocutionary acts and thus the conditions stated in the final analysis would be in danger of being not sufficient; as a consequence, we might be in danger of being left without any necessary condition just because we include for any category in question a non-illocutionary act which lacks this category. For example, let us assume that requesting was an act similar to illocutionary acts but which, in contrast to them, did not involve any conventional consequences. If we now made the mistake of including an analysis of this act in step (2) then we would thereby force ourselves to omit, in step (3), any recourse to these consequences, or categories involving these consequences, as essential. The conclusion we would then supposedly draw – mistakenly, in the framework of my example – is that illocutionary acts do not necessarily involve such consequences. Thus it is of essential importance for the success of Searle's programme that we do not involve any non-illocutionary acts in step (2).

Given all this, I believe Searle's programme is circular. The aim of the whole programme, it is clear, is to work out a general analysis of the illocutionary act. I have pointed out that in order for step (2) of this programme to work adequately we must make sure that all act types involved in step (2) are illocutionary acts, and that all acts which are illocutionary are involved in step (2). Now in order to be sure about this *we must already have* knock-down criteria which enable us to decide whether a certain act type is a type of *illocutionary* act or not – but if we had such criteria we would already have the analysis of the illocutionary act in general. On the other hand, if we do not have any such knock-down criteria we cannot execute step (2) properly. To put it in a nutshell: If we know which acts are illocutionary acts and which are not, *we do not need* Searle's programme. *Vice versa*, if we do not have any knockdown criteria for an act's being an illocutionary act, *we cannot hope to get a justifiable result* out of the programme, specifically, out of step (2).³⁷²

One might be tempted to object by arguing that we can be quite sure that Searle has internalised Austin's description of the "illocutionary act" and thus we can trust that he is able to make the correct decisions intuitively. However, if this objection is not meant to provide Searle with a god-like status it will not get us out of the circularity. Let us assume that someone raises doubts about one of the act types Searle involves in step (2). For example, imagine that someone objected to Searle's decision to include the act of "requesting" in step (2). The information Searle gives suggests that requesting does not entail any conventional consequences, and the objection might now be that, since Austin demanded such consequences, requesting is not an illocutionary act and, consequently, has nothing to do in step (2). Now how could Searle reasonably *argue against this objection* if not with reference to the (supposed) conditions of the illocutionary act in general? – But it is these conditions which are meant to be the very result of the complete execution of the

³⁷² Strictly speaking, this circularity already concerns step (1): How can Searle proceed from the assumption that promising is a paradigmatic illocutionary act if he is not able to provide an analysis of the illocutionary act in general?

programme, *including step (2)*. – Searle's programme is circular because it requires us already to have arrived at the very knowledge which it is meant to guide us to.

§ 8.4 Summary (Problems of Searle's account of illocutionary acts)

To sum up: far from providing us with a complete theory of illocutionary acts, Searle's account already fails to make clear what an illocutionary act, the subject matter of the account, actually shall be. According to some remarks Searle makes he seems to pursue a programme which consists in making a paradigmatic analysis, testing the categories of this analysis in attempting to apply them to further illocutionary act types, and making a general definition of "illocutionary act" in terms of these categories.

A general definition of the subject matter, and thus a "theory" of illocutionary acts, would be the result of step (3) in this programme. But we are not even provided with any serious attempt to execute this step. In fact, the second step is not properly taken either. What we are provided with is a table of not more than eight illocutionary act types. This table in fact suggests that some of the categories applied in the analysis of promising do *not* apply in the case of certain further illocutionary act types: this suggests that these categories are actually *ruled out* by step 2. In contrast, Searle seems to value the table as *confirming* all the categories of the analysis of promising. However, he does not state any argument to support his positive assessment: in general, he does not say anything about how the preliminary result of the partial execution of step 2 is to be valued.

Actually, even step (1) cannot be said to be taken: Searle's analysis of promising is far from being a general analysis of this act type. The scope of the analysis is restricted in various ways, and the analysandum is, too, subject to various restrictions. Moreover, it is doubtful that the analysis could ever be exempted from these restrictions, given certain of the basic assumptions on which the account is grounded. Furthermore, Searle's execution of step 1 seems odd for another reason: his analysis of promising seems to involve circularities at least by way of conditions (8) and (9). Finally, the methodological design of the whole programme seems to be circular, thus rendering the entire process null and void.

9

Problems of Searle's basic assumptions

We have seen that Searle's analysis of promising, variously restricted as it is, together with some attempts to generalise this analysis over other supposed illocutionary act types, which attempts are not really successful, is far from making up a complete theory of illocutionary acts. Even in the sketchy form in which Searle's account of illocutionary acts appears, it turns out to face a number of technical problems like circularities and internal contradictions, in which some of the fundamental assumptions on which Searle bases his account are involved. Most of the present Chapter is devoted to a critical examination of these fundamental assumptions.

Secondly, remember the conditions of adequacy I developed in my first Part: Austin's exposition of what an illocutionary act is, according to my reconstruction, ascribes two individuating features to "illocutionary acts". According to Austin, illocutionary acts entail the production of conventional states of affairs, and they require for their success that the person performing the act "secures uptake", in some audience, that the act is performed. I argued that any account of what the expression "illocutionary act" refers to is bound to meet these decisions of Austin and thus suggested it as conditions of adequacy that Austin's features are demanded. The final task which I pursue in this Chapter is to show that Searle's account does not satisfy these conditions of adequacy.

§ 9.1 A critique of the incompleteness AXIOM

Let me start with what I call the "incompleteness AXIOM":

The incompleteness AXIOM:

One cannot just refer and predicate without making an assertion or asking a question or performing some other illocutionary act.

I have interpreted this as entailing at least the following three partial claims:

- (1) $(x \text{ performs an act of referring}) \rightarrow (x \text{ performs an illocutionary act})$
- (2) $(x \text{ performs an act of predicating}) \rightarrow (x \text{ performs an illocutionary act})$
- (3) $(x \text{ performs a propositional act}) \rightarrow (x \text{ performs an illocutionary act})$

Searle argues for this claim with reference to something Frege once said in the *Grundlagen der Arithmetik*: "Nur im Zusammenhange eines Satzes bedeuten die Wörter etwas." Searle translates this as meaning: "[O]nly in the context of a sentence do words

have reference."³⁷³ In Searle's interpretation, Frege's *dictum* would be a support particularly for the partial claim (1), and it is this partial claim which I shall now, as a paradigm case, challenge in order to show that the incompleteness AXIOM is not true.

Let me first argue against Searle's "evidence": (his interpretation of) Frege's *dictum*.³⁷⁴ Since it is beyond present purposes to give any complete discussion, I shall just assume that Searle's translation of Frege's *dictum* is correct. Searle suggests that Frege's *dictum* says the same as the incompleteness AXIOM – I want first to cast doubts on this assumption. I shall then, secondly, argue that the incompleteness AXIOM does not hold.

To start with, Searle intends to make us believe that the incompleteness AXIOM is *the same as* "what Frege meant" in stating his *dictum* – but this equation is, I think, odd: The incompleteness AXIOM is a claim about certain *actions*, namely what Searle calls "speech acts". Frege, in contrast, was not concerned with actions: his account of meaning concerns merely *linguistic tokens*. In order to show a connection between Frege's claim about words and sentences and Searle's claim about actions, we needed to have (in advance) an account of the connection between speech acts and linguistic meaning. However, Searle neither relies upon any such account, nor does he himself develop any such account.

As we saw, what he provides in *SA* is only some few initial steps towards an account of illocutionary acts and rules of IFIDs. As to the particular case of reference, Searle's account of the act of referring is limited in various ways, too. Searle himself acknowledges that his exposition is restricted to *singular definite* reference;³⁷⁵ the analysis he actually gives is then further restricted to *non-defective* references *in the literal issuance of an expression*. In sum, it is clear that any attempt to associate Searle's rules with Frege's account of meaning must remain on a very superficial level.

Apart from the fact that it is unclear whether, and how, Searle's account can be explained in Frege's terms (or *vice versa*), there are certain obvious, and substantial, differences between Searle and Frege. To restrict myself to one example, Searle admits reference to fictional entities,³⁷⁶ whereas Frege would have excluded these cases. So it is not only unclear how, and doubtful whether, Searle's account is compatible with Frege's, it is clear that it is not compatible in at least one crucial respect. When Searle claims that Frege's *dictum* is identical with the incompleteness AXIOM of his own account, this must be assessed as highly speculative.

Apart from the question whether the incompleteness AXIOM follows from Frege's *dictum*, there is a simple way in which the incompleteness AXIOM contradicts *Searle's own account*. According to Searle's conditions of the "successful and nondefective performance of a singular identifying reference"³⁷⁷, it suffices that "the utterance of *T* is the (*purported*) performance of an illocutionary act"³⁷⁸. It follows that the *success* of the illocutionary act, and therefore its mere *coming into being*, is not necessary for the non-

³⁷³ *SA*, p. 25.

³⁷⁴ Incidentally, in the context in which the sentence called upon by Searle stands, Frege is not at all concerned with a theory of meaning. What Searle treats as a serious contribution to a theory of meaning seems to me rather a mere casual remark; cf. Frege (1884), p. 73.

³⁷⁵ Cf. *SA*, p. 72.

³⁷⁶ See *SA*, p. 78 f.

³⁷⁷ *SA*, p. 94 f.

³⁷⁸ *SA*, p. 94; my italics.

defectiveness of the act of referring, let alone for the success of the reference. And in fact, I think, there is no reason to doubt that one can refer without performing an illocutionary act. Let me illustrate this with an example.

Consider Mark is going along the street, rather pensively, looking at the pavement. In passing he catches the words "... Napoleon I.!". "Ah", he thinks, "the great French emperor ...". Without taking any further notice he goes along. It might now be that it was Mary who issued the words: intending to confess her unlimited love to Peter she said "I would do anything for you! I would kill for you! Peter, for you I shall kill someone! I promise to kill, er, ... Napoleon I.!". With the latter words she intended to make a promise to kill Napoleon I. It is clear that this promise did not come about, if only because Napoleon I. is already dead. Nevertheless, as Searle's account of referring correctly implies, she referred to the great French emperor. Thus, contrary to what the incompleteness AXIOM says, one might have referred to something, or someone, even in cases in which no illocutionary act occurs.

Incidentally, I do not even think that *the intention to perform an illocutionary act* is necessary for referring – contrary to what Searle's account of referring suggests. Let us wipe out Peter from the above example. Mary is mad: her illness consists in the fact that she constantly thinks of a great French emperor with overwhelming admiration; without having any further intent she always spells out the name of this great man: although she does not intend to perform any illocutionary act, I do not see any reason to deny that she thereby refers to this emperor. If there is any sense of "referring" according to which the intention to perform an illocutionary act is necessary, I would claim that this sense must be a stipulated one, one which is not adequate to the way in which "refer" is used in common language.

§ 9.2 A critique of the minimal unit AXIOM

Let us next examine what I call Searle's "minimal unit AXIOM", the axiom that the illocutionary act is the minimal unit of linguistic communication. Searle presents it in the following literal version:

[T]he production or issuance of a sentence token under certain conditions is a speech act, and speech acts (of certain kinds to be explained later) are the basic or minimal units of linguistic communication. (SA, p. 16)

As I have interpreted the minimal unit AXIOM³⁷⁹, it entails the following two statements:

Minimal unit THEOREM (a):

(x performs an illocutionary act) → (x communicates linguistically)

Minimal unit THEOREM (b):

(x communicates linguistically) → (x performs an illocutionary act)

This claim is obviously meant to bear a considerable amount of weight in Searle's account, for he provides it as his reason why we should "concentrate on the study of speech acts"³⁸⁰.

³⁷⁹ See § 6.2.

³⁸⁰ SA, p. 16.

I want now to argue that this axiom does not hold because neither (a) nor (b) holds. Let me first argue that linguistic communication is *not necessary* for the obtainment of an illocutionary act: It is particularly not necessary that the communication involved in the performance of an illocutionary act is *linguistic* communication. Searle himself explicitly admits this already in SA: "Some very simple sorts of illocutionary acts can indeed be performed apart from any conventional devices at all"³⁸¹, he says. The conventions in question are the conventions of natural languages, as his further comment shows: he says that "one can perform some illocutionary acts while standing outside a natural language"³⁸². His example is requesting: "One can", he admits, "in certain special circumstances 'request' someone to leave the room without employing any conventions"³⁸³. As an example, consider the case in which someone buys the same newspaper everyday by simply handing over the same amount of money the newspaper costs. Even if we were to assume that one cannot perform a request or buy a newspaper without communicating *somehow* with someone, Searle admits that it is possible to perform a request without communicating *linguistically*. Thus it follows from Searle's own account that linguistic communication is not necessary for the obtainment of an illocutionary act – which means that the minimal unit THEOREM (a) does not hold.

Nor does the minimal unit THEOREM (b) hold: linguistic communication is *not sufficient* for the obtainment of an illocutionary act. Consider, for example, someone unknown to you suddenly speaks to you on the street, saying nothing but "Napoleon I.". It may well be that you do not have the least idea which illocutionary act she intends to perform, and it may even be that she does not at all intend to perform any illocutionary act; she may, for example, just be mad. However, it may well be that you recognise that she has referred to a famous French emperor. If so, she will have communicated something to you, some thought (part), which is somehow connected to a certain French emperor, and she will have done so by use of linguistic means, such that we have a case of linguistic communication. It does not follow, however, that she performed an illocutionary act.

Furthermore, the minimal unit THEOREM (b) contradicts some fundamental assumptions of Searle's own account. For example, illocutionary acts can fail: according to Searle's analysis of promising, we saw, the preparatory conditions are necessary for the success of a promise. Imagine then I intend to promise someone to kill her cat by saying "I hereby promise to kill your cat", but as things go she does not want me to kill it. According to Searle's account, the promise will then not come into being because a preparatory condition will not be satisfied. But it does certainly not follow that the hearer cannot have understood me, which means that it does not follow that linguistic communication did not occur.

A second inconsistency appears in the case of what Searle calls "non-serious" issuances, cases like acting in a play or teaching a language. According to Searle's account, remember, in these cases no illocutionary act is performed at all. It would, however, be quite absurd to deny that publicly performing the Hamlet, or teaching French, is not a case of linguistic communication. In sum: the minimal unit THEOREM does not hold:

³⁸¹ SA, p. 38.

³⁸² SA, p. 38.

³⁸³ SA, p. 38.

Linguistic communication is neither necessary nor sufficient for the obtainment of an illocutionary act, and thus the illocutionary act is not the minimal unit of linguistic communication.

§ 9.3 A critique of the FUNCTION claim

Let us next consider in some detail what I call Searle's "FUNCTION CLAIM". According to my reconstruction it reads as follows:

The FUNCTION CLAIM:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, *F*(*P*),

a literal and serious utterance of that sentence *T* in a certain context would be the performance of an illocutionary act of type *F*, relative to the propositional content *P*, given that the preparatory conditions of the act obtain, and given that the hearer "understands the utterance".

Searle suggests that this claim follows from our conception of sentence meaning. According to my reconstruction, the FUNCTION CLAIM depends on some more fundamental assumptions Searle makes. Over and above the various restrictions of the scope, one prominent assumption which Searle had introduced in *AoLaIA* was that all sentences contain IFIDs. Over and above this, there are a number of further assumptions implicit in Searle's conceptions of how illocutionary acts are constituted and of what it is to mean something. If these turned out not to hold in themselves, then the FUNCTION CLAIM could not be expected to hold either. I shall now first argue against Searle's evidence: that the FUNCTION CLAIM follows from our concept of sentence meaning. I shall then, secondly, argue that it actually does not hold and that Searle's own account contradicts it.

Remember the evidence Searle suggested for the function CLAIM: He claimed that "it is part of our notion of the meaning of a sentence that a literal utterance of that sentence with that meaning in a certain context would be the performance of a particular speech act"³⁸⁴. According to my interpretation³⁸⁵ this must be read as saying that the FUNCTION claim followed from our conception of sentence meaning. Although as it stands the above statement may *prima facie* sound as if one could dwell a little on it, I think that it finally does not hold.

Notice in advance that Searle, although the connection is far from obvious, does not show *how* the FUNCTION CLAIM follows from our conception of sentence meaning. What exactly are the peculiarities of our conception of sentence meaning which make it the case that the FUNCTION CLAIM follows? – I have attempted to reconstruct how I suppose Searle would argue if he was pressed to prove the claim; however, why does Searle himself not provide us the proof of the FUNCTION CLAIM, given that it is meant simply to follow from our concept of sentence meaning?

Be that as it may, according to my reconstruction the FUNCTION CLAIM can be defended only if, for example, it is part of our conception of sentence meaning that *all sen-*

³⁸⁴ SA, p. 17.

³⁸⁵ See § 6.6.

tences contain IFIDs. Thus this assumption needs to be trivial. However, is this really a trivial claim? Consider the case of "Yes" and "No": as I shall argue below, they seem not to contain any IFIDs. If so, it needs to follow from our concept of sentence meaning that they are not sentences. But can we actually conclude from our concept of sentence meaning that "Yes" and "No" are not sentences?³⁸⁶ – I do not think so. It rather seems to me that our concept of sentence meaning entails the opposite. At most I would admit that our concept of sentence meaning *is not distinct enough* to say whether "Yes." and "No." are sentences. If so, then either we do not have any sufficiently clear concept of sentence meaning, or it would not follow, from this concept, that the FUNCTION CLAIM holds.

