



universität
wien

MASTERARBEIT / MASTER'S THESIS

Titel der Masterarbeit / Title of the Master's Thesis

„Silencing as Resistance“

verfasst von / submitted by

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angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of
Master of Arts (MA)

Wien, 2023 / Vienna 2023

Studienkennzahl lt. Studienblatt /
degree programme code as it appears on
the student record sheet:

UA 066 941

Studienrichtung lt. Studienblatt /
degree programme as it appears on
the student record sheet:

Philosophie / Philosophy

Betreut von / Supervisor:

Leo Townsend, PhD

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ACKNOWLEDGEMENTS

This thesis has been my most extensive project so far and, accordingly, my most demanding academic endeavour to date. It would never have been started, much less finished, without the unwavering support of my dear friends and family. This section is just for you.

First and foremost, I thank my mother, Erika Sidak, who has always believed in me and my abilities and never missed an opportunity to say so. I am truly grateful for the hour-long videocalls where she would simply keep me company while I was immersed in writing this thesis. I also thank Katharina (Karin) Pils, who is like a second mother to me, for her unwavering support in all my endeavours, even the questionable ones. Her ability to always focus on the positive was invaluable when I felt stuck. I am happy to call you my family.

Secondly, I have many friends whom I thank deeply. I would not have known where to start were it not for Martin Niederl, a great philosopher and even greater friend. His motivation for the field and for starting working groups is unmatched and has provided numerous people, myself included, with the structure they needed. I am also grateful for the countless conversations with Martin about my thesis – they always helped to focus my thoughts and clarify my writing. I also thank Markus Tschögl for many co-working sessions and inspiring discussions. His readiness to meet up at a moment's notice was much appreciated and has helped tremendously with the progress of this thesis – especially in the final days. There are more friends to thank: Vittorio Bertini for the continuous torrent of highly entertaining memes, Céline Silbernagl for making sure I did not forget to take a break, and many others. You are the best.

Last but not least, I thank my supervisor, Leo Townsend. Leo went above and beyond in his support of this thesis. I am so grateful for the bi-weekly meetings and Leo's encouragements, which helped me to find my voice as a writer. I have learned so much in the course of this thesis and I cherish the experience. Thank you.

INTRODUCTION

“Speech acts can build unjust norms and authority patterns, helped along by hearers who do not block them.”
(Langton 2018, 145)

What we do with our words is important. They have the power to subordinate, oppress, deprive of rights. They also have the power to object, support, create new norms. To decide what we want to do with them, we first have to find out what can be done with them. Investigating ways in which speech can be used for harm is the first step towards developing ways to oppose that harm. One such harm is *silencing*. To be silenced is to be rendered unable to perform actions with one’s words. Another harm is *discriminatory speech*. It contributes to the subordination that disadvantaged groups face. One way to resist discriminatory speech is by fighting it with *counter-speech*. In this thesis, I argue that understanding the mechanisms of silencing can help us tailor our counter-speech to effectively diminish the harm of discriminatory speech. I will do that by contributing strategies for counter-speech.

A basic premise of this thesis is that speech can constitute action. To say something is to do something with one’s words. This is the core idea behind *speech act theory*. In this thesis, I build on an Austinian analysis of speech acts. It states that utterances consist of three different types of acts: the *locutionary*, *illocutionary*, and *perlocutionary* act. The locutionary act describes the act of saying something that has a meaning. The illocutionary act describes the action constituted by the utterance; the action performed in uttering the words. The perlocutionary act describes the effects of the utterance, what one has caused. Being able to produce speech, to act with it, and for it to have an impact are vital features of communication.

When a speaker is systematically prevented from performing actions with her utterances, we speak of illocutionary silencing. In such a situation, her utterances do not count as the intended actions. This phenomenon has been described via different mechanisms. Silencing interferes with the fulfilment of the conditions necessary for performing an intended speech act, some of which I will discuss in detail. Since silencing is almost exclusively discussed in relation to systematic disadvantages that some social groups face, I limit my discussion mostly to the silencing of women. This limitation is

based on my own academic interests, and I want to highlight that silencing can be generalised to disadvantaged groups based on, e.g., race, nationality, or sexuality.