Moreover, it seems that Searle himself assumes views from which the opposite follows: remember that Searle himself accepts "Yes" as a one-word sentence. If it is, and if it does not contain IFIDs, then from Searle's conception of sentence meaning it follows that *not all* sentences contain IFIDs. So given that there is some sufficiently clear common concept of sentence meaning, and given Searle has a correct account of it, then it would seem that this conception would disprove, rather than show, the validity of the FUNCTION claim. I shall now argue that, indeed, the FUNCTION claim does not hold. It fails for at least two reasons: According to my reconstruction, the FUNCTION CLAIM depends, among a number of assumptions, on the validity of the axiom that all sentences contain IFIDs and on the IA-intention AXIOM. Both of them do not hold, and thus the FUNCTION CLAIM does not hold either.

§ 9.3.1 The axiom that all sentences contain IFIDs does not hold

According to Searle's MAIN THESIS, illocutionary acts are constituted by certain rules. More particularly, the rules constituting an act of a certain type are the rules of the IFIDs of this type. It follows that an illocutionary act of a given type can come into being only if the rules of the IFIDs of this type are involved. A consequence for the FUNCTION claim is: When this claim states that the literal and serious issuance of a sentence always determines, of an illocutionary act of a certain type, that it is performed (given the preparatory conditions of the act obtain) then it thereby implies that the literal and serious issuance of a sentence always determines that *the rules of IFIDs of this illocutionary act type* apply. It follows that, for all cases in which the FUNCTION claim is supposed to hold, it must be granted that some (certain) rules of IFIDs apply. In its final version, the scope of the FUNCTION claim is restricted to cases in which a sentence is issued, and it is particularly this restriction which provides the basis for Searle's way to grant that rules of IFIDs apply: Searle states it as an axiom that all sentences contain IFIDs.

I want now to argue that this axiom does not hold. As an example I suggest the sentence "Yes". Let me start by recalling³⁸⁷ that Searle himself accepts one-word sentences in general and "Yes" as a one-word sentence in particular. But if it is a sentence, which

³⁸⁶ "Yes." and "No." at least satisfy the conditions for "sentences" posed in *The Oxford Dictionary of English Grammar*: "The largest unit of language structure treated in traditional grammar; usually having a subject and a predicate, and (when written) beginning with a capital letter and ending with a full stop." (Chalker/Weiner (1994), p. 358). Although "Yes." and "No." do not have any subject or predicate, this condition is not necessary. Capital and full stop are present.

³⁸⁷ Cf. § 6.4.

IFIDs could "Yes" contain? Note that this question should be rather easy to answer for any speaker of English. For IFIDs are supposed to be part of the meanings of sentences. And a competent speaker of English will certainly be able to know the meaning of such trivial an English sentence like "Yes". So we can assume that we needed to know what illocutionary act is indicated by "Yes" – if indeed there is one.

I think it is rather clear that "Yes." does *not* contain *any* IFIDs, that is, not indicate any special illocutionary act type: It can be imagined to be literally used in order to perform likewise any illocutionary act whatsoever. However, if it can literally be used to perform any illocutionary act whatsoever then, it seems, it cannot indicate *any specific* set of these illocutionary act types. And if it does not indicate any specific illocutionary act type, it seems to follow that "Yes" does not contain any IFIDs. (The same holds, for example, in the case of "No".)

In order to avoid this result one might perhaps be tempted to claim that "Yes", instead of containing *no* IFIDs, contained *all* IFIDs. This, however, would lead us into absurdity. It would, for example, follow that sentences like "Yes" and "No", in comparison to other sentences of English, would be most complicated: a sentence like "I hereby request of you that you undertake a research project on the problem of diagnosis and treating mononucleosis in undergraduates in American universities" would appear as quite simple in comparison. Actually, it would follow that one cannot know the meaning of "Yes" unless one knows all illocutionary acts which English-speaking people can perform in their language.

But if "Yes" can be admitted as a (one-word) sentence, and if it is not especially connected by its meaning to any particular illocutionary act type and hence does not contain IFIDs, then Searle's axiom that all sentences contain IFIDs does not hold.

§ 9.3.2 The IA-intention AXIOM does not hold

Let us turn to the question whether the IA-intention AXIOM holds. According to my reconstruction it reads as follows:

The IA-intention AXIOM:

Given that a speaker *S* issues an unambiguous and Searle-explicit sentence *T* in the presence of a hearer *H*, where both *S* and *H* know how to speak the language (*S* is going to use), and given an illocutionary act type *F* and a propositional content *P* such that *T* indicates the state of affairs that *S* performs an act of type *F*, relative to *P*, $F(P)$,
(*S* utters sentence *T* and means it) \rightarrow (*S* has the intention to perform the illocutionary act $F(P)$).

The point of this axiom is that under certain conditions a speaker *cannot avoid* having the intention to perform the illocutionary act indicated by the sentence. If a speaker has the intention to perform a certain illocutionary act, in Searle's account, this entails at least two partial intentions: the speaker must have an appropriate intention complex of the kind Searle assumes in his analysis of "meaning", and she must intend to satisfy what Searle calls the "essential" condition in his analysis of promising: she must intend to produce the conventional consequences associated with the act.

I want now to show that the IA-intention AXIOM does not hold by showing that one can literally issue a sentence under the conditions described in the scope of the claim but thereby not have the intention to perform the act indicated by the sentence. I shall argue

that both of the partial intentions need not be present. Moreover, the IA-intention AXIOM does not even hold in Searle's own account, and in order to show this, too, I shall use an example of Searle's own, namely, the case of what he calls "non-serious" issuances. Searle "defines" non-serious issuances by recourse to examples. The examples Searle suggests are acting in a play, teaching a language, reciting poems and practising pronunciation.³⁸⁸ According to Searle, for an issuance to be non-serious is not necessarily for it to be non-literal.³⁸⁹ So nothing prevents us from using non-serious issuances as examples of literal issuances. And, as far as I can see, there is no principal problem with assuming that some non-serious issuances satisfy the conditions demanded in the restriction of the scope of the IA-intention AXIOM.

Consider then, as an example of a non-serious issuance, that Mark and Mary are acting in a play in which, according to the textbook, Mark has at one point to say to Mary "I hereby promise to go". There is no reason not to assume that the issuance is literal; let us further assume that the restriction of the scope of the IA-intention AXIOM are all satisfied. Now, firstly, if the IA-intention AXIOM held then it would follow that Mark intends, in making the issuance, to commit himself to go. This assumption, however, would be absurd: since he makes his issuance in the course of acting in a play he will not be committed by issuing them, and given he is not entirely mad he will be aware of that and hence not intend to be committed. Thus the IA-intention AXIOM does not hold.

Secondly, according to Searle's conception of "meaning", if the IA-intention AXIOM held then we would need to conclude that Mark must intend to make Mary believe that he is promising to go (the state of affairs specified by the sentence). But it is clear that he does not do so: Mary will hardly take the issuance as a promise to her, and Mark will hardly intend her to do so. To assume that this is necessary would again result in absurdity.

So the IA-intention AXIOM holds neither with respect to the intention to produce the conventional consequences associated with the act indicated nor with respect to the "meaning" intention complex. Hence we have a second reason to reject the validity of the FUNCTION CLAIM.

§ 9.4 A critique of Searle's MAIN THESIS

Let us next turn to my objections against the MAIN THESIS Searle wants to defend in his account. According to my reconstruction³⁹⁰ it reads as follows:

The MAIN THESIS:

The conventions of languages are realisations of the rules constituting illocutionary acts.

I took it to imply the following partial claims:

MT (1):

All conventions of languages are realisations of rules constituting illocutionary acts

MT (2):

All rules constituting illocutionary acts are realised by conventions of languages

³⁸⁸ Cf., e.g., SA, p. 57, Fn. 1, and AoLaLA, p. 263, Fn. 1.

³⁸⁹ Cf. § 5.5.

³⁹⁰ See § 6.5.

Searle further constantly speaks as if the following claim were entailed, too:

MT (*3):

The rules constituting an illocutionary act of a certain type are the rules of IFIDs of this type.

Furthermore, Searle develops the claim by asking three questions:

- (1) Are there conventions of languages?
- (2) Are illocutionary acts constituted by rules?
- (3) Are the conventions of languages realisations of the rules constituting illocutionary acts?

Positive answers to the former two questions are presupposed by the MAIN THESIS, which is meant to be the positive answer to the third question. I want now to argue that Searle's account, which is meant to support the MAIN THESIS, actually contradicts it in different respects, and I want further to show that the MAIN THESIS does not hold.

When the MAIN THESIS suggests that the conventions of languages are realisations of the rules constituting illocutionary acts then it suggests that all rules underlying the conventions of languages are constitutive rules. According to Searle's account, not all "rules" are meant to be constitutive rules: there are at least so-called "regulative" rules, too. Searle's criteria of constitutive rules, in contrast to regulative rules, are the following:³⁹¹

Criteria of constitutive rules:

- (1) Constitutive rules constitute new forms of behaviour.
 - (1.a) If a rule is constitutive, then behaviour done in accordance with the rule deserves a specification it would not deserve in the absence of the rule.
- (2) Constitutive rules take the form, or can be paraphrased by use of the form, "X counts as Y in context C".
 - (2.a) Given a rule takes, or is paraphrased in, the form "X counts as Y in C", if the rule is a constitutive rule then to state the Y term is not to appraise something.
 - (2.b) If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that has consequences.
 - (*2.b-i) If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that entails a non-natural state of affairs.
 - (*2.b-ii) If a rule which stands, or can be stated in, the form "X counts as Y in C" is a constitutive rule then the Y term in the paraphrase marks something that entails a non-natural state of affairs, which state of affairs could not be caused in the absence of a (constitutive) rule.

Having these criteria in mind let us have another look at the rules Searle suggests as rules of IFIDs of promising:³⁹²

Rule 1. *Pr* is to be uttered only in the context of a sentence (or larger stretch of discourse) *T*, the utterance of which predicates some future act *A* of the speaker *S*. I call this the *propositional content rule*. It is derived from the propositional content conditions 2 and 3.

Rule 2. *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.

Rule 3. *Pr* is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events. I call rules 2 and 3 *preparatory rules*, and they are derived from the preparatory conditions 4 and 5.

Rule 4. *Pr* is to be uttered only if *S* intends to do *A*. I call this the *sincerity rule*, and it is derived from the sincerity condition 6.

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*. I call this the *essential rule*. (p. 62 f.)

Let me focus, as an example, on rule (4), that "*Pr* is to be uttered only if *S* intends to do *A*". To start with, this rule does not satisfy criterion (1): it does not constitute any new

³⁹¹ Cf. § 4.1.2.

³⁹² The rules are here presented in Searle's original words, rather than in the amended version I suggested in the second Part. My argument is independent of which version we assume.

form of behaviour, and behaviour in accordance with the rule does not deserve any new specification. One might consider arguing that behaviour which is in accordance with the rule could be viewed as new behaviour in that it is in accordance with the rule (which would not be possible in the absence of the rule) and thus satisfies criterion (1.a). However, as Searle unambiguously makes clear, this sense of a behaviour's being "new" is not at issue:

"New forms of behavior": There is a trivial sense in which the creation of any rule creates the possibility of new forms of behavior, namely, behavior done as in accordance with the rule. That is not the sense in which my remark is intended. (p. 35)

The rule does not satisfy criterion (2) either. It does not take the form, nor can it be paraphrased in the form, "X counts as Y in C". One may be tempted to argue that the rule could be twisted into this form: the rule is meant to concern the conditions of correct issuance of a sentence, and thus one might consider reformulating it in the form: "Uttering *Pr* counts as correct only if *S* intends to do *A*". This, however, would not make the rule satisfy criterion (2), for the reformulation would involve a general statement of appraisal, and such a reformulation is explicitly excluded by Searle:

"X counts as Y in context C": [...] Any regulative rule could be twisted into this form, e.g., "Non-wearing of ties at dinner counts as wrong officer behavior". But here the noun phrase following "counts as" is used as a term of appraisal not of specification. Where the rule naturally can be phrased in this form and where the *Y* term is a specification, the rule is likely to be constitutive. (p. 36)

It would perhaps be possible to dwell on the question whether at least criterion (2.b) could be taken as satisfied; I think, however, that we can do without this in the light of the fact that rule (4) satisfies the conditions of *regulative* rules quite well. Searle's criteria for regulative rules are that they "take the form of or can be paraphrased as imperatives"³⁹³ and that they regulate behaviour, rather than that they constitute it.³⁹⁴ Now although rule (4) does not stand in the relevant form, there seems no problem with reformulating it as "Utter *Pr* only if you intend to do *A*!" – so it satisfies the first criterion of regulative rules. Furthermore, since it can be so reformulated it regulates the behaviour of issuing *T* rather than constituting it. So rule (4) satisfies Searle's second criterion of regulative rules as well. That is: in the light of the contrast between regulative and constitutive rules Searle introduces, rule (4) is obviously rather a regulative than a constitutive rule.

Furthermore, it is easy to see that what I say about rule (4) is sound with respect to all of rules (1–4): they are all rather regulative than constitutive rules. Thus, of all the five rules Searle attempts to hand us over as constitutive rules merely one is a constitutive rule: rule (5). Searle himself implicitly suggests, at one place, that not all of the rules are constitutive ones:

I have said that the hypothesis of this book is that speaking a language is performing acts according to rules. The form this hypothesis will take is that the semantic structure of a language may be regarded as a conventional realization of a series of sets of underlying constitutive rules. [...] One of the aims of the next chapter is to formulate sets of constitutive rules for the performances of certain kinds of speech acts, and if what I have said concerning constitutive rules is correct we should not be surprised if not all these rules take the form of imperative rules. Indeed, we shall see that the rules fall into several quite different categories, none of which is quite like the rules of etiquette. (SA, p. 36 f.)

³⁹³ SA, p. 34.

³⁹⁴ Cf. SA, p. 33.

In the light of his MAIN THESIS, to which he explicitly refers in this passage, we should not be surprised *if not all* of his rules are regulative rules: quite the contrary, we should be surprised *if any* of his rules were regulative, rather than constitutive. But Searle announces here merely that not all of the rules are regulative ones. We can conclude that some rules are not constitutive ones. Indeed, I claim, merely one single one of the rules is a constitutive one, namely, rule (5). And this finding, too, is reconfirmed at one place by Searle himself:

Note that whereas rules 1-4 take the form of quasi-imperatives, i.e., they are of the form: utter *PR* only if *X*; rule 5 is of the form: the utterance of *Pr* counts as *Y*. thus, rule 5 is of the kind peculiar to systems of constitutive rules which I discussed in chapter 2. (p. 63)

So in contrast to what the MAIN THESIS suggests, according to his actual account not all rules of IFIDs of promising, and thus not all rules of languages, are constitutive ones: there is merely one single rule for the IFIDs of promising which is constitutive, namely, rule (5).

I want now further to argue that the existence of the only constitutive rule is not even accounted for in any acceptable way. Remember that Searle's conception of rules of IFIDs follows Alston's conception of semantic rules. According to Alston's conception of these rules, they are to be derived from the conditions of the non-defective performance of some "linguistic act" by letting them demand the satisfaction of the conditions. Searle adopts this rationale for his rules of IFIDs, he assumes as the relevant analysis his analysis of promising, and, of course, rules (1–4) are (more or less properly) derived from conditions of this analysis in accordance with Alston's rationale.

However, remember how things are concerning rule (5). The condition from which it is meant to follow is condition (7) of the analysis of promising:

7. *S* intends that the utterance of *T* will place him under an obligation to do *A*. (*SA*, p. 60)

Compare with this rule (5) as Searle states it:

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*.

This statement of rule (5) is clearly not congruent with Alston's rationale and the mode of derivation of the other rules. Condition (7) demands that the speaker have the intention to get herself committed to something. So according to the rationale Searle in principle applies, the relevant rule should demand that the speaker have this intention if she issues the sentence. That is, rule (5) – the only rule which actually is a constitutive rule – occurs in Searle's account only by means of a violation of the outline of his account: the existence of the only constitutive rule is not accounted for.

As I shall now argue, Searle's account also contradicts one of the presuppositions of the MAIN THESIS, that illocutionary acts are constituted by rules. Remember that Searle interpreted his MAIN THESIS with reference to three questions: the first was whether there are conventions of languages, the second of them asked whether illocutionary acts are constituted by rules. To state the MAIN THESIS is to state that *these* rules (which constitute illocutionary acts) are realised by the conventions of languages.³⁹⁵ So to state the MAIN THESIS is to presuppose that illocutionary acts are constituted by rules.

³⁹⁵ This might be doubted: I defend the claim in §. 9.7.

Of course, I very much agree with the spirit of the claim that illocutionary acts are constituted by rules: it was one of those two criteria of adequacy for accounts of "illocutionary acts" which I stated in my first Part that these acts must be defined as having conventional consequences and thus must be defined as requiring some constitutive element, albeit rules, conventions, or whatever the relevant entities might be called. Searle's account, however, does not support this assumption, it actually *contradicts* it.

First, remember what I have called Searle's "little" illocutionary act conception. According to it, an illocutionary act consists of saying something, meaning what one says, and getting understood. In such a conception of the illocutionary act as a mere act of linguistic communication, conventional consequences are not, or at least need not generally be, involved. Illocutionary acts are then not generally constituted by rules and thus the "little" illocutionary act conception contradicts the according presupposition made by the MAIN THESIS.