This thesis is divided into three chapters. In Chapter 1, I provide the theoretical foundation from which the silencing debate has emerged and draws on. I start by detailing the beginnings of speech act theory, with Austin's conventionalist approach to speech acts. I then describe intentionalism and normativism as further important theories within the debate that will be relevant in the discussion on silencing. I continue by explaining how silencing emerged from speech act theory and how it has been integrated into the speech act theoretical frameworks I described.

In Chapter 2, I move from a general understanding of silencing to concrete mechanisms that describe different types of silencing. I will focus on uptake-, authority-, sincerity-, and seriousness-based silencing because of their prevalence in the current literature. I argue that the distinction into these four types of silencing is useful for each of the previously discussed speech act theoretical frameworks. Additionally, I identify a type of silencing that has not been discussed in the literature so far: standing silencing.

In Chapter 3, I concentrate on counter-speech, which seeks to reduce the harm done by discriminatory speech. I build on practices of counter-speech that have already been discussed in the literature and suggest ways in which they can be improved or expanded upon. I argue that understanding how silencing can prevent the fulfilment of necessary conditions for performing speech acts can also give us tools to oppose discriminatory speech in the same way. There is no lack of discriminatory speech in our everyday lives. Then let us see to it that there is no lack of counter-speech either.

1. SILENCING

This chapter has two main aims. Firstly, I want to give an overview of current theoretical frameworks for understanding silencing and the speech act theoretical foundation it is built on. By starting with the Austinian fundamentals of speech act theory in 1.1, I provide the basis for introducing the historical origins of the silencing debate later on. I then discuss further views on speech act theory that are notable within the silencing debate – intentionalism and normativism. Having provided this theoretical background, I will argue that my subsequent contribution to the debate is not limited to any specific speech act theoretical approach. More precisely, different parts of my thesis will be compatible with different theoretical approaches, depending on the specific commitments they involve. Since I focus on felicity/success conditions of speech acts, many of which are shared across different frameworks, I need not commit to any specific theory of illocutionary force.

In 1.2 I cover the original silencing concept introduced by Langton that builds on Austinian speech act theory. I then supplement this picture by discussing later developments in the debate, which include the adoption of silencing into multiple other speech act theoretical frameworks. Explaining how silencing also fits into intentional and normative frameworks will build on the previously discussed speech act theoretical approaches and provide insight into the diversity of the silencing debate. Although the scope of this thesis would not allow for an exhaustive depiction of the diversity of approaches – neither of theories of speech acts nor silencing – the secondary aim of this chapter is to give an overview of the most important positions.

1.1. THEORETICAL GROUNDWORK

In this thesis, I want to concentrate on the necessary conditions for performing an illocution in general as well as for performing a fully successful illocution. Since there are different approaches to how the force of the illocution and its success is determined, this section is concerned with providing a theoretical framework that is sufficient for my purposes. By discussing conventionalism, intentionalism, and normativism, I aim to give a broad overview of the debate and show where this thesis is situated. While I will not

fully commit myself to any concrete approach, I will determine which theories are compatible with various accounts of silencing and whether there are unsuitable candidates.

Theoretical background in the silencing debate is not often spelled out extensively, but some commitments can be unveiled. For example, uptake is generally taken to be a necessary condition for a successful illocution. There also is discussion around other conditions – like authority, sincerity, and seriousness – each of which creates grounds for a different kind of silencing. Discussion around those conditions seeks to provide answers to the question “Which conditions must be met for my speech act to be fully successful?”. Most theories of silencing agree that these conditions play some role in the successful performance of a speech act, albeit not necessarily on the way in which they do. In contrast, how exactly the illocutionary force is determined is a contested issue in the silencing debate. The question here would be “How do we determine the kind of illocution that is attempted/performed?” Part of my argument will be that the answer to this question does not matter for my purposes. What matters are the further necessary conditions for some or all speech acts that are included in most silencing approaches.

Theories about how the potential illocutionary force is determined find their answer either within the speaker or outside of them. Conventionalism states that the illocutionary force is created by the enforcement of an already existing convention. Intentionalism ties the illocutionary force to the speaker’s intention. Normativism refers to the normative changes enacted by the speech act. This question accompanies the silencing debate and is also discussed outside of it. Given that the question of the source of the illocutions force predates the silencing debate, and the initial concept of silencing was developed within a conventionalist framework, incorporating the idea of silencing into other theories may require some adjustments.

Still, in principle, all three theories are compatible with some form of silencing. Only instances of “pure” (McDonald 2022, 920), or “strong” (Bianchi 2021, 187), intentionalism that see speaker intention as sufficient for the performance of a speech act are incompatible with silencing. These views would not leave room for hearer-based failure, on which most silencing approaches rest. However, what McDonald calls “impure” (McDonald 2022, 920) intentionalism can allow for silencing because, on this view, even though intention determines the potential illocutionary force, the success of the illocution also depends on other conditions. Similarly, “impure” conventionalism can allow for other conditions to factor into the determination of the illocutionary force.

However, I am not so much interested in all the factors which lead to a certain utterance constituting a certain illocution, but more so in examining likely necessary conditions and ways in which they can be prevented from being fulfilled. And even if some approaches should allow for partial illocutionary success, despite some conditions not being satisfied, it will be interesting to discuss the implications for the silencing debate later on.

1.1.1. Austin's conventionalism

This section will start with the beginnings of speech act theory and describe the view of its pioneer, J.L. Austin. It will serve as a starting point for further discussions about how speech act theory has evolved and how theories of silencing emerged in this picture. Mainly, Austin's approach will motivate discussion about the necessary conditions for a successful speech act – some of which are shared in many other approaches – but most importantly, it provides the basis for modern theories of silencing.

Famously, Austin distinguished three acts that are performed when uttering a sentence – the locutionary, illocutionary, and perlocutionary act. The locutionary act is the act of saying something that has a meaning. The perlocutionary act corresponds to the consequences of a speech act. This is sometimes also formulated as what is done “by” saying something. And the illocutionary act describes what the speaker has done in virtue of her utterance; or what she has done “in” saying something. To illustrate: imagine a woman saying “I am so sorry that I hurt you” to a non-binary person who promptly forgives her. The locutionary act is simply the performance of a meaningful utterance. The perlocutionary act the woman accomplished is getting the non-binary person to forgive her. But when we ask which action the woman has performed with her words in virtue of her uttering the sentence, we must answer that she has apologised. This is the illocutionary act.

Oftentimes, one can distinguish illocutionary from perlocutionary acts based on the verb used. Ordering, asserting, asking, protesting are typical examples of illocutionary acts. Convincing, annoying, amusing, scaring are actions that are produced as a subsequent effect of the illocution and are thereby perlocutionary acts. This distinction is not always clear-cut and might profit from a more detailed account, but for my purposes this original understanding will suffice.

Austin links the success of a given speech act to the fulfilment of felicity conditions. These can include conventional procedures, context, sincerity, or intention. Different types of illocutions might require different specific felicity conditions – a successful assertion might require me to believe what I assert, while a successful guess might not. Austin attempted to give a list of types of felicity conditions that would apply to any illocutionary act. Hence, there are some general claims about various kinds of silencing affecting all speech acts that can be made.

Failing to meet felicity conditions can result in one of two outcomes: a misfire or a “hollow” act (Austin 1975, 16). Violation of some types of felicity conditions can result in a hollow act, also called abuse. It still counts as an instance of the attempted act but is in some way faulty. In contrast, if felicity conditions that are vital to the attempted act are violated, the speech misfires and no illocutionary act is produced. In this case, one can only speak of an attempt. To illustrate the different kinds of infelicities:

Misfires
(The attempted act is not produced)