As I have emphasised, the "little" conception is not the one Searle after all defends in *SA*. But the account I have represented as his account of *SA* contradicts the assumption that illocutionary acts are constituted by rules, and thus the MAIN THESIS, as well. Remember Searle's information about (the rules of) the (supposed) illocutionary act of requesting:

Propositional content	Future act <i>A</i> of <i>H</i> .
Preparatory	1. <i>H</i> is able to do <i>A</i> . <i>S</i> believes <i>H</i> is able to do <i>A</i> . 2. It is not obvious to both <i>S</i> and <i>H</i> that <i>H</i> will do <i>A</i> in the normal course of events of his own accord.
Sincerity	<i>S</i> wants <i>H</i> to do <i>A</i> .
Essential	Counts as an attempt to get <i>H</i> to do <i>A</i> .

If requesting had any conventional consequences then these would be mentioned under the category "Essential". Searle ascribes to requests the essential effect that they count as attempts to get the hearer to do something. However, although Searle uses the expression "counts as", which typically is used to mark the ontological status of states of affairs which are constituted, attempts are not conventional states of affairs. To put it in Searle's own terms, I can attempt something without employing any conventions.

Searle himself confirms this later as, for example, in *Taxonomy*. In Searle's account, requests are members of the class of "directives", and notice how he represents the members of this class:

Directives. The illocutionary point of these consists in the fact that they are attempts (of varying degrees, and hence, more precisely, they are determinates of the determinable which includes attempting) by the speaker to get the hearer to do something. (*Taxonomy*, p. 13)

Note particularly that Searle does not use the "counts-as" formula any more; he now represents the attempt involved in the case of directives straightforwardly as a natural fact. We have then a whole class of illocutionary acts which need not involve the production of any conventional consequences, namely, directives. In the table with information about different illocutionary act types he provides in *SA*, the same problem occurs with respect to "Question" ("Counts as an attempt to elicit this information from *H*") and at least threatens to occur with respect to "Thank (for)" ("Counts as an expression of gratitude or appreciation") and "Congratulate" ("Counts as an expression of pleasure at *E*").

Searle might have tried to insist that attempting and expressing could be viewed as conventional states of affairs; but actually, as we have seen, he instead seems simply to adopt natural effects as appropriate effects of illocutionary acts. The consequence is that his account contradicts now the presupposition of the MAIN THESIS that illocutionary acts are constituted by rules: for natural facts do not need to be, and are not, constituted.

Finally, I want now to argue that the MAIN THESIS does not hold because MT (*3) and MT (2) do not hold. I shall start with the stronger claim, MT (*3):

MT (*3):

The rules constituting an illocutionary act of a certain type are the rules of IFIDs of this type.

If this claim were to hold then it would be impossible to perform an illocutionary act of a certain type without issuing a linguistic token *containing IFIDs of this type*. – However, actually this is possible. It is possible, for example, and far from unusual, to perform an illocutionary act by just saying "Yes". I argued that "Yes" does not contain any IFIDs. But if one can perform an illocutionary act by just saying "Yes", and if "Yes" does not contain any IFIDs, then MT (*3) does not hold: one can perform an illocutionary act of a certain type without using IFIDs of this type just because it is possible to perform an illocutionary act without using IFIDs at all. The same goes for an issuance of, for example, "Napoleon I.": one can perform illocutionary acts in issuing this name, and only this name, in certain situations; but "Napoleon I." does not contain any IFIDs.

A huge range of further examples are what Searle views as "non-literal" performances of illocutionary acts: in these cases there will usually be IFIDs present which are not of the act performed, and IFIDs which are of the act performed not be present. So MT (*3) is false: it is unnecessary for an illocutionary act of a certain type to be performed that IFIDs of this type are involved.

Let us turn to MT (2):

MT (2):

All rules constituting illocutionary acts are realised by conventions of languages

This clearly does not hold either, as is shown by the possibility of illocutionary acts which are performed without using any linguistic means at all. Searle explicitly admits this possibility:

Some very simple sorts of illocutionary acts can indeed be performed apart from any use of any conventional devices at all, simply by getting the audience to recognize certain of one's intentions in behaving in a certain way. And these possibilities show us the limitations and weaknesses of the analogy with games, for one cannot, e.g., score a touchdown at all apart from invoking certain conventions (rules). (p. 38)

I do not agree with Searle when he suggests that the possibility of non-verbally performed illocutionary acts shows us the weakness of the parallel between illocutionary acts and games: it rather shows us a weakness in Searle's conception of the rules constituting illocutionary acts. Searle assumes, in accordance with his MAIN THESIS, that if illocutionary acts are constituted then they need to be verbally performed because, he assumes, the rules constituting these acts are *semantic* rules (realised by semantic conventions). But, although illocutionary acts, according to Austin's conception, must indeed be constituted by rules (or other entities), they can be non-verbally performed – just because the

rules (or whatever entities) constituting them are not semantic³⁹⁶ ones. The case of illocutionary acts which are non-verbally performed does not show us the weakness of the analogy between illocutionary acts and games, it rather shows us that the rules constituting illocutionary acts, in contrast to what Searle's MAIN THESIS suggests, *do not apply to linguistic tokens* and are thus not semantic rules.

Searle attempts to defend his assumption that the rules constituting illocutionary acts are semantic ones. Firstly, he argues with reference to a supposed principle, the "principle of expressibility". Secondly, he makes some hints which are probably intended to integrate the fact that most of his rules of IFIDs are not constitutive rules, suggesting that "sets of constitutive rules" does not mean sets of constitutive rules but *constitutive sets of rules*. Both of these issues I shall postpone to the end of this Chapter³⁹⁷; I shall continue here by considering a number of modified versions of the MAIN THESIS which Searle applies, or suggests, in the presentation of his account.

§ 9.5 Four modifications of the MAIN THESIS

Searle's MAIN THESIS, I argued, is confronted with a number of rather obvious counter-examples. As I said when reconstructing this claim, Searle's exposition is already affected by certain reactions to such counter-examples: he presents several "weaker versions of" the MAIN THESIS. In this section I shall examine these weaker versions.

§ 9.5.1 Exception of "some very simple sorts of" acts

The MAIN THESIS, remember, presupposes that illocutionary acts are constituted by rules, and it claims that these rules are realised by semantic conventions. It would then seem that it is impossible to perform an illocutionary act without using linguistic means, just because in such a case the rules which are meant to constitute the act would not apply. But it is possible, and Searle does not deny this, to perform illocutionary acts *without* the use of linguistic means. Thus as it stands the MAIN THESIS is disproved.

It is, I think, in reaction to this problem that Searle attempts to save the MAIN THESIS in a weaker version, with reference to what he introduces as "very simple" illocutionary acts:

Some very simple sorts of illocutionary acts can indeed be performed apart from any use of any conventional devices at all, simply by getting the audience to recognize certain of one's intentions in behaving in a certain way. (p. 38)

Although he admits the possibility of performing "very simple" illocutionary acts without the use of conventional means, he insists that in other cases the MAIN THESIS could be held, with reference to the following example:

³⁹⁶ Some people use "semantic" in a wider sense and thus it might be good to enter a caveat in order to prevent misinterpretation: the claim that illocutionary acts are not a linguistic phenomenon is not meant to imply that they do not essentially involve intensional states and concepts: it merely says that they do not essentially involve conventional signs.

³⁹⁷ § 9.6 and § 9.8.3.

One can in certain special circumstances 'request' someone to leave the room without employing any conventions, but unless one has a language one cannot request of someone that he, e.g., undertake a research project on the problem of diagnosis and treating mononucleosis in undergraduates in American universities. (p. 38)

After all, Searle insists that the MAIN THESIS can be held upright "*in general*":

But the fact that one can perform some illocutionary acts while standing outside a natural language, or any other system of constitutive rules, should not obscure the fact that in general illocutionary acts are performed within a language in virtue of certain rules, and indeed could not be performed unless language allowed the possibility of their performance. (SA, p. 38)

When Searle insists, in this passage, that the MAIN THESIS be "in general"³⁹⁸ valid then he thereby implicitly admits, on the other hand, that there are cases in which it does not hold. As we have seen, the cases for which he wants to maintain at the MAIN THESIS are particularly illocutionary acts which are not "very simple".

What is it that makes an illocutionary act either "very simple", or alternatively rather complicated? Searle contrasts a request to leave the room with a request to undertake a research project on the problem of diagnosis and treating mononucleosis in undergraduates in American universities. The point of this example is, I think, quite clear: In the former case the speaker will have a good chance to get herself understood what she aims at without using linguistic means, whereas in the latter case the content of what she is to communicate is so complicated that it may seem impossible for her to convey what she means without the use of language.

When Searle, reacting to the problem of "very simple" illocutionary acts, maintains now that the MAIN THESIS is at least *in general* valid then he seems to thereby suggest something like the following weaker version of it:

The conventions of languages are realisations of the rules constituting illocutionary acts, except in cases where what the speaker is to communicate is "very simple".

There are several reasons why I think such a version of the MAIN THESIS would not be very valuable.

To start with, as my formulation should already have made clear, I think this weaker version is simply an *ad-hoc* modification. The situation is as follows: Searle starts from a certain claim *P*, is then confronted with a number of counter-examples *X*, and he reacts by suggesting the weaker claim "*P* – except in cases of *X*" – he just maintains the claim for those cases for which it is not (yet) disproved.

Secondly, I think that the category of "very simple" cases is entirely beside the point of the matter. Remember what the problem which non-verbally performed illocutionary acts pose for the MAIN THESIS is: that it remains unexplained how the act can actually be constituted. Searle attempts now to maintain the MAIN THESIS for cases in which it seems rather difficult for the speaker to succeed in communicating what she means without using language because what she means is rather complicated. He thereby confuses two different functions his account applies to linguistic means: the problem posed is connected with the function of *constituting* conventional states of affairs, whereas his modification concerns the function of "*indicating*" certain states of affairs.

Let me take the examples Searle himself suggests. In the case of a request to undertake a research project (etc.) Searle's original account predicts that the speaker must issue

³⁹⁸ As usual in Searle's writings, "in general" is here not meant in the logical sense, as "always", or "necessarily", but in the colloquial sense, as "mostly", "normally", "standardly", or the like.

some IFIDs of requesting in order for the act to be constituted, and in the weaker version this picture will be maintained. Now in the case of a request to leave the room, the MAIN THESIS is supposed not to apply *just because the speaker may easily convey what she means* by a wink or a gesture or somehow without using a language. It is, however, one thing to introduce means *constituting conventional states of affairs*, and another thing to use conventional means for influencing the mind of a hearer such that she *understands what one means*. In connection with the constitution of conventional states of affairs, the issue of getting oneself understood is not to the point.

Thirdly, the resulting version of the MAIN THESIS would seem to lead to a quite implausible result: If I promise to go, it suggests, the act does not need to be constituted; but if I promise to undertake a research project on the problem of diagnosis and treating mononucleosis in undergraduates in American universities then the act does have to be constituted. Accordingly, a simple request would not need to be constituted, whereas a complicated one would need to be. However, to stick to a case which Searle would presumably not dispute: promises have conventional consequences *regardless* whether they are complicated or not, and thus if the rules constituting them are meant to be realised by semantic conventions then they naturally need to be so realised even in cases in which the content is "very simple".

Finally, an accordingly amended version of the MAIN THESIS would still seem to be false. At least I do not see any reason *in principle* why it should not, in an appropriate context, be possible to perform very complex illocutionary acts without the use of linguistic means. Imagine Mark has been offered both a research project on the problem of diagnosis and treating mononucleosis in undergraduates in American universities, and a junior lectureship. Mary, his wife, fears that if he undertakes the project he will not be able to spend much time with his family any more and thus wants him to take the junior lectureship. When he is up to leave for the decisive interview she says: "Mark, you are not to leave this house until you have promised me not to undertake the research project on the problem of diagnosis and treating mononucleosis in undergraduates in American universities!" Mark smiles, kisses her and leaves. I think we can imagine that he thereby has made the complicated promise not to Consider also making a contract: contracts are very often more complicated than Searle's example of a complicated request. As Austin had already emphasised³⁹⁹, they can come about by means of tacit consent. Thus the weaker version of the MAIN THESIS at issue would not only be an *ad-hoc* modification of the original claim, it seems to be false in and of itself.

One final remark on this issue: the reader may already have recognised that the argument Searle suggests can well be associated with what I call his "little" illocutionary act conception: according to this conception illocutionary acts do not, or at least need not, involve any conventional effects. Accordingly, the rules involved need not be constitutive rules. According to this conception Searle's argument is less nonsensical: if the constituting function of linguistic means is dropped, and if illocutionary acts need not to involve conventional effects but succeed just by getting understood, then one might be tempted to argue that in "very simple" cases no linguistic means are necessary, whereas in rather complex cases they are needed. Notice, nevertheless, that the sense in which we can say

³⁹⁹ See *Words*, p. 80, Fn. 1.

that linguistic means are "needed" in complicated cases seems still not to be the analytic sense of "need", as my example of Mark's promise shows. Furthermore, when we adopt the "little" conception then to state the MAIN THESIS is anyway nonsensical: for the MAIN THESIS *presupposes* that illocutionary acts are constituted by rules, which is inconsistent with the "little" conception.

§ 9.5.2 Restriction to certain types

Recall that Searle's exposition suggests several conceptions of illocutionary act types according to which these types do not involve any conventional consequences. Although there are two prominent cases in which Searle indeed ascribes conventional consequences in SA, promising and asserting, there are other act types the suggested consequences of which are purely natural, such as requesting and asking a question. Given his conception of these latter acts, and given he views them as illocutionary acts, his actual account is inconsistent with the presupposition of the MAIN THESIS that illocutionary acts are constituted by rules: for natural states of affairs are not constituted at all and thus not constituted by any rules.⁴⁰⁰

Searle seems again to have recognised the problem: At the end of the third chapter of SA he considers the possibility that *all* illocutionary acts could be explained in terms of intended perlocutionary effects, which means that they could be explained without recourse to any (conventional consequences and) rules:

9. Some illocutionary verbs are definable in terms of the intended perlocutionary effect, some not. Thus requesting is, as a matter of its essential condition, an attempt to get a hearer to do something, but promising is not essentially tied to such effects on or responses from the hearer. If we could get an analysis of all (or even most) illocutionary acts in terms of perlocutionary effects, the prospects of analyzing illocutionary acts without reference to rules would be greatly increased. The reason for this is that language could then be regarded as just a conventional means for securing or attempting to secure natural responses or effects. The illocutionary act would then not essentially involve any rules at all. (p. 71)

Searle rejects this proposal after all:

As is obvious from everything I have said, I think this reduction of the illocutionary to the perlocutionary and the consequent elimination of the rules probably cannot be carried out. It is at this point that what might be called institutional theories of communication, like Austin's, mine, and I think Wittgenstein's, part company with what might be called naturalistic theories of meaning, such as, e.g., those which rely on a stimulus-response account of meaning. (p. 71)

Notice that what he rejects is not that *some* illocutionary can be captured by reference to perlocutionary effects but merely that the *complete* reduction to perlocutionary effects is not possible. It is suggested that at least some illocutionary act types still do not involve

⁴⁰⁰ Let me briefly speculate about how the inconsistency could have originated. It seems to me that Searle originally intended to account for conventional consequences in Austin's sense, and that at this stage of his investigation the MAIN THESIS was formed. The first case he considered, which seems to be promising, will have reconfirmed this intention. But in examining further – supposed – illocutionary act types he met such acts as requesting and asking questions, and he did not find it plausible to say that they involve any conventional consequences. I do not categorically agree with this judgement: I feel we could attempt to claim that they involve commitments for the hearer, perhaps of a rather weak kind, to do what she is requested, or answer what she is asked. At any rate Searle could now still have proceeded in an adequate way: he might have drawn the consequence that requesting and asking a question are not illocutionary. However, I suspect, I suspect, his wish to present a *comprehensive* account of linguistic acts was so strong that he maintained at keeping those act types and thereby fell into the inconsistency we are dealing with.

conventional consequences – requesting is obviously meant to be such a case. Thus the inconsistency with his MAIN THESIS is here cemented.

Now one of the weaker versions of the MAIN THESIS which Searle suggests is obviously a reaction to the problematical status of requesting and asking a question: As we just saw, he admits that "[o]ne can in certain special circumstances 'request' someone to leave the room without employing any conventions"⁴⁰¹, but he insists that "some system of rule governed elements is necessary for there to be certain *types* of speech act such as promising and asserting"⁴⁰². Although the first passage refers to conventions, and although he seems here to speak about linguistic conventions without already viewing them as constitutive ones, I think that his choice of the example of requesting is meaningful: by referring, in the second passage, to promising and asserting he involves the contrast between one class of illocutionary acts which (according to his own analysis) do involve conventional consequences and another class of cases, including requesting, which do not.

This is reinforced later, where Searle suggests a weaker version of the MAIN THESIS with reference to the examples of promising and stating:

For the case of promises and statements there must be some conventional elements the utterance of which counts as an undertaking of an obligation or the commitment to the existence of some state of affairs in order for it to be the possible to perform such speech acts as promising or stating. The things specified in the rules are not natural effects, like feeling pain, which one can cause apart from invoking any rules at all. It is in this sense that I want to say that not only are languages conventional, but certain kinds of illocutionary are rule governed. (p. 40)

Searle does not make any precise statement of the weaker claim; we are thus faced with the question how an appropriately amended version of the MAIN THESIS would have to be formulated. The problem with which Searle is confronted consists in that certain of his analyses of illocutionary act types, like requesting and asking a question – in contrast to his analyses of other illocutionary act types, like stating and promising –, are inconsistent with his MAIN THESIS. So in order to respond directly to the problem, an amended version of the MAIN THESIS would have to state something to the effect that *in the case of the latter types* the MAIN THESIS holds, whereas it does not hold *in the case of the former types*.

After all, in whatever way it would actually be formulated, such a version of the MAIN THESIS will cause fundamental problems. Firstly, in contrast to the original version of the MAIN THESIS, the amended version would make Searle's account inadequate. Austin installed it as an *essential* feature of illocutionary acts that they have conventional consequences. The amended version at issue would either explicitly justify, or at least implicitly admit, calling certain types of act "illocutionary" which do not have such conventional consequences and thus cause inadequacy of the account at the level of the MAIN THESIS.

Secondly, the amended version of the MAIN THESIS seems to result in strong implausibility. Consider, for example, Mary asks Mark "Promise me not to drink more than ten pints this evening" and Mark promises by saying "Yes". If Searle's MAIN THESIS is sound with respect to promises then we must assume that the linguistic conventions of

⁴⁰¹ SA, p. 38.

⁴⁰² SA, p. 38 f.

"Yes" (are realisations of rules which) constitute the promise. However, Mark could as well, by saying "Yes", perform the act of requesting, as he supposedly does when Mary asked him "Shall I give you the pencil?". According to the amended MAIN THESIS requesting need not to be constituted at all. That is, in two different issuances of "Yes" the meaning of this one-word sentence would seem one time to realise rules constituting a promise, but another time to realise no constitutive rules at all.

Thirdly, the amended version of the MAIN THESIS would not hold. It would still imply that it is impossible to perform, for example, promises and statements without the use of linguistic means. I have above tried to construe a plausible example of a non-verbal promise. Let me provide an example of a non-verbal statement, too: consider a teacher asks, at the beginning of the lesson: "Did anybody fail to do the homework?" – Anybody who does *not* answer to this question, I think, will be supposed to have asserted that she has done the homework. But if it is possible to perform promises or statements without the use of any linguistic means then it cannot be the case both that these acts are constituted by rules and that these rules are realised by semantic conventions.

§ 9.5.3 Restriction to linguistic performances

Let me again return to the starting point. According to Searle's MAIN THESIS, I argued, it is impossible to perform an illocutionary act without using linguistic means. It presupposes that illocutionary acts are constituted by rules, and it entails that the rules constituting illocutionary acts are realised by the conventions of languages. If so, illocutionary acts cannot be constituted without linguistic conventions, which realise constitutive rules, being involved. However, illocutionary acts actually can be performed without the use of linguistic tokens, and this fact contradicts the MAIN THESIS.

A further way in which Searle reacts to this problem is that he suggests a restriction of the scope of his MAIN THESIS to those cases in which linguistic means are actually used. "Even if it should turn out that I am wrong about question two, that illocutionary acts all can be performed standing outside any system of constitutive rules", he insists, "it still would not follow that performing them in a language is not engaging in a rule governed form of behavior"⁴⁰³. If we apply this to my reconstruction⁴⁰⁴ of the MAIN THESIS – Searle obviously refers here to his MAIN THESIS – then it would suggest that the rules constituting illocutionary acts underlie the conventions of languages *in those cases in which an illocutionary act is performed in a language*, whereas in cases in which an illocutionary act is non-verbally performed they might, for example, be realised by some other, non-semantic conventions.

To begin my reply: Notice again the structure of the proceeding suggested by Searle's remark: he is faced with non-verbal illocutionary act performances, which cases are inconsistent with his MAIN THESIS; and Searle suggests now a weaker version of the

⁴⁰³ SA, p. 41.

⁴⁰⁴ In the passage quoted Searle seems to suggest that even if illocutionary acts are not constituted by rules his MAIN THESIS may still hold. That is, he suggests that his MAIN THESIS does not entail the assumption that illocutionary acts are constituted by the rules in question. In § 9.7 I insist that this is not true. We could also interpret him as weakening his MAIN THESIS in a further different way: this interpretation will be considered in the next section.

MAIN THESIS which restricts the scope of the claim by doing nothing other than excluding precisely those kinds of cases which he recognises as (perhaps) inconsistent. In the absence of any independent evidence for the resulting claim, what he thereby suggests seems to be an *ad-hoc* modification of the original claim.

Furthermore, an appropriately amended version of the MAIN THESIS would still contradict the rest of Searle's own account. Consider, for example, the case of requests, as Searle conceives of these acts: they do not have any conventional consequences. So in the case of requests *there are no* constitutive rules involved which we could claim to be realised by semantic rules *even in the case of verbal performance*.

Finally, an accordingly amended version of the MAIN THESIS would be threatened by conclusions which seem rather absurd. Consider that there is at least one kind of illocutionary act which can be performed both by verbal means and without the use of any linguistic device. As an example I suggest the act of buying a newspaper. According to the amended version of the MAIN THESIS, that the original MAIN THESIS holds in the case of illocutionary acts performed in a language, but not in the case of non-verbal acts, we would get the following result: If I buy a newspaper by saying "I hereby buy this newspaper" then the act would be constituted by the rules realised by (a certain part of) the meaning of the sentence. If I buy the same newspaper by just taking it and handing over the money, then this time the same act would either not need to be constituted, or the rules constituting it would now suddenly be extra-linguistic ones. In this latter case the account would be forced to assume two different sets for the constitution of one and the same (kind of) act: one set of linguistic rules in the case of linguistic performance, and another act for the case that the act is not linguistically performed – such an account would, I think, be destined to become a client in Ockham's barbershop. Over and above this, the whole picture seems rather implausible from the start.

§ 9.5.4 Restriction to "intertranslatable" cases

The passage I have been concerned with in the last section can be interpreted in another way: according to this alternative interpretation, Searle weakens the MAIN THESIS such that it is valid only in cases in which a speaker uses a linguistic token of a certain language *which can be translated* into another language.⁴⁰⁵

Remember that Searle associated the relation between the rules and the conventions with the relation between types and tokens: the rules are represented as *realised* by the conventions. For every convention of languages, Searle seems to suggest, there must be some convention-type – that is, rule – such that the convention is of this type. This can be explicated in two well-known different ways. There is an ontologically parsimonious way in which we can postulate, for (at least many of) the objects in the world, that they are members of a type. Consider, for instance, Mark wears red evil-smelling socks and George Bush does as well. Both the entities at the feet of Mark and the entities at the feet of George Bush belong then to the same type. In the parsimonious talk of types I have in

⁴⁰⁵ It appears to me that the following thoughts show certain striking similarities to some prominent ideas of Noam Chomsky.

mind, *the very justification* for speaking of types is given by showing instances of the type: a type exists only if an instance of this type exists. There is another conception of types and tokens, perhaps to be applied in other matters, according to which types can be, say, "pre-existent" to their tokens. Even if no instances of unicorns, or of the number 10^{13} billions, had ever existed we may, according to this view, assume according types. Let me call this conception of the type/token relation, where the type is "pre-existent", a Platonic view.

Let us come back to Searle's MAIN THESIS. When this claim says that the conventions of languages are realisations of certain rules then what Searle has in mind seems to be a Platonic conception of rules (as types of conventions). Consider the following passage:

It ought, incidentally, to be regarded as an extraordinary fact, one requiring an explanation, that sentences in one language can be translated into sentences in another language. (SA, p. 40)

The fact that sentences of different languages are inter-translatable, Searle finds in this passage, *requires explanation*. And the explanation of the possibility of translation Searle gives goes precisely by reference to his MAIN THESIS:

The fact that in French one can make a promise by saying "je promets" and in English one can make it by saying "I promise" is a matter of convention. But the fact that an utterance of a promising device (under appropriate conditions) counts as the undertaking of an obligation is a matter of rules and not a matter of the conventions of French or English. Just as in the above example, we can translate a chess game in one country into a chess game of another because they share the same underlying rules, so we can translate utterances of one language into another because they share the same underlying rules. (SA, p. 39 f.)

Searle thus *uses the existence of rules* underlying the conventions of languages *as an explanation of* the phenomenon of inter-translatability. In order to fit in the explanation, I think, the type must be represented as somehow "prior" to the token, that is, a Platonic view must be adopted. If one takes the non-Platonic view, then the fact that a translation is possible is the explanation for our assuming a type, rather than *vice versa*.

What, actually, can a Platonic assumption of rules underlying the conventions of languages do in order to explain the possibility of translation? – I think what Searle has in mind is something like this: For every convention, or set of conventions, of a language there is a "pre-existent" rule, or set of rules, which is, say, laid up in our minds. Since it is already laid up in all of our minds – regardless whether we are French, English, or Italian – we must not wonder that we have a convention (set of conventions) of our language – French, English, or Italian – which realises this rule (set of rules) by "applying" it to a certain linguistic entity of the relevant language.

However, such a view might now be confronted with a trivial fact which seems to contradict it. Searle represented it as an amazing fact that words and sentences of different languages are to a certain extent inter-translatable. But from a view according to which inter-translatability is explained by something like "pre-existent" underlying rules, in turn, the contrary may be taken to be in need of explanation: how can the fact be explained that there are words and sentences of languages which can *not*, or not satisfactorily, be translated into other languages?

It seems to me that it is some objection like this which was the reason for Searle's to suggesting another exception to his MAIN THESIS. Consider the following passage:

[S]peaking a language and performing illocutionary acts are like the chess case in ways that they are crucially unlike the noise case. Different human languages, *to the extent they are inter-translatable*, can be regarded as different conventional realizations of the same underlying rules. The fact that in French one can make a

promise by saying "je promets" and in English one can make it by saying "I promise" is a matter of convention. But the fact that an utterance of a promising device (under appropriate conditions) counts as the undertaking of an obligation is a matter of rules and not a matter of the conventions of French or English. (p. 39; my italics)

The italicised passage emphasises that *it is only to the extent that languages are inter-translatable* that the conventions have "underlying" rules. To the extent that languages are not inter-translatable, this suggests, the conventions are *not* realisations of underlying rules. If we applied this restriction to the MAIN THESIS we would get a claim to the effect that there is an underlying/realising relation between rules constituting illocutionary acts and semantic conventions – with the exception of cases where what the speaker says is not inter-translatable.

To begin my reply: Notice first that if my speculations about the motivations Searle has are right, that with the weaker version he just wants to bypass the problem of cases of linguistic tokens which are not inter-translatable, then we would again seem to be faced with an *ad-hoc* modification.

Secondly, I do not think that such an amended version would have much chance of surviving a critical view. Let me construe an example. We assume that at one place in the world there is a very peculiar kind of fruit. It is quite incomparable to any other because, say, its taste appeals to some special nerve cells hitherto unknown to both medical scientists and common people. There is one and only one population living in the area in which this fruit grows, which population has its own language. Let us further assume that they refer to the fruit by the word "blub". This word exemplifies one of the cases presupposed by the modification at issue: it cannot be translated into another language. Let us further assume that to promise to give something in this population is exactly what it is in our culture. In this language "I hereby promise to give you ..." is expressed by "Bla ..."; finally, the word for a car is in this language (as it happens) "car". Since "blub" is not translatable, the sentence "Bla blub" would then be not translatable either. "Bla car", by contrast, could be translated.

Consider now a member of this population promises someone to give her a car by saying "Bla car": according to the amended MAIN THESIS there would be rules underlying the meaning of "Bla car" which constitute the act of buying a car. Contrast with this the case in which a member of the population promises someone to give her one of those wonderful fruits by saying "Bla blub": according to the amended version of the MAIN THESIS under consideration, the rules constituting the act of promising to give the fruit could not be the rules underlying the meaning of the sentence. Since Searle assumes that promises contain the conventional effect of committing the speaker, we need then to assume that there are some rules constituting the promise, but these rules could not be the rules underlying "Bla blub". There needs to be some extra-linguistic set of rules constituting the act. The result would then be: in this population promises are constituted by semantic rules as long as no inter-translatable words are involved – however, as soon as a word is used which is not inter-translatable, the promise would be constituted by some other, non-linguistic rules. Now such an assumption of two different sets of rules for the constitution of one type of thing, namely, promising, seems again to be a destined victim of Ockham's razor; over and above this, I feel, the idea is inherently implausible.

Incidentally, parallel examples can be made with reference to certain peculiar illocutionary act types, rather than fruits: Austin, for instance, introduces as a candidate the act

of challenging as it was in older times (and, though less commonly, still is) performed among German fraternity students.⁴⁰⁶

One final caveat: I am not quite sure that Searle actually wants to state the claim we have just been concerned with: in making his remark about inter-translatability he might also perhaps have some version of his MAIN THESIS in mind according to which *it is not presupposed that illocutionary acts are constituted by the rules in question*. We can do without considering the resulting modification because it would not any more be connected in any way to illocutionary acts. Furthermore, it would be too far from his original statement of the MAIN THESIS: for this in fact entails the presupposition that the rules in question constitute illocutionary acts.⁴⁰⁷

§ 9.6 A critique of Searle's "sets of constitutive rules"

Let us again return to the starting point. Searle's MAIN THESIS states that the rules underlying the conventions of languages are the rules constituting illocutionary acts and, more particularly, that the rules of the IFIDs of a given type constitute acts of this type. Furthermore, Searle constantly speaks of the rules of IFIDs as "sets of constitutive rules". So we might expect that Searle's rules of IFIDs are represented as constitutive rules. But if we consider his presentation of the rules of IFIDs of promising we see that they fail to conform in a number of ways to this expectation. Remember especially that rules (1–4) of IFIDs do not have the form characteristic of constitutive rules, but rather the characteristics of regulative rules, with which Searle *contrasts* constitutive rules. Searle implicitly confirms this finding: he says that we should not be surprised if "not all these rules take the form of imperative rules"⁴⁰⁸: in fact, if we were concerned with a set of *constitutive* rules then we would be surprised *if any* of the rules takes this form.

In this section I shall first briefly consider a possible objection with which my critique could be confronted. Furthermore, as I indicated before my reconstruction of the rules of IFIDs, Searle drops some hints, though rather vague and not in any way elaborated, as to an alternative account of illocutionary act-constitution and rules. This way out starts from the assumption that it is not the single rules of IFIDs themselves which constitute illocutionary acts but rather complete *sets of* rules, where the members of the set need not be constitutive rules. The main task of the present section is to conduct a brief examination of what these hints seem to aim at.

§ 9.6.1 Do the rules exemplify the form after all?

I have argued that the rules of IFIDs, as they stand, do not explain that an illocutionary act is constituted, if only because most of them are not constitutive rules. One of my criteria was that they *do not take the form* Searle ascribes to constitutive rules. One might now object in the following way: Searle's criterion for constitutive rules is not that they *actu-*

⁴⁰⁶ *Words*, p. 30, Fn. 2.

⁴⁰⁷ Cf. § 6.5 and § 9.7.

⁴⁰⁸ *SA*, p. 37.

ally take the form "X counts as Y" but merely that they *could be formulated* in this way. Perhaps it is possible, one might continue, to reformulate such rules as rules (1–4) of IFIDs of promising, and perhaps they will then turn out to be constitutive rules after all.

My first reply to such an objection would be: why, then, does Searle himself not provide us the rules in the form associated to constitutive rules? – At least it does not seem that Searle himself takes them to be constitutive rules after all.

Secondly, I actually do not think that these rules can be reformulated in the relevant form. The rules at issue all have the form "*Pr* is to be uttered only if *P*". The suggestion to reformulate these rules in the form "X counts as Y" would supposedly refer to the fact that the rules contain a, say, normative component by way of the formulation: "is to be". At least that much I would like to admit: normative states of affairs seem to be conventional states of affairs; they are, for example, not material and do not have any clear-cut spatial location.

Nevertheless, I think it is not possible to reformulate rules like rules (1–4) of IFIDs of promising in the form associated with constitutive rules, "X counts as Y". Notice that in order to make the reformulation we need to specify what *Y* is supposed to aim at. A rule of the form "*Pr* is to be issued only if *P*", however, *does not give us* the information about what is the case if *Pr* is, or is not, issued in the relevant situation.

It seems to me that this holds for all regulative rules. Let us take a regulative rule which can adequately be represented by the sentence "Officers must wear ties at dinner": this rule *cannot* be paraphrased in the form "Non-wearing ties at dinner counts as ___ officer behaviour", for in "Officers must wear ties at dinner" we are not provided with the information *what* a violation of the rules *counts as*. When it holds that officers must wear ties at dinner then it may still be that non-wearing ties counted, for example, as a serious crime, as obscene behaviour, as tactless behaviour, as ridiculous behaviour, or as what not, rather than as "wrong behaviour".

One might be tempted to argue that at least "wrong", as a rather general word, is always a good means to express the relevant complaint when a rule is violated, regardless what the precise complaint is like. But I would still insist that if a rule is an *adequate* reformulation of, for instance, "Non-wearing ties counts as a serious crime" then it cannot adequately be reformulated as "Non-wearing ties a dinner counts as wrong behaviour": for "wrong behaviour" is much *too "weak"* to replace "a serious crime".

One might attempt to argue that even if Searle's actual statement of the rules withholds from us the relevant information, we are capable of amending the formulation accordingly. For Searle's rules are an application of Alston's rational, according to which issuing certain linguistic tokens in such-and-such a context is *correct*, or else *incorrect*. This argument would, I think, not help to make Searle's account compatible with his MAIN THESIS. Quite the contrary, it reveals in a deeper and quite clear way the weakness of the attempt to salvage Searle's account of the rules we are concerned with: for as soon as we reformulate the rules in the way suggested we shall see *what*, according to the conception, would be constituted *if anything*: it would be the correctness or incorrectness of the issuance of a linguistic token, rather than (parts of) the performance of any illocutionary act.