<i>Misinocations</i>	
(I)	There exists no convention governing the attempted act
(II)	The involved persons and circumstances are not right for the attempted act
<i>Misexecutions</i>	
(I)	Incorrect performance of the attempted act
(II)	Incomplete performance of the attempted act
<i>Illocutionary Effect Failures</i> ¹	
(I)	Uptake for the attempted act is not secured
(II)	The attempted act does not change normative statuses

¹ Although Austin did not give a name to this sub-group of misfires, he discusses them in the course of distinguishing perlocutionary acts from illocutionary effects and describes them as necessary conditions for a successful illocutionary act (Austin 1975, 116). Sbisa (2007) further clarifies that these effect failures might be nothing more than part of Austin’s first felicity conditions concerned with the existence of a convention governing the illocutionary act. However, since they are especially prevalent within the silencing debate, I have emphasised them in the list as a separate group.

Abuses
(The attempted act is produced but, in some way, defective)

<i>Insincerities</i>	
(I)	The speaker does not have the necessary mental states for the attempted act
<i>Infractions</i>	
(I)	The speaker does not perform future actions that are necessary for the full success of the attempted act

As we can see, most of the main categories of silencing that I want to discuss, target conditions found in this table. Authority silencing would be a form of forcing a misinvocation (II) either by denying someone has the necessary authority to perform her act or by preventing her attempts to accommodate that authority. This will come up again in 2.2. Sincerity silencing relates to what is discussed in abuses and, interestingly, would result in a faulty speech act as opposed to no speech act at all. Whether this is the preferable way to treat instances of sincerity silencing will be discussed in 2.3. Even though uptake-based silencing does not fall into Austin's original categorisation of infelicities, uptake is later discussed as a necessary condition for a fully successful speech act. Whether an illocution that does not receive the intended uptake is performed at all, will be discussed in 2.1. Lastly, seriousness-based silencing does not find an overt counterpart in this list of infelicities but might be subsumed into uptake failure. In his work, Austin deliberately excluded instances of play or jokes – so called etiolations – from his main discussion. Since he had the view that those usages were parasitic on standard speech acts, a theory on how they work would have to build on the speech act theory he was providing and was therefore secondary. In what way a speaker's seriousness relates to silencing will be discussed in 2.4. For now, I turn to other notable theories of speech acts that will be important to the discussion of silencing.

1.1.2. Intentionalism and Normativism

In addition to Austin's conventionalism and subsequent modified approaches, there are other theories of illocutionary force. The theories are differentiated based on the question about what determines the illocutionary force. In this section I will address conventionalism, intentionalism and normativism. Since proponents of each view are

represented in the current silencing debate, it will be valuable to spell out their commitments so that later developments can be understood. However, I will conclude that, for my purposes, it is not necessary to decide between them here. While some approaches might be incompatible with some of the necessary conditions I discuss in Chapter 2, there will be some approaches from either theory that are able to accommodate the different kinds of silencing-based counter-speech in Chapter 3.

To begin, we again consider conventionalism – Austin’s approach. It is important to note that there are different Austin interpretations and, specifically, different ways to interpret what role conventions play in the illocutionary act. With institutionalised acts, it is easy to rely on an everyday meaning of “conventions” to agree with Austin. Marriages, baptisms, judge rulings – they all have an associated conventional procedure. To follow that procedure correctly and completely can be interpreted as performing an illocutionary act that is convention-based. But most everyday speech acts – like asserting, consenting, guessing – do not have an official conventional procedure.

While some philosophers have taken this as motivation to distinguish between conventional and communicative acts, Austin’s aim was not only to discuss the former but to give a general account. Sbisà (2007, 2009) offers an interpretation of Austin that ties conventionality not to the means with which an illocution was performed, but to the conventional effects it produces. This would make it possible to treat any speech act as a conventional act, not just those that are typically achieved by conventional means. However, the conventional-communicative distinction persisted, and the latter category has often been approached with an intention-based framework.