§ 9.6.2 Constitutive sets of rules

If, then, rules (1–4) are not constitutive rules, how can Searle constantly speak of his rules of IFIDs as "sets of constitutive rules"? – Searle suggests a special way in which this notion of sets of constitutive rules may be understood, according to which it is not to be read as compositional, as sets made up of constitutive rules, but rather like "*constitutive set* of rules": it is the set, this suggests, rather the single members of the set, which is constitutive. The argument that most of the rules are not of the constitutive kind could then be bypassed if we further assumed that regulative rules, and perhaps further kinds of non-constitutive rules, can be members of such a set, too. At one place Searle actually seems to attempt this way out: he emphasises that "constitutive rules come in systems" and that "it may be the whole system which exemplifies [the relevant] form and not individual rules within the system"⁴⁰⁹.

According to this alternative, that it is the whole system which constitutes, rather than the single rules of the set, Searle's talk of "constitutive rules" gets quite a new sense. The rules of a given set are now made "constitutive rules", *not* by virtue of being constitutive rules in the sense Searle contrasted with regulative rules, but rather by virtue of being members of a *constitutive set* of rules. Indeed, they may now be of the regulative kind, the kind Searle originally *contrasts with* constitutive rules.

I think that this way of viewing "constitutive rules" is not the way Searle originally had in mind but rather a later attempt to avoid the question why his rules are not of the constitutive kind – and thus seem to contradict his overall conception. The main reason why I believe this, is the mere fact that Searle attempts, in such great detail, to develop criteria for constitutive and regulative rules at all. If the rules in question were "constitutive rules", not by satisfying the criteria Searle so arduously develops, but just by being members of a "constitutive set", then all those efforts to find criteria would be entirely pointless because not to be applied.

In any case, if we adopted the view suggested we would have to ask how this should work: that the whole set can constitute – although the single rules need not to be constitutive rules. If the whole set constitutes then it would seem that it needed to have the relevant form, "X counts as Y". And, in fact, this is precisely what Searle emphasises: that "it may be the whole system which exemplifies the form and not individual rules within the system". Let us then have another look for what the matter is in Searle's account. According to his statement, the set of rules of IFIDs of promising takes the following form:

Rule 1. *Pr* is to be uttered only in the context of a sentence (or larger stretch of discourse) *T*, the utterance of which predicates some future act *A* of the speaker *S*. I call this the *propositional content rule*. It is derived from the propositional content conditions 2 and 3.

Rule 2. *Pr* is to be uttered only if the hearer *H* would prefer *S*'s doing *A* to his not doing *A*, and *S* believes *H* would prefer *S*'s doing *A* to his not doing *A*.

Rule 3. *Pr* is to be uttered only if it is not obvious to both *S* and *H* that *S* will do *A* in the normal course of events. I call rules 2 and 3 *preparatory rules*, and they are derived from the preparatory conditions 4 and 5.

Rule 4. *Pr* is to be uttered only if *S* intends to do *A*. I call this the *sincerity rule*, and it is derived from the sincerity condition 6.

Rule 5. The utterance of *Pr* counts as the undertaking of an obligation to do *A*. I call this the *essential rule*. (SA, p. 62 f.)

⁴⁰⁹ SA, p. 36.

Obviously, this set of rules does not take the form "X counts as Y". So even if we accepted Searle's hint, that it *may* be the whole system which exemplifies the form of constitutive rules, Searle's sets of rules of IFIDs *actually do not* have this form.

This objection might be answered by reference to another hint Searle gives us: at one place he seems to suggest that the form "X counts as Y" was exemplified by a, say, higher-level rule. Consider how Searle presents the matter with reference to basketball:

First, since constitutive rules come in systems, it may be the whole system which exemplifies this form and not individual rules within the system. Thus, though rule 1 of basketball – the game is played with five players to a side – does not lend itself to this form, acting in accordance with all or a sufficiently large subset of the rules does count as playing basketball. (p. 36)

If we want to account for the supposed fact that acting in accordance with a subset of a set of rules counts as playing basketball, then, it seems, we are to postulate a constitutive rule to this effect, referring to the set Searle actually states and saying that if the conditions of this set are being satisfied in a given situation then the act is being performed.

As we have seen, the hint he makes in the above passage is not realised. And, in fact, it seems not a simple matter to make any sense out of such a higher-level rule in Searle's account. Consider a straightforward version of such a rule as applied to the account of rules of IFIDs of promising:

Conforming to rules (1–5) counts as promising to do A.

This rule would obviously be incorrect because, for example, rule (4) demands sincerity from the speaker – but it is not necessary for the occurrence of a promise that the speaker is sincere. We may consider restricting, in accordance with Searle's suggestion, the demand posed by the higher-level rule to a "subset of" rules (1–5), which subset does not include rule (4). Or one might suggest assuming a version of rule (4) which is derived according to condition (6.a), Searle's alternative version of condition (6). However, even if we did find a solution to this problem, there is another problem which appears in connection with rule (5) of the IFIDs of promising. This, in contrast to the other rules, actually is a constitutive rule by itself: how, then, could it be possible actually to "conform" to rule (5)? It says that the "utterance of *Pr* counts as the undertaking of an obligation to do A". It seems impossible both to conform and not to conform to this rule precisely because it is a constitutive, rather than a regulative rule.

I do not want to claim that these few remarks exhaust the issue: there may certainly be a number of further suggestions one could make in order to make sense of Searle's scattered hints. But it strongly seems that we can do without any such efforts: as I have already mentioned several times, there are independent considerations which show that Searle's account of rules constituting illocutionary acts *as rules of IFIDs, or at least rules underlying semantic conventions*, fails. Regardless whether illocutionary acts are supposed to be constituted by sets of constitutive rules of IFIDs, or by a constitutive set of rules of IFIDs, or a higher-level rule: it is after all generally impossible that illocutionary acts are constituted by rules of IFIDs, or anyway semantic rules. For as Searle himself admits, it is possible to perform illocutionary acts without the use of linguistic means. It follows, quite trivially, that both assumptions in advance contradict the facts: Illocutionary acts cannot be constituted by rules of IFIDs, because it is possible to perform them without any such IFIDs, and they cannot be constituted by semantic rules because it is possible to perform them without the use of linguistic means.

§ 9.7 Excursus: MT does include the positive answer to Q2

Searle explains his MAIN THESIS, among other attempts to clarify it, with reference to three questions. In my reconstruction I gave them the following wording:

- (1) Are there conventions of languages?
- (2) Are illocutionary acts constituted by rules?
- (3) Are the conventions of languages realisations of the rules constituting illocutionary acts?⁴¹⁰

To state the MAIN THESIS, he says, is to answer the third question positively. I argued that the positive answer to question 3 presupposes positive answers to questions 1 and 2. In particular, I argued that the MAIN THESIS cannot be upheld without upholding a positive answer to question 2 – the claim that illocutionary acts are constituted by rules –, because the MAIN THESIS claims, *of those rules constituting illocutionary acts*, that they are realised by linguistic conventions.

In contradiction with this interpretation, at some places Searle talks as if he could state the MAIN THESIS while at the same time denying the positive answer to question 2. Consider, for instance, the following passage. Searle introduces here, for the sake of the argument, the assumption that not only question 2 is to be answered in the negative but that, *a fortiori*,⁴¹¹ illocutionary acts are *generally not* constituted by rules:

[W]hen I say that speaking a language is engaging in a rule-governed form of behavior it is in the sense of an answer to question three that I intend this remark. Even if it should turn out that I am wrong about question two, that illocutionary acts all can be performed standing outside any system of constitutive rules, it still would not follow that performing them in a language is not engaging in a rule governed form of behavior. I hold both views, but it is only the answer to question three which is crucial to my enterprise in this essay, because it is that view which articulates the hypothesis that *speaking a language* is engaging in a rule-governed form of behavior. (p. 41)

When Searle insists that "speaking a language is engaging in a rule-governed form of behavior" he obviously insists on the MAIN THESIS, the preliminary version of which takes exactly this form. He implies then that he could uphold the MAIN THESIS while still denying that there are rules constituting illocutionary acts, and thus denying that it is these rules, constituting illocutionary acts, which are underlying the conventions of languages.

A second objection could refer to the fact that the version I have given of the MAIN THESIS, from which the relevant presupposition follows, actually does not occur in Searle's text. In the final version of the third question, the positive answer to which the MAIN THESIS is meant to be, Searle literally asks: "[Are] the conventions realizations of rules?" This version only asks whether *there are* some rules of which the conventions (of languages) are realisations. In contrast, in the formulation I have provided the question asks whether the conventions are realisations of *the* rules, that is, of the rules constituting illocutionary acts, mentioned in the second question.

Yet a third objection could proceed from the fact that, according to my own criticism, Searle's MAIN THESIS (in my interpretation) fails, and quite obviously so: if it were true then illocutionary acts could not be performed in the absence of linguistic means – how-

⁴¹⁰ Cf. § 6.5.

⁴¹¹ Searle equates in this passage the negative answer to question 2 with the claim that all illocutionary acts can be performed standing outside any system of constitutive rules. This is not quite correct: the second question clearly asks whether *all* illocutionary acts are constituted by rules. Thus, actually, the negative answer to question 2 would make the weaker claim that *some* illocutionary acts can be performed standing outside any system of constitutive rules.

ever, it is quite obvious that the use of linguistic means is not generally necessary for the performance of illocutionary acts; *Searle himself does not deny* the possibility of non-verbal performance of these acts. The question might then force itself upon us how one can ascribe to Searle such a crude inconsistency in stating his MAIN THESIS, and one may well ask whether it is not far more plausible to assume that the rules in question are just not meant to be the rules constituting illocutionary acts.

I think that these objections have a good deal of force, and therefore I want to devote this section to a detailed defense of my interpretation of Searle's MAIN THESIS. I shall pursue this defence by first recalling several passages by which he represents his MAIN THESIS and which, I think, clearly show that my interpretation is well-founded; I shall secondly introduce a passage from a later paper, in which he looks back to his original account, that seems to me to decisively confirm my view, too. Much of the following has already been said at one or the other place: I ask the reader to excuse the repetitions.

To start with, at the beginning of his exposition of the MAIN THESIS Searle writes this:

I have said that the hypothesis of this book is that speaking a language is performing acts according to rules. The form this hypothesis will take is that the semantic structure of a language may be regarded as a conventional realization of a series of sets of underlying constitutive rules [...] (SA, p. 36 f.)

The rules aimed at are represented as underlying (being realised by) the conventions of languages, and they are explicitly said to be *constitutive* rules. Now what, in the context of Searle's exposition in SA, could they be meant to constitute if not illocutionary acts? And, indeed, Searle immediately continues by referring to those rules in the following way:

One of the aims of the next chapter is to formulate sets of constitutive rules for the performances of certain kinds of speech acts [...] (SA, p. 37)

Again he represents the rules as constitutive rules, and he speaks, more particularly, of rules *for the performance of certain kinds of speech acts*. With "speech act" he thereby clearly refers to nothing other than *illocutionary* acts: for the rules of "the next chapter" are the rules of the IFIDs of promising and the rules of the IFIDs of further illocutionary act types, such as rules of the IFIDs of requesting, asking a question, and so on – rather than rules, for instance, of referring or predicating, with which he is concerned in later chapters. Furthermore, by his reference to the rules "of the next chapter" it becomes again clear that what is constituted by the rules are illocutionary acts: for the rules of IFIDs of certain types are indeed represented as constituting nothing other than illocutionary acts of the relevant types.

Searle then continues explaining "the sense in which I want to say that constitutive rules are involved in speaking a language"⁴¹² by presenting the contrast between the rules involved in fishing and the rules involved in promising. The case of promising is meant to represent the way in which rules are involved in the MAIN THESIS. Searle emphasises that fishing involves certain rules, too; but whereas in the case of fishing "the relations that facilitate or enable me to reach my goal, are matters of natural physical facts"⁴¹³, in the case of promising it is a matter of the rules involved "that the utterance of such and

⁴¹² SA, p. 37.

⁴¹³ SA, p. 37.

such expressions under certain conditions counts as the making of a promise"⁴¹⁴. It is obviously the very point of the contrast that the rules involved in promising constitute the promise, whereas the rules involved in fishing do not constitute fishing. So the moral we are to draw from the example is that the rules involved in the MAIN THESIS constitute the acts involved – which acts, it is clear, are illocutionary acts.

This is again reconfirmed when Searle attempts to make clearer the sense in which *conventions* are involved in the MAIN THESIS. He introduces the example of playing chess and contrasts it with the convention, installed in a certain population, to use the word "BANG" in order to cause pain to each other. Searle argues as follows:

[U]nlike the chess case, the convention is not a realization of any underlying constitutive rules. Unlike the chess case, the conventional device is a device to achieve a natural effect. There is no rule to the effect that saying BANG *counts as* causing pain; one can feel the pain whether or not one knows the conventions. And pain still can be caused without employing any conventions. (p. 39)

Searle argues, not only that in the "BANG" case no underlying rules are involved, but particularly that there are no rules which have the effect that doing this-or-that *counts as* causing pain; that is, he again represents the rules as constituting the activity in question. And the activity with which the MAIN THESIS is concerned is obviously the performance of illocutionary acts. So the example again suggests that the conventions in the MAIN THESIS are such that they have underlying rules, which rules constitute illocutionary acts.

Searle still suggests the same thing in the conclusions he makes for the MAIN THESIS. He argues as follows:

Now, how about languages, language and illocutionary acts? Like both the chess case and the noise case, languages involve conventions. (My answer to the first question.) But I want to say, in regard to my second and third questions, that speaking a language and performing illocutionary acts are like the chess case in ways that they are crucially unlike the noise case. Different human languages, to the extent they are inter-translatable, can be regarded as different conventional realizations of the same underlying rules. The fact that in French one can make a promise by saying "je promets" and in English one can make it by saying "I promise" is a matter of convention. But *the fact that an utterance of a promising device (under appropriate conditions) counts as the undertaking of an obligation is a matter of rules* and not a matter of the conventions of French or English. (p. 39 f.; my italics)

Promising stands here obviously *pars pro toto* for illocutionary acts. Searle emphasises that, although different languages may realise their underlying rules in different ways – by different conventions –, the underlying rules are in all cases the same, and they are represented as constituting the act of promising, or its conventional consequences. We can conclude, as the moral for the MAIN THESIS, that the rules underlying the conventions of languages are meant to be rules constituting (the conventional consequences of) illocutionary acts.

Over and above those examples about rules and conventions, as we saw, Searle attempts to explain his MAIN THESIS in a more systematic way, by asking three questions. His MAIN THESIS, he says, is the positive answer to the third of these questions: "When I say that speaking a language is engaging in a rule-governed form of behavior it is in the sense of an answer to question three that I intend this remark."⁴¹⁵ In their final statement the questions read as follows:

⁴¹⁴ SA, p. 37.

⁴¹⁵ SA, p. 41.

So, what my three questions amount to is: First, are there conventions for languages? Second, must there be rules (realized somehow) in order that it be possible to perform this or that illocutionary act? And third, are the conventions realizations of rules? (SA, p. 40)

Admittedly, Searle does not literally ask whether the conventions of languages are realisations of the rules constituting illocutionary acts. But nevertheless this is precisely how I think question 3 *must* be understood in the context of Searle's explanation of the MAIN THESIS: "Are the conventions realisations of *the* rules?". The main reason is: how, otherwise, could we explain *that he is actually concerned with question 2 at all* in explaining the claim: if the reference to rules in the MAIN THESIS was not meant as a reference to the rules constituting illocutionary acts, the rules mentioned in the second question, then all the talk about question 2, all the talk about the rules constituting illocutionary acts, and all the examples involving rules constituting illocutionary acts, or similar activities, would have to be interpreted as being entirely beside the point.

To continue, recall one of the modifications Searle suggests for his MAIN THESIS:

For the case of promises and statements there must be some conventional elements the utterance of which counts as an undertaking of an obligation or the commitment to the existence of some state of affairs in order for it to be possible to perform such speech acts as promising or stating. The things specified in the rules are not natural effects, like feeling pain, which one can cause apart from invoking any rules at all. It is in this sense that I want to say that not only are languages conventional, but certain kinds of illocutionary are rule governed. (p. 40)

He precisely emphasises here that the rules aimed at in the MAIN THESIS are, and need to be, constitutive of certain illocutionary acts because these involve non-natural effects. And he further emphasises that *this is the sense in which* his MAIN THESIS involves rules. The modification he makes here, I argued, is that he restricts the existence of these rules to those cases in which his account does not contradict the MAIN THESIS in this interpretation, namely, those illocutionary act types in which his account *actually assumes* conventional consequences. If his MAIN THESIS merely claimed that there are *some* rules underlying the conventions of languages, but not that these rules are the rules constituting illocutionary acts, then this passage would be both unmotivated and nonsensical.

Let me finish my case with a passage from a later article where Searle describes the role "institutional notions" were meant to play in his original account:

The picture that I had at that time was the following: Different languages have different conventions for achieving the same speech act. For example, what I can achieve in English by saying "I promise ...", I achieve in French by saying "*Je promets ...*", or in German by saying "*Ich verspreche ...*". But second, these three different conventional realizations are all realizations of the same underlying constitutive rules *namely the rule that says the making of a promise counts as the undertaking of an obligation to do something*, normally for the benefit of the hearer. And that rule is not itself a convention of English or French or German, *but is a constitutive rule of the institution of promising*. (Searle (1989b), p. 13; my italics)

This passage is, I think, as clear as can be: Searle's MAIN THESIS entails that the conventions of languages are realisations of the rules constituting illocutionary acts.

§ 9.8 Searle's "principle of expressibility"

This section will be concerned with what Searle calls the "principle of expressibility" (for short: "PoE"). The main reason why we have to deal with it is this: In the case of at least two of the systematic failures of Searle's account I have set out in this Part, Searle at-

tempts to bypass the problem with reference to PoE. The first of these problems is the possibility of the non-verbal performance of illocutionary acts: this is inconsistent with his MAIN THESIS, which entails both that illocutionary acts are constituted by rules and that these rules are realised by semantic conventions. The second problem consists, among other things, in the possibility of indirect, metaphorical, sarcastic, ironical, and other "non-literal" cases of meaning. Remember Searle's analysis of meaning: this captures only those special cases of speaker meaning in which a sentence has been issued and in which, furthermore, what the speaker means is nothing other than what the sentence issued means. It is obvious that this analysis is far from being general.

§ 9.8.1 The principle of expressibility

In a preliminary formulation PoE is represented simply thus: "Whatever can be meant can be said"⁴¹⁶. Searle feels that "it is possible to misconstrue"⁴¹⁷ the principle and therefore provides some remarks about how it is *not* to be understood. The first way in which one could misconstrue the principle is to spell it out as "Whatever *is* meant *is* said". Searle introduces two of the various cases in which we do not exactly say what we mean, namely, issuances of "Yes" and indirect performances of illocutionary acts, in which we *do not* say what we mean – but still *could* have done so:

Often we mean more than we actually say. If you ask me "Are you going to the movies?" I may respond by saying "Yes" but, as is clear from the context, what I mean is "Yes, I am going to the movies", not "Yes, it is a fine day" or "Yes, we have no bananas". Similarly, I might say "I'll come" and mean it as a promise to come, i.e., mean it as I would mean "I promise that I will come", if I were uttering that sentence and meaning literally what I say. In such cases, even though I do not say exactly what I mean, it is always possible for me to do so – if there is any possibility that the hearer might not understand me, I may do so. (p. 19)

But it could be that a given language lacks the means for me to express myself adequately. It would secondly be a mistake to take the principle as claiming that, for every language, the language contained enough expressions which just needed to be combined such that everything which can be meant *actually can be* expressed in this language – to claim this would be to deny the possibility of rudimentary languages. Yet a third misunderstanding would be to take the principle as claiming that, for all speakers and all situations, if the speaker intends to communicate something in a language then she will automatically find the suitable words in this language – to claim this would be to deny the possibility of incomplete mastery of a language. PoE is not meant to exclude any of these possibilities:

[O]ften I am unable to say exactly what I mean even if I want to because I do not know the language well enough to say what I mean (if I am speaking Spanish, say), or worse yet, because the language may not contain words or other devices for saying what I mean. But even in cases where it is in fact impossible to say exactly what I mean it is in principle possible to come to be able to say exactly what I mean. I can in principle if not in fact increase my knowledge of the language, or more radically, if the existing language or existing languages are not adequate to the task, if they simply lack the resources for saying what I mean, I can in

⁴¹⁶ SA, p. 19.

⁴¹⁷ SA, p. 19.

principle at least enrich the language by introducing new terms or other devices into it. Any language provides us with a finite set of words and syntactical forms for saying what we mean, but where there is in a given language or in any language an upper bound on the expressible, where there are thoughts that cannot be expressed in a given language or in any language, it is a contingent fact and not a necessary truth. (p. 19 f.)

Searle makes two further caveats: Firstly, PoE does not claim that, for all perlocutionary effects – as, for example, poetic effects, emotions, or beliefs – there is an expression that "will produce" these effects.⁴¹⁸ Secondly, Searle emphasises that the principle is not meant to have a certain consequence about understanding:

[T]he principle that whatever can be meant can be said does not imply that whatever can be said can be understood by others; for that would exclude the possibility of a private language, a language that it was logically impossible for anyone but the speaker to understand. Such languages may indeed be logically impossible, but I shall not attempt to decide that question in the course of the present investigation. (p. 20)

Searle does not want to make a final decision in the latter issue. Especially, he does not claim that there can be "private languages", "languages" which exist even if nobody other than the user of this "language" can understand them: he leaves the question in the open.

In order to make precisely clear how PoE is finally meant Searle states it formally:

We might express this principle by saying that for any meaning X and any speaker S whenever S means (intends to convey, wishes to communicate in an utterance, etc.) X then it is possible that there is some expression E such that E is an exact expression of or formulation of X . Symbolically: $(S)(X)(S \text{ means } X \rightarrow P(\exists E)(E \text{ is an exact expression of } X))$. (p. 20)

Searle announces that PoE has "various consequences and ramifications", and he enumerates quite a number of concepts which are supposed to be involved in these consequences and ramifications:

This principle has wide consequences and ramifications. It will, e.g. (in chapter 4), enable us to account for important features of Frege's theory of sense and reference. It has the consequence that cases where the speaker does not say exactly what he means – the principal kinds of cases of which are nonliteralness, vagueness, ambiguity, and incompleteness – are not theoretically essential to linguistic communication. But most important for present purposes it enables us to equate rules for performing speech acts with rules for uttering certain linguistic elements, since for any possible speech act there is a possible linguistic element the meaning of which (given the context of utterance) is sufficient to determine that its literal utterance is a performance of precisely that speech act. To study the speech acts of promising or apologizing we need only to study sentences whose literal and correct utterance would constitute making a promise or issuing an apology. (p. 20 f.)

Of the three applications he mentions here the latter two are relevant to my present issues. By saying that PoE has "the consequence that cases where the speaker does not say what he means" Searle seems to suggest that his analysis of meaning was general – despite the possibility of indirect, metaphorical, sarcastic, ironical, and other "non-literal" cases of meaning. And by saying that PoE enabled us "to equate rules for performing speech acts with rules for uttering certain linguistic elements" he seems to insist that his MAIN THESIS could be upheld despite the possibility of, for instance, non-verbal performance of illocutionary acts.

In the following I want first to express my reservations about Searle's claim especially insofar as it is presented *as a principle*. In order for us to take a given sentence as a principle, I assume, we should have a precise account of what in fact the sentence actually means. In the case of PoE, I shall argue, it is quite unclear what the sentence means; in fact, it does not seem that Searle himself has any precise account of it. I shall then sec-

⁴¹⁸ See SA, p. 20.

only argue that, whatever PoE precisely means, it cannot be used in the two ways mentioned above, to revalue Searle's analysis of meaning or to defend his MAIN THESIS: the argument, however PoE might be made precise, will be subject to *non sequitur*.

To start with, it is quite unclear what PoE aims at, and especially it is much too unclear to seriously present it as a principle. Notice that the claim it makes involves the notion of speaker meaning and the notion of sentence meaning. These notions, however, are not nearly transparent enough. To take the concept of speaker meaning first: Many have attempted to give an account of this concept. For a few examples, see the suggestions of Searle,⁴¹⁹ Grice,⁴²⁰ Strawson,⁴²¹ Schiffer,⁴²² and Davis.⁴²³ Some of the questions at issue are: whether meaning something entails a communicative intention or not; whether the communicative intent, or other intents, of the speaker need to be made, or intended to be made, partially overt, entirely overt, or whether nothing of this kind is necessary; whether the speaker needs actually to have perlocutionary intentions, illocutionary intentions, or both or none of them; whether the content of speaker meaning must refer to perlocutionary intentions, an illocutionary act, an illocutionary intention, an attitude of the speaker, or some or none of them. Part of the confusion is caused by the fact that there seem to be various different uses of the notion of "meaning".⁴²⁴ At any rate, there is no agreement about these issues up to now: thus, I conclude, the common concept of meaning, if there even is one, is up to now still very unclear in various crucial respects.

One might argue that Searle himself at least makes a substantial suggestion, and that we could adopt this suggestion as the relevant analysis. Notice, however, that Searle's efforts are unsuccessful. He starts with a suggestion which, as he himself sees, faces the danger of circularity. The analysis he states in *SA*, which is meant to avoid this danger, is far from being general: it captures merely the special case in which a speaker means nothing other than what the sentence issued means. In *ISA*, where Searle is concerned with non-literal cases, he uses an analysis different from the one suggested in *SA*, namely, precisely the one he himself took to involve circularity in *SA*. Furthermore, in *MCR* he provides a conception of meaning which is entirely different from both the conception of *SA* and the conception of *ISA*, if only in that Searle now rejects the need for an intention to communicate. In short, it is obviously not true that Searle has any clear and transparent conception of speaker meaning.

To turn to the second conception involved in PoE: there is no transparent common conception of what linguistic meaning is either: The question how to define language and linguistic meaning has been in dispute in the philosophy of language for quite a number of decades and can hardly be said to be settled today. Does an analysis of linguistic meaning require reference to truth, truth conditions, conditions of satisfaction, perlocutionary intentions, illocutionary intentions, communicative intentions, speaker meaning, successful communication, conventions, regularities, rules, normative states of affairs, representation, human attitudes, propositional states? – all, or at least almost all of these

⁴¹⁹ *Words, ISA, MCR*; cf. §§ 3.4.4, 7.2.2.

⁴²⁰ Grice (1957), p. 220.

⁴²¹ Strawson (1964), pp. 33 f..

⁴²² Schiffer (1972), p. 63.

⁴²³ Davis (2003), pp. 30, 38.

⁴²⁴ See, e.g., Bach/Harnish (1979), pp. 150 ff.

possibilities have been both suggested and objected to. I conclude that even if there is a concept of linguistic meaning, it seems either to be vague or not transparent.

Notice also that Searle himself has never provided any general analysis of linguistic meaning either: although he suggests partial accounts of what he calls "rules of IFIDs", "rules of predication", and "rules of singular definite reference",⁴²⁵ he has never even attempted any *general* analysis of the conception of linguistic meaning.

Up to now I have argued that, in the sentence "(S)(X)(S means X → P(∃E)(E is an exact expression of X))", both the expression "S means X" and the expression "E is an [exact] expression of X" are unclear. Yet a further question would be *what kind of possibility* Searle has in mind. Let me make three suggestions. To start with, there is the possibility connected with the meaning of signs: If, for example, a given description is *defined as* ascribing a certain property then it is "impossible" that something is captured by this description without having the property. Applying this sense one may say that it is impossible that a bachelor is unmarried, thereby referring to *the definition of "bachelor"*. If this sense was to be applied then PoE would seem to be a claim about the definitions of "(speaker) meaning" and "(linguistic) expression". One crucial problem of this interpretation is that, as far as I can see, there are no such distinct definitions.

A second reading would make PoE a claim about *conceptual* possibility. Imagine a little ant and a horse: given our conceptions of little ants and horses we cannot imagine that the ant swallows the horse. We might express this by saying that it is impossible that the little ant swallows the horse. Applying this sense, PoE would be a claim about our – common – conceptions of (speaker) meaning and (linguistic) expressions. The problem, according to my view, would be that there are no such distinct common conceptions as the claim presupposes.

Both interpretations so far suggested make PoE a phenomenological, rather than a metaphysical claim: they deal with the meanings of our words, or the conceptions we have, rather than with any referents of these meanings and conceptions. For example, it could, in both interpretations, be that PoE is true but that *there is no such phenomenon* as either speaker meaning or linguistic expressions: the view suggested by our language, or our conceptions, could just be mistaken. But PoE could also be interpreted as being about *metaphysical* possibility. Consider that a physicist says "It is possible that a quantum moves discontinuously": What she might thereby have in mind is not that we can imagine that, nor that this possibility was implied or admitted by the meaning of any word(s), but that the world confronts us with the fact.

The crucial point is now: before we can say what PoE *means*, we need to know which interpretation of "possible" is to be applied. However, Searle fails to make any decision, or even to consider the issue. As long as it is unclear what a given claim means, however, it is impossible to judge its truth. But a claim the truth of which cannot be judged can hardly be adopted as a principle.

Apart from the fact that PoE is quite unclear, even from the limited access PoE allows there are serious doubts as to whether it is plausible, let alone worth calling a principle. For example, PoE seems to imply that the *object* of what is meant is always a kind of entity which can be the content of what is said. But this consequence is, I feel, not very

⁴²⁵ Cf. SA, p. 72.

plausible. For example, does it not seem that speaker meaning can involve certain parts which, for principle reasons, *cannot* be part of the objects of linguistic meaning? Consider the case of reference of speakers to themselves: there seems to be a way of access we have to ourselves which other people cannot have in principle. We might then suppose that such a reference to oneself may be, in some (or all) cases part of what a speaker means. If, however, this special conception of oneself is in principle not accessible to other people then it will seem to be impossible as well that there can be any word expressing this conception: for the arising of linguistic meaning seems to imply *intersubjective accessibility*. If so then there would be at least one possible component of speaker meaning which is not a possible component of linguistic meaning, which would mean that PoE is confronted with legions of disproving cases.

It does not make sense to go any deeper into the issue: without a clear account of what PoE is supposed to say it is naturally impossible to judge its truth. But, to repeat, it does at any rate not seem that it can, as Searle suggests, be taken as a principle. For this it would seem to be necessary that we have some definite access to the common notions of (speaker) meaning and (linguistic) expressions: However, Searle does not give us any such access: in fact, he does not seem to have any clear conceptions of these notions himself.

§ 9.8.2 PoE and Searle's analysis of meaning

But let us assume, for the sake of the argument, that PoE is a principle, sufficiently clear and true. Even if that were the case, the way in which Searle uses it in order to defend his MAIN THESIS and his analysis of meaning seem to me to contain a logical fault of a rather crude kind, namely, reasoning from possibility to actuality. Recall Searle's discussion of the concept of speaker meaning in *SA*. He developed his analysis by way of two objections to the famous analysis of Grice. He proceeded from the following formulations of Grice's analysis:

Speaker *S* means *mn* something by *X* =

- (a) *S* intends (*i-1*) the utterance *U* of *X* to produce a certain perlocutionary effect *PE* in hearer *H*.
- (b) *S* intends *U* to produce *PE* by means of the recognition of *i-1*. (*SA*, p. 49)

One of his objections was now that Grice's analysis failed "to account for the extent to which meaning can be a matter of rules or conventions". "This account of meaning", he observes, "does not show the connection between one's meaning something by what one says, and what that which one says actually means in the language"⁴²⁶. In the end, he suggests the following statement of what he calls a "revised analysis":

S utters sentence *T* and means it (i.e., means literally what he says) =
S utters *T* and

- (a) *S* intends (*i-1*) the utterance of *T* to produce in *H* the knowledge (recognition, awareness) that the states of affairs specified by (certain of) the rules of *T* obtain. (Call this effect the illocutionary effect, *IE*)
- (b) *S* intends *U* to produce *IE* by means of the recognition of *i-1*.
- (c) *S* intends that *i-1* will be recognized in virtue of (certain of) the rules governing (the elements of) *T*. (p. 49 f.)

⁴²⁶ *SA*, p. 43.

To start with, I think that Searle's objection against Grice, that Grice's analysis failed to account for the extent to which meaning *can be* a matter of rules or conventions, is unfounded, and plainly so: when I define the bachelor as a man who has never been married I do not fail to account for *the possibility that* bachelors may be bald, even if the word "bald" does not figure in the definition. It is one thing to *admit*, in defining meaning, cases of meaning in which what is meant depends on what is said, and it is another, quite different thing to define the notion of meaning *in terms of* what the sentence means.

Apart from this, notice that the consequence Searle suggests in stating his "revised analysis" is much too strong: his own "revised analysis", in turn, is applicable only in cases in which the speaker means just what the sentence issued means – it is not applicable in cases in which the speaker means something, but in which what the speaker means *does not happen to be the same as* what the sentence means as, for example, indirect illocutionary acts, ironical issuances, metaphorical issuances, sarcastic issuances, and so on.⁴²⁷ Thus his own analysis in turn meets only a very limited range of simple, idealised cases.

It is, I suppose, precisely this problem, that his analysis of meaning excludes all non-literal cases and thus is far from being general, which Searle intends to play down with reference to PoE in the following passage:

[The principle of expressibility] has wide consequences and ramifications. [...] It has the consequence that cases where the speaker does not say exactly what he means – the principal kinds of cases of which are non-literalness, vagueness, ambiguity, and incompleteness – are not theoretically essential to linguistic communication. (p. 20)

Searle's makes the following two statements:

- (1) [PoE:] Whatever is meant could be said.
- (2) Therefore, cases where the speaker does not say exactly what she means are not theoretically essential to linguistic communication.

It seems to me that (2) is already meant to contain much of a defence: but it is again not quite clear what Searle wants to say by it. What, for example, is it supposed to mean when Searle says, about cases in which what the speaker means differs from what the sentence means, that they are not *theoretically* essential: is there any sense of being "non-theoretically", or "practically" essential, and what difference could be meant? At any rate, the use of "(theoretically) essential" suggests, and it anyway seems, that we are concerned with an analytic claim, a claim about *the notion of* linguistic communication. However, it is still unclear *what kind of* claim is actually suggested: does Searle want to say that we can define the notion of linguistic communication without using notions like "metaphorical", "sarcastic", and so on? – This, of course, would seem much too trivial. Or does he want to say that we can define linguistic communication as if those other cases did not exist? This, in turn, would seem rather absurd: we can hardly make an adequate definition while ignoring the facts.

Anyway, whatever (2) is actually meant to say, Searle intends to arrive somehow at a defence of his analysis of meaning against the charge that it was not general. That is, he seems to me to finally approach to the following conclusion:

⁴²⁷ As I have argued, it also fails in cases in which no sentence is issued and in some further cases.

- (3) Searle's analysis of meaning, although it does not capture non-literal (and certain further) cases, is general.

And he obviously means PoE to do the trick, to show that (3) is true. So let us see whether this can be the case.

If Searle wants to show that his analysis of meaning is general then he needs at least to show that it enables us to account for *all cases of* meaning in illocutionary act performances. *Prima facie*, it does not: Consider someone is requested to promise to go and promises by saying "Yes". She will then, for example, not, as Searle's analysis of meaning demands, intend the hearer to believe that the illocutionary act "indicated" by the sentence is performed, just because the sentence does not indicate *any* illocutionary act. She also cannot expect, as it is demanded, the hearer to rely on the meaning of the sentence issued in finding out what the speaker means: With the issuance of "Yes" the speaker could have meant simply anything.

Will PoE, the claim that whatever is meant could be said, be able to show that Searle's analysis, despite what appears to be the case at first glance, captures those cases? It will not, for obvious general reasons. In order for a case of meaning to be captured by Searle's analysis of meaning, the speaker needs to actually say what she means. Thus, in order for Searle to show that non-literal cases are captured by his analysis of meaning he needs to show that in these cases the speaker actually says what she means, that is, make a claim about what is actually said. Now PoE makes a claim about cases in which someone means something, and it says, about what is meant, that this *could be* said.⁴²⁸ However, in order to conclude, from what *could be* said, to *what actually is* said, we would have further to make use of a conclusion from the possible to the actual, that what *could be* said *actually is* said: with which kind of reasoning we might also prove that Napoleon won the battle of Waterloo – just because he could have had won it. Whatever Searle's hints in the above passage may mean, suggest, or prove, as long as his argument rests on PoE it cannot be showing that Searle's analysis of meaning captures non-literal cases and thus is cannot be showing that the analysis is general.

§ 9.8.3 PoE and Searle's MAIN THESIS

Let us consider the second application Searle seems to give PoE, the attempt to save his MAIN THESIS. This claim entails that all illocutionary acts must be performed by linguistic means just because it claims that the rules constituting these acts are realised by semantic conventions. Searle himself, however, admits that it is possible to perform illocutionary acts without using any linguistic means. The MAIN THESIS is then incompatible with what Searle himself accepts as data. He seems now to suggest, as one of the consequences of PoE, that, nevertheless, the rules constituting illocutionary acts could be semantic rules. In particular, he claims that *this principle, by itself, enables us to equate* the rules constituting illocutionary acts with (certain parts of) the meanings of certain linguistic tokens: He says that PoE ...

⁴²⁸ Cf. Ferguson L. W. (1973), p. 179, where a similar objection is made: Ferguson emphasises that what we learn from Searle's supposed principle is something about ideal language, rather than something about real language.

[...] enables us to equate rules for performing speech acts with rules for uttering certain linguistic elements, since for any possible speech act there is a possible linguistic element the meaning of which (given the context of utterance) is sufficient to determine that its literal utterance is a performance of precisely that speech act. To study the speech acts of promising or apologising we need only to study sentences whose literal and correct utterance would constitute making a promise or issuing an apology. (SA, p. 20)

This passage contains the following reasoning:

- (1) For any possible speech act there is a possible linguistic element the meaning of which (given the context of utterance) is sufficient to determine that its literal utterance is a performance of precisely that speech act.
- (2) Therefore, the rules for performing speech acts can be equated with the rules for uttering certain linguistic elements.

I think it is clear that in (2) Searle attempts to defend part of his MAIN THESIS: He wants to reinstall the claim that the rules constituting illocutionary acts are rules of IFIDs, or at least semantic rules, by reference to PoE. I assume that (1) is meant as a reformulation of PoE – but, to start with, it is clearly *not an adequate* reformulation. Where PoE is a claim about speaker meaning, (1) is a claim about (possible) speech acts, where "speech act" is supposedly meant as "illocutionary act".⁴²⁹ Notice that meaning, according to Searle's account in SA, is just one of nine possible components of the illocutionary act. Furthermore, where PoE concludes that there must be some linguistic token, meaning some certain thing, (1) makes a much more contentious claim: it concludes that there must be a linguistic element the meaning of which determines, given a certain "context of utterance", that the issuance of the linguistic token is a performance of the illocutionary act indicated – In short: in (1) PoE seems to be enriched by the FUNCTION claim with all its partial components.

Since Searle relies on PoE, in his reasoning, and since (1) is obviously meant to represent PoE, we seem to be entitled to simply replace (1) by PoE. At any rate, to state the crucial question: does PoE show that the rules constituting illocutionary acts of a given type are the rules of IFIDs of this type, or at least that they are semantic rules, or does at least the enriched version of PoE (1) show this? The answer is in all cases clearly negative.

Let me take a case which Searle himself accepts:⁴³⁰ suppose someone requests someone to leave the room without using any linguistic means. It seems, in this case, that the rules constituting the request cannot be the rules of the IFIDs of requesting and, of course, cannot be semantic rules at all, just because neither the rules of IFIDs of requesting nor any semantic rules are present. Let us now accept that whatever is meant could be said, or even that for any possible speech act there is a possible linguistic element the meaning of which (given the context of utterance) is sufficient to determine that its literal utterance is a performance of precisely that speech act. Does this solve Searle's problem? – It plainly does not, for the same trivial reason as in the case of his analysis of meaning. The speaker has meant her behaviour as a request to open the door, but she has not used any semantic means which "indicate" the request. From PoE we can conclude that she *could* have said what she meant, and from (1) we may conclude that she *could* have used the relevant linguistic element: in this case the rules of the IFIDs of requesting *would* have been pres-

⁴²⁹ That Searle seems to make this equation, incidentally, may be viewed as a further indication for the "little" illocutionary act conception; see § 4.5.

⁴³⁰ Cf. SA, p. 38.

ent. But we simply *cannot* conclude, from the fact that the rules *could* have been present, that they *actually are* present. And if the rules are not actually present in a case in which an illocutionary act is actually performed then they cannot be responsible for the constitution involved. Searle's defence would again work only if we admitted the conclusion from the possibility of *x* to the actual existence of *x*, which reasoning would also enable us to prove that Napoleon won the battle of Waterloo.

The results of the foregoing are these: PoE as it stands, is quite unclear: it uses the notions of speaker meaning and linguistic meaning – which, however, are far from being transparent both in the theories of language and meaning and in Searle's account; Searle further fails to clarify, or even mention, the question what kind of possibility is actually at issue. In the light of these open questions PoE seems to me hardly an appropriate candidate for being a principle: unclear as it is, it rather seems to be an arbitrary speculation. But even if PoE were a principle, transparent and true, it cannot be showing what it is intended to show: neither does it remedy the fact that Searle's analysis of meaning fails in cases like non-literal issuances, nor can it do anything in order to save Searle's MAIN THESIS: in both cases the problem lies in the failure of conditions in the *actual* world, whereas PoE concerns merely *possible* states of affairs.

§ 9.9 Searle's account is inadequate

Let me finally pose the question whether Searle's account of illocutionary acts, insofar as he has elaborated it, is adequate to Austin's characterisation of the concept "illocutionary act". The two conditions of adequacy I developed in the first Part⁴³¹ are these:

- (1) **The illocutionary act is a "conventional act"; it is constituted by a convention which specifies a "conventional procedure" for the performance of the act, and performing the act entails the production of a certain "conventional effect".**
- (2) **The illocutionary act is a *special case of conventional act* in that it requires the securing of "uptake" by an audience of the information that an act is performed and what act that is.**

In order for a given account to be adequate, I claimed, it must assume these two conditions as necessary for an act's being an illocutionary act – in the absence of good reasons for alterations. Now Searle never gives any such reasons concerning these two conditions. Does, then, his account meet the two conditions of adequacy?

Before giving an answer, let me first consider a possible objection which would render the mere statement of my question irrelevant. "Illocutionary act", this objection would emphasise, is a technical term. Since technical terms are not in common use, the argument continues, *there are no* conditions of adequacy in the usual sense of the notion of such conditions.

As I argued in the introduction of this text, I do not think that this argument is convincing. The very state of the study of "illocutionary acts" at present suggests a strong practical argument against this kind of liberalism: the notion is defined, or even used without any clear definition, in a bewildering number of more or less crucially different ways. The liberal assumption at issue, that technical terms do not support conditions of

⁴³¹ See § 2.4.

adequacy, would justify this situation. However, I think one can hardly claim that the Babylonian language-confusion present in the contemporary study of "illocutionary acts" represents a reasonable way of using terms in a scholarly fashion. In order to secure ordinary communication it is essential to make sure that even in the case of technical terms *some* conventions are adopted about how to use them and how not to use them. The relevant restriction I suggest is that once a technical term is introduced the person introducing it thereby imposes conditions of adequacy on it: technical terms are to be defined in a way compatible with how they were *originally* introduced (at least in the absence of good reasons to the contrary).

Since I am applying this argument against Searle's account, it is important to recognise that Searle seems to agree with the kernel of my view. In his original exposition, at least, he by no means conceives of the term "illocutionary act" as free to arbitrary stipulation. Quite the contrary, in introducing the term "illocutionary act" he explicitly refers to Austin as its founder and announces that he will *adopt* Austin's terminology:

We [...] detach the notions of referring and predicating from the notions of such complete speech acts as asserting, questioning, commanding, etc., and the justification for this separation lies in the fact that the same reference and predication can occur in the performance of different complete speech acts. Austin baptized these complete speech acts with the name "illocutionary acts", and we shall henceforth employ this terminology. (SA, p. 23)

Although at another place he says that he employs "the expression 'illocutionary act' with some misgivings"⁴³², he explicitly restricts these misgivings to a problem dealt with in *AoLaIA*, concerning "Austin's distinction between locutionary and illocutionary acts"⁴³³: the supposed problem he sets out in this paper concerns exclusively *the notion of a locutionary, rather than the notion of an illocutionary act*: Searle finds that all locutionary acts are at the same time illocutionary acts and that we could thus do without the former notion. The notion of an illocutionary act, that is, is actually not affected by the misgivings Searle mentions: thus we can take his account of this notion to be intended in the way Austin defined it.

So let us turn to an answer to the question whether Searle's account satisfies the two conditions of adequacy. To start with, does Searle account for criterion (1), the demand that illocutionary acts are conventional acts in the sense of having conventional effects? – Originally, it seems, the account was indeed *intended* to satisfy this demand. Recall, for example, the MAIN THESIS: it was based on the assumption that illocutionary acts are constituted by rules. That rules are involved in illocutionary acts, Searle emphasises, is meant to imply that these acts involve states of affairs which are *not* "natural physical facts":⁴³⁴ and these states of affairs are meant to be constituted by the rules. Searle describes these states of affairs by saying that they cannot be "caused" in the absence of any constitutive rule, and he explains this by contrasting them with pain, saying that pain "can still be caused without employing any conventions"⁴³⁵. Furthermore, notice that Searle chooses, as a "paradigmatic" example of an illocutionary act, the act type of promising, a kind of act which most clearly carries with it an obligation for the speaker. These features

⁴³² SA, p. 23, Fn. 1.

⁴³³ SA, p. 23, Fn. 1.

⁴³⁴ Cf. SA, p. 37.

⁴³⁵ SA, p. 39.

of Searle's account, among others, suggest that Searle's account proceeds from the assumption that illocutionary acts essentially involve conventional effects.

The problems start with the very point of the MAIN THESIS. It claims that the rules constituting illocutionary acts are realised by conventions *of languages*. Searle particularly speculates that the rules constituting illocutionary acts are rules *of IFIDs*, that is, that they are (underlying) those parts of linguistic meaning which make a device indicate a certain illocutionary act type. One problem with which this is confronted is: illocutionary acts can be performed without the use of any linguistic means. There seem to be two ways in which this problems could be met. Firstly, one might drop the MAIN THESIS, admitting that the conventions, or rules, constituting illocutionary acts (or their conventional consequences) do not underlie the conventions of languages – I think that this would have been the right alternative. Or, secondly, one may maintain the MAIN THESIS, entailing that illocutionary acts are realised by semantic conventions, but admit illocutionary acts – at least those which can be non-verbally performed – as not involving conventional consequences. Searle suggests the latter approach as, for example, when he says that "[s]ome very simple sorts of illocutionary acts can indeed be performed apart from any use of any conventional devices at all, simply by getting the audience to recognise certain of one's intentions in behaving in a certain way"⁴³⁶. The absence of "conventional devices" is here associated with an act which is described as not involving any conventional consequences. However, to choose this path is to violate the first condition of adequacy.

Remember further Searle's actual statements of the rules of IFIDs – which are supposed to be a set of underlying constitutive rules: here he runs into a second problem. To start with, most of the rules he assumes are not constitutive, but regulative rules. Furthermore, most importantly, the only rule which is actually represented as a constitutive one is not accounted for: in deriving the rules Searle adopts the account of certain linguistic rules Alston has construed; however, in the course of a proper execution of Alston's routine no constitutive rules will appear⁴³⁷. Thus although Searle attempts to account for the conventional consequences of illocutionary acts, he does so in a way which is unacceptable. Once Searle's imprecise application of Alston's rationale is corrected, his conception of the rules will cease to account for the constitution of any conventional consequences.

A third problem consists in a number of further conceptions of the illocutionary act which Searle suggests in later texts – without, however, giving us any clear account of them. I shall here restrict myself to what I have been calling the "little" illocutionary act conception. As I have shown,⁴³⁸ parallel to the partial account of illocutionary acts I reconstructed in this text there are various passages in which Searle suggests a different conception of illocutionary acts, according to which these acts consist (roughly) in merely saying something, perhaps meaning what one says, and getting oneself understood. Greeting, for example, is represented in this way. Now, regardless whether greeting can adequately be described in this way, the conception of an illocutionary act as a pure act of

⁴³⁶ SA, p. 38.

⁴³⁷ This routine, remember, generates only regulative rules, saying under which conditions a certain linguistic token is to be issued or not; see § 3.7.1.

⁴³⁸ See § 4.5.

communication, without any conventional consequences being entailed, violates the first criterion of adequacy.

Yet a fourth, and again most crucial, problem consists in Searle's conception of a number of particular (supposed) illocutionary act types as, for example, requesting and asking a question. According to Searle's exposition of these acts, they do not entail any conventional consequences: they consist in being an attempt to get the hearer to do something (to do what she is requested, to answer the question). Let us, for the sake of argument, assume that Searle's conception of these acts is correct and that they do not entail any conventional consequences. Faced with his own analyses of these act types Searle could still have saved the adequacy of his account: he would just have had to reject the assumption that these acts are *illocutionary* acts: in terms of Austin's account, for example, he might instead have classified them as attempts to perform perlocutionary acts. His decisive mistake was to take the opposite direction: As we saw, he maintains both that those acts are illocutionary acts and that they do not entail conventional consequences. He thereby cements the inadequacy of his account with respect to the first criterion of adequacy.

Let us turn to the second criterion of adequacy, that illocutionary acts require the securing of "uptake". This, too, seems originally to have been accepted by Searle. In the analysis of promising the speaker is demanded to "mean" something (specifically, what the sentence issued means). And according to Searle's original conception of "meaning", to mean something is necessarily to intend to communicate something – (namely, of a certain illocutionary act, that one is performing it). Thus the intention to secure uptake seems to be demanded. Furthermore, although Searle does not explicitly state the condition that the hearer "understands the utterance" in *SA*, this demand is at least submitted in *AoLaIA*, where he outlines the difference between getting oneself understood and not getting oneself understood as the difference between the success and the failure of the illocutionary act. If we assume that to get understood is, or implies, to "secure uptake" in Austin's sense then it is plausible to argue that Searle's account was meant to account for the second criterion of adequacy – and this seems to be sound even for what I have been calling Searle's "little" illocutionary act conception.

However, as we saw, there is a fundamental break, at the latest in *MCR*. Searle makes there a difference between a "primary-meaning intention" and a "communication intention", and he presents the assumption that the failure to get understood is a failure of success of the illocutionary act *as a tempting mistake*.⁴³⁹ In contrast to the exposition in *AoLaIA*, he now assumes that an illocutionary act can succeed even though the speaker does not get herself understood by anyone.

Moreover, in the *Foundations* it is suggested that the speaker need not even *intend to* get herself understood by someone: Searle and Vanderveken distinguish illocutionary acts which are "essentially hearer-directed" from ones "where the speech act can be addressed to anyone or no one"⁴⁴⁰, and they accept illocutionary acts "that can be performed in silent soliloquy"⁴⁴¹. So although in Searle's original account, or at least in *AoLaIA*, the securing

⁴³⁹ *MCR*, p. 216.

⁴⁴⁰ *Foundations*, p. 180.

⁴⁴¹ *Foundations*, p. 180.

of "uptake" was represented as an essential requirement for the success of illocutionary acts, Searle has dropped this feature later.⁴⁴² In doing so he made his account inadequate even with respect to the second criterion.

So although Searle seems originally to have intended, in his theory *in spe*, to account for both of the conditions of adequacy, that illocutionary acts entail conventional consequences and that they require the securing of "uptake", his account fails to do so in the end: Searle accepts, already in *SA*, illocutionary acts which do not have conventional consequences, and he drops, at the latest in *MCR*, the demand to secure "uptake". So, after all, his account is inadequate on both grounds.

§ 9.10 Summary

Let me summarise the findings of the present text. The task of the first part was to expose and defend my analysis of Austin's conception of an illocutionary act. My reconstruction concentrated on *Words*, the printed edition of the *William James Lectures* Austin gave in 1955 – because it contains the most detailed, and the only complete, exposition at hand.

According to a common view, *Words* is divided in two parts, dealing with two more or less independent issues: firstly, with the performative/constative dichotomy; and secondly with locutionary, illocutionary and perlocutionary acts. According to my analysis, in contrast, both of those acts and the performative/constative dichotomy are at stake in both parts, with only a change in perspective. The main issue of the first part is the performative sentence; however, the illocutionary act is mentioned in this part, too (I preliminarily gave it the name of an "AUSTIN-act"), as *the special kind of act in the performance of which performatives are issued* according to Austin's second criterion of those sentences. The second part concentrates on illocutionary acts, making what Austin calls a "fresh start"; but this is not a "fresh start" in the sense of leaving the issue of performatives behind, but only in the sense of making a more thorough attempt to develop *the second criterion of those sentences*, that they are part of the doing of an illocutionary act.⁴⁴³

The result of my analysis is: Illocutionary acts are captured by two, and only two, defining properties; an act is an illocutionary act iff it is entailed by the performance of the act that (1) certain conventional consequences are produced and that (2) there is a hearer in which "uptake" is "secured" that the act comes into being.⁴⁴⁴ In contrast to a widespread view, the illocutionary act is not essentially a linguistic act: it is not part of Austin's conception of an illocutionary act that its performance involves the issuance of linguistic means.⁴⁴⁵

Since the illocutionary act becomes an issue of Austin's account because of its role in the second criterion of performative sentence, my exposition entails a reconstruction of

⁴⁴² The resulting view already seems to be present in an interview from 1980, where Searle says this: "If you ask me what I think is the most important development in the theory of the Speech Acts, I think it is Grice's effort to try to make it part of the general theory of rationality" (Searle (1980b), p. 23). In fact, Grice was never concerned with illocutionary acts in the relevant sense: he instead dealt with the question what it is for a speaker to "mean" something.

⁴⁴³ Cf. § 2.2.

⁴⁴⁴ For the proper statement cf. § 2.4.

⁴⁴⁵ Cf. § 1.3.2 and § 2.3.

Austin's conception of the latter. Performatives are sentences⁴⁴⁶ which satisfy two criteria:⁴⁴⁷ they are part of the performance of an illocutionary act, and they are "happy" or "unhappy", rather than true or false. In contrast to what is often assumed, it is not necessary for a performative sentence to be an *explicit* means for the performance of the illocutionary act: if a sentence is issued in the course of an illocutionary act and is "(un)happy" rather than true or false then this will be sufficient for its being a performative; accordingly, Austin distinguishes between explicit and inexplicit performatives from the beginning.⁴⁴⁸

A comprehensive discussion of alternative interpretations of Austin's exposition was beyond the limits of my study; however, I considered the more important rivaling views in separate discussions, and I attempted to show how several of Austin's remarks, which seem to contradict my fixings, can be explained without spoiling my analysis.⁴⁴⁹

The special relevance of my analysis of Austin's account to the study of illocutionary acts follows from an argument I made in the Introduction. In the present state of the study of "illocutionary acts", I argued, it is quite unclear what an "illocutionary act" actually is supposed to be. Consequently, it is unclear what the study in terms of "illocutionary acts" *is actually supposed to be concerned with*. The main reasons for this strange state are: Many contributors do not define the notion "illocutionary act" at all, erroneously presuming that it is transparent in advance, and hardly two of those who make a definition agree about what an illocutionary act is. There are a number of suggestions of essential properties, among them the features of being communicative, being communicatively intended (or even weaker ways of involving the notion of "communication"), involving speaker meaning, involving the use of language, or entailing conventional states of affairs of one or the other type; and any single one of those suggestions is disputed by rivaling accounts. In the absence of decisions about any single one of those suggestions, however, it remains open as to what, actually, an illocutionary act is. Said with reference to extension: unless which of those conditions apply and which do not is fixed, it is impossible to say whether, for instance, requesting, stating, making a treaty, or giving an order, are illocutionary acts or not. Consequently, it is impossible to decide whether all of these acts, or some of them, are at stake in a theory of "illocutionary acts" at all.

In order to approach this Gordian knot, I suggested returning to Austin. Starting with the suggestion that even in the case of technical notions there can be "conditions of adequacy", and arguing that such conditions are actually posed by the person introducing the notion, I claimed that the conditions of "illocutionary acts" Austin assumes must *prima facie* be adopted by every follower. Although, on closer inspection, there may be reasons to reject, or amend, single elements of Austin's exposition, such a rejection must, first, be based on a detailed analysis of Austin's account (which most followers fail to provide), and it must secondly be justified by *giving* the reason for the deviation. In the absence of such reasons, any deviation will simply render the use of the notion of an illocutionary act inadequate.

⁴⁴⁶ Cf. § 1.1.1, Fn. 36.

⁴⁴⁷ Cf. § 1.5.

⁴⁴⁸ Cf. § 1.3.1.

⁴⁴⁹ Cf. § 2.3.

In view of the overwhelming number of accounts of "illocutionary acts" at hand, it was naturally impossible to consider single accounts in detail; but at least I can say that I do not know of any single one which satisfies the two conditions posed by Austin according to my analysis.⁴⁵⁰ The most popular account of Searle, in particular, does not satisfy either of them. It was the task of Parts II and III to assess this account.

The task of assessing Searle's account is a very important one considering the present situation in the study of illocutionary acts. Many consider Searle's account of illocutionary acts as an elaborate theory, and as a reliable tool for the scholarly analysis of one or the other kind of human activity, or interrelationships – and they adopt it as such, more or less accurately, for their own studies. Consequently, only insofar as their trust is justified their studies will be reliable themselves. Searle's account, however, is not very reliable, as I showed in the third Part of the present text. Let me go into details.

My analysis of the writings in which the account is developed showed that Searle's contributions do not provide us with any elaborated conception of the illocutionary act at all; they only suggest several fragmentary endeavours towards finding such a conception. What we are provided with is: an analysis of promising,⁴⁵¹ a table with pieces of information about several further – supposed – illocutionary acts,⁴⁵² a programme aiming at a definition of the notion with recourse to the categories Searle suggests for the analysis of promising,⁴⁵³ and some attempts to generalise.⁴⁵⁴

Furthermore, Searle's "analysis of promising" is restricted in various ways,⁴⁵⁵ excluding quite a number of central phenomena which, however, seem to raise difficulties for certain of the pillars of the overall account.⁴⁵⁶ Upon closer inspection it appears that there are indeed difficulties which force the account to keep those restrictions because of certain erroneous assumptions implicit in it.⁴⁵⁷ Among the difficulties is the fact that, as I argued,⁴⁵⁸ the overall design of the analysis of promising is infected by circularity, concerning Searle's attempts to explicate the conceptions of linguistic meaning, speaker meaning, and the illocutionary act of promising.

Searle's programme of defining the illocutionary act presupposes that, and thus could only work if, the categories applied in the analysis of promising "carry over" into the analyses of further illocutionary act types. But the pieces of information Searle gives about other (supposed) illocutionary act types instead reveal that these categories do *not* generally "carry over" into analyses of those other types, which raises doubts about the hopes we are to set on Searle's programme. Searle does not comment this outcome. In

⁴⁵⁰ The nearest comes perhaps Andersson (1975), whose impressive study, unfortunately, is practically ignored in the discussion. The well elaborated account of Bach and Harnish (1979) correctly emphasises the two features Austin maintains – but splits them up to define two separate phenomena: their "communicative" illocutionary act does not involve conventional consequences, and their "conventional" illocutionary act does not need to entail the securing of uptake. In order to justify this division it could, for example, be argued that the two phenomena, "conventional consequences" and the "securing of uptake", despite initial appearance, rarely come together. I do not think that this argument holds, but it would be an instance of an argument which I think we could accept if it did – at any rate: in order to justify the division *some* argument would be necessary to justify the use of "illocutionary act".

⁴⁵¹ Cf. §§ 3.1–4.5.

⁴⁵² Cf. § 5.2.

⁴⁵³ Cf. § 5.1.

⁴⁵⁴ Cf. chapter 5.

⁴⁵⁵ Cf. § 3.2.

⁴⁵⁶ Cf., e.g., § 8.1.1.

⁴⁵⁷ Cf. § 8.1.1.

⁴⁵⁸ Cf. § 8.3.

accordance with this problem, the third step of the programme – the definition of the illocutionary act – is simply not reached.⁴⁵⁹ Over and above the fact that the crucial step of Searle's programme is thus not even attempted, let alone taken, his programme does not even appear to be promising, because of methodological circularity: for its success presupposes in both step 1 and step 2 the very knowledge it is meant to provide in step 3, namely, the knowledge what an illocutionary act actually is.⁴⁶⁰

In the light of the great number of fundamental problems, it does not seem promising to pursue along the lines of Searle's account. From a theoretical point of view, this is a purely negative result, without any further bearings. But with his account of illocutionary acts Searle also intends to install several supposed connections between a number of basic philosophical, or linguistic, notions. I argued that none of them does actually hold, and it appears to me rather important to see that they fail and why they fail. (Ironically, nearly all of them do not only fail, but even contradict Searle's own account.)

To start with, Searle claims that the illocutionary act is the minimal unit of linguistic communication. If this was true then the study of illocutionary acts would appear as the crucial means of approaching linguistic communication – Gricean approaches to linguistic meaning, for instance, would then seem to need an elaborated account of illocutionary acts as their basis. As I showed,⁴⁶¹ however, Searle's claim does not hold: the illocutionary act is neither necessary nor sufficient for linguistic communication. Thus if the study of linguistic meaning needs an account of illocutionary acts, it is, at any rate, not in the straightforward way suggested by the minimal unit AXIOM.

To come to a second issue: Over the past decades, many scholars have ascribed some kind of *priority* to the study of complete sentences over the study of words and sentence parts. This priority, however, is usually not, or at least not explicitly, determined. Searle, in contrast, makes such a claim in an explicit statement: he claims that one cannot just refer or predicate without performing an illocutionary act. Assuming a proper parallel between sentences on the one hand, and illocutionary acts on the other, he suggests that this was also what Frege meant when saying that only in the context of a sentence do words have reference. I do not believe that what Frege says is literally correct (I also do not actually believe that Frege means the remark in question to have any meaning-theoretical bearings). But at any rate, Searle's claim does not hold: although it may be unusual simply to perform an act of referring, *nothing prevents people* from performing such an act of referring without performing, and even without intending to perform, an illocutionary act.⁴⁶² So if ever there is any priority of sentences and illocutionary acts over, for example, acts of reference and single words, then it is, in any case, not caused by the *impossibility* of such "more basic" acts as, for instance, referring.

The supposition of a close connection between sentences and illocutionary acts is also implicit in Searle's assumption that all sentences contain IFIDs. I am not sure that we actually have any concept of "sentence" clear enough to make such a statement, but at

⁴⁵⁹ Although I did not count *Foundations* to the writings exposing what is commonly recognised as "Searle's account", I show in § 7.1 that the attempts to define the notion of an illocutionary act provided there fail – which can in part be explained by the fact that the *Foundations* fail to regard the two defining traits originally ascribed by Austin: without them no adequate essential characteristic is left.

⁴⁶⁰ Cf. § 8.3.

⁴⁶¹ Cf. § 9.2.

⁴⁶² Cf. § 9.1.

least according to the conception implicit in Searle's account, the claim does not hold: I argued⁴⁶³ that, for instance, "Yes" does not contain any IFIDs – but it is, and it is accepted by Searle as, a (one-word) sentence. Thus to issue a sentence is not necessarily to indicate a certain illocutionary act.

Searle also assumes certain kinds of systematic influence of the meaning of words and sentences on both the intentions of speakers and the world in which they live. To start with the latter proposal, in the "MAIN THESIS" he suggests that the rules constituting illocutionary acts are nothing other than rules underlying the meaning of linguistic tokens. This rather courageous claim is, as I argued,⁴⁶⁴ disproved by the possibility of illocutionary acts performed without the use of any words – a possibility which Searle himself admits. Although it is adequate to say that illocutionary acts must be constituted by *some* rules (or other constituting entities), if illocutionary acts without the use of linguistic means are possible, then the rules (or other entities) constituting illocutionary acts *cannot be the rules of languages*. Meaning cannot have the constituting "force" which Searle here ascribes to it.

Linguistic meaning also does not have another "force" Searle suggests: it does not determine the world in the complicated way the "FUNCTION claim" assumes.⁴⁶⁵ The FUNCTION claim presupposes, among various other things, that all sentences contain IFIDs – but at least according to Searle's own account of sentences it seems that some do not. It also presupposes that what I called "IA-intention AXIOM" holds, that is, that one cannot literally issue a sentence "indicating" a certain illocutionary act without intending to perform this "indicated" act. The rationale underlying this claim seems to be that sentence meaning contains some kind of *determinator* of speakers' illocutionary intentions: In the case of a literal issuance, according to Searle, what the speaker means is identical to what the sentence means. So if the IA-intention AXIOM holds then there must be something in the meaning of the sentence which, if the speaker "adopts" this meaning by literally issuing the sentence, entails that she must intend to perform the act "indicated", rather than, for instance, just having a certain thought. To take an example, consider the sentence "Run to the hills!": According to the IA-intention AXIOM, if a speaker literally issues the sentence it does not only follow that she has a certain thought of a certain (non-propositional) form, it particularly follows that she has the intention to thereby perform an illocutionary act of the "directive" family.

As I argued,⁴⁶⁶ however, the IA-intention AXIOM does not hold: the meaning of sentences does not determine our intention in such an offensive way. It is possible to issue the sentence "Run to the hills!" without intending to perform the act "indicated", if only when one is singing a famous song containing the sentence: in general, the whole – quite diverse – class of what Searle calls "non-serious" issuances disproves the claim. This suggests that sentence meaning does not contain what I called "determinators" of illocutionary intentions.

There is a general tendency implicit in Searle's account to suggest that sentence meaning has a number of forces enabling it to influence the world of the utterance, as the

⁴⁶³ Cf. § 9.3.1.

⁴⁶⁴ Cf. § 9.4.

⁴⁶⁵ Cf. § 9.3.

⁴⁶⁶ Cf. § 9.3.2.

determinating force upon speakers' illocutionary intentions, and as the force to constitute illocutionary acts. If this belief could be defended then this would install quite a new view of linguistic meaning. Recall the point from which Austin started in *Words*: He started from the observation that many sentences cannot be true or false. Two most obvious cases are sentences which take the interrogative or directive form. These examples strongly suggest that truth-conditional accounts of sentence meaning cannot tell the whole story. If it were right that sentence meaning includes determinators of the intentions of speakers and conventions (or rules) constituting actions, then there would be further kinds of phenomena preventing truth-conditions accounts from their task of explaining sentence meaning. At least Searle's attempts to install such new kinds of components of sentence meaning, however, fail.

Let me finally make some brief remarks about the future tasks of the study of illocutionary acts. It is a very widespread view that the investigation of illocutionary acts contained the study of speaker meaning. This view originates from Strawson⁴⁶⁷, who makes a "tentative identification" between the notion of "uptake" and a notion of understanding suitable as a counterpart to Grice's conception of meaning. He thereby suggests the further "tentative identification" between meaning and the intention to "secure uptake". I find this identification highly doubtful. Recall that Austin emphasises the possibility of "tacit consent" constituting a contract. In such a case there is still a way in which "uptake" must be "secured": we must be able to suppose that the parties agree about the content of the contract. But such cases are hardly cases of "meaningNN" in the sense Grice has in mind as constituting linguistic meaning.

This means, firstly, that it is highly doubtful that the "securing of uptake" can be equated with the understanding involved in speaker meaning in the sense of Grice; secondly, it means that it is doubtful that the study of Gricean meaning is essential for the study of illocutionary acts; and, thirdly, it means that how the notion of "securing uptake" is to be defined is an open question, not to be equated with the question of how the relevant understanding connected with speaker meaning is to be defined.

Finally, there is the matter of "conventional" states of affairs: illocutionary acts are acts in the performance of which such states of affairs are entailed. Since in the present study of "illocutionary acts" this is generally overlooked, this question has not been discussed in any detail. But this issue involves quite a number of very interesting questions, relating the study of illocutionary acts to such studies as, for example, ethics, metaphysics, and sociology.

For example, it seems as though conventional states of affairs are not material, are not precisely located in space and do not take up any space, are not "causally integrated" and cannot be perceived with the sense organs usually recognised. Consequently, an outright materialist will certainly deny their existence. Among those who want to justify the existence of "conventional" states of affairs it is perhaps the most common strategy to argue that they are "constituted", or that they exist because they are "accepted".⁴⁶⁸ But is it pos-

⁴⁶⁷ Cf. Strawson (1964, p. 30).

⁴⁶⁸ Although Searle's account of "illocutionary acts" fails to demand "conventional consequences", he has contributed to *this* question: see, e.g., Searle (1995).

sible to enrich the world with entities just by "accepting" them, and how could this be done?

Unless the materialist is rejected we are to take into consideration the possibility that acts such as promising, stating, requesting, and many others, do not exist at all, or at least that they exist in a rather wretched way compared with "hard facts". Questions like these are well-known as a crucial challenge to any realistic meta-ethics; but, furthermore, they generally concern the existence of all illocutionary acts and thus, I think, concern an important part of our everyday ontology, including legal judgements, elections, constitutions, declarations of human rights, and so on. It is obvious that questions like these must be dealt with in any complete metaphysical account, at least if it assumes the existence of illocutionary acts or, more generally, of any conventional states of affairs. However, even if one judges that conventional states of affairs do not exist, it may be an interesting task to "reconstruct" our according errors, to make a "social phenomenology", a task to be pursued in sociology.

And so on: these few hints may suffice to show that the matter of "securing uptake" and of "conventional" states of affairs will involve us in questions which are very different from the ones tackled in the study of "illocutionary acts" so far. However, if my analysis of Austin's account is correct then it is indeed questions like these, rather than questions about speaker meaning, linguistic meaning and communication, which are the true task of an adequate theory of "illocutionary acts".

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