This brings us to intentionalism. Sbisà describes the shift from conventionalism to intentionalism as that from “an objective conception of the context to a cognitive one” (Sbisà 2009, 39). Instead of focussing on outside conventions, intentionalism fixes the illocutionary force to the speaker’s intention. This makes it comparably easy to determine the potential illocutionary force. Generally, performing illocutions comes relatively cheap for intentionalists, since, for them, ordinary speech acts rarely need more than the right intention. This is why intentionalists who are concerned with the broader social aspects of language focus instead on the communication of the illocution. For them, a fully successful speech act is not just a successfully performed illocution, which can be performed without the influence of the outside world. Instead, communication, which rests on the hearer’s recognition of intention, becomes the focus.

Harris et al. describe three distinguished categories of success conditions for speech acts: illocutionary, communicational and perlocutionary (Harris et al. 2018, 4). By separating communication from illocution, intentionalists can allow for illocutions to be easily performed and to only depend on the speaker's intention. However, to successfully communicate, the audience also has to pick up on the speaker's communicative intention. That the audience produces the intended reaction, then, marks perlocutionary success. This separation between illocutionary and communicative success impacts the silencing debate, since silencing would interfere with the success of communication, as opposed to illocution. The discussion around this issue will be continued in 2.1.

Then there is normativism. Whereas intentionalism viewed speech acts from a "mentalist perspective", normativism adapts a "social perspective" (Geurts 2019, 1). The former is focussed on the individual, their intentions and on the expression of them. In contrast, a "social perspective" is focussed on the social environment in which speech acts are performed and how it is shaped by them. Thus, the goal of communication is not taken to be the transmission of thoughts but the changes in the common social fabric that is composed of norms. Consequently, in normativism, the illocutionary force is determined by the normative changes enacted by the illocution – the obligations we take on, the responses we invite, the rules we enact, and so on.

Since no theory of speech acts would deny that speech changes norms, it is important to clarify that, on a normativist account, illocutions are constituted by the norms they create, change, or dismantle. Normative changes are not in the realm of the perlocutionary or just part of the illocutionary, but what provides illocutions with their force. A promise is constituted by the speaker's commitment to keep it and the hearer's entitlement to demand it be kept (and possibly many more). Of course, different speech acts are constituted by different norm changes and can be individuated by them. A speech act that did not create a change in our social fabric would be no speech act at all.

Remembering the table of infelicities in 1.1.1, it is already discernible that conventionalism, intentionalism, and normativism pinpoint the source of the illocutionary force to different areas where infelicities can arise. But rather than claiming that one factor in its own is responsible for a successful speech act, most approaches also include other necessary conditions for illocutionary success. It would be absurd for an intentionalist to claim that I can marry any two random people by saying "I now pronounce you married", even if my intention were to do so. Thus, intention cannot be the

only factor that decides the success of the illocutionary force, even if it would pre-determine the force. Likewise, I wouldn't be able to promise you to take out the trash by saying "The weather is nice today", even if my hearers, by some wild error in judgement, take me to do so and thereby perceive a change in the social space. This example aims to show that, similarly, normativists also cannot solely rely on changes in the social space to determine the success of the illocution. Conventional procedures are important for marriages, and hearers cannot be granted full power over what is going on. Finding some balance between being able to do what we wish to achieve, the social environment in which we act, and the influence of the people we act upon is the goal of any theory of speech acts. This is why the common theoretical approaches include further conditions for successful speech acts, even if different approaches might favour one condition over the others.

In summary, while conventionalists, intentionalists, and normativists disagree about what ultimately determines the potential illocutionary force, their theories are in principle compatible with other conditions that determine the full or partial success of a speech act. Four such conditions (uptake, authority, sincerity and seriousness) will be discussed in detail in Chapter 2.

1.2. SILENCING: HISTORY AND CONTEXT

1.2.1. Origins

The silencing debate emerged from Langton's (1993) paper "Speech Acts and Unspeakable Acts". In it, Langton argues that pornography subordinates and silences women. This paper was published as a response on a then current debate about the legal status of pornography. In this discourse, pornography was defined as the depiction of women as sexual objects, enjoying abuse, being degraded, and generally as inferior within a sexual context. While feminist thinkers criticised pornography and argued that it subordinates women, US courts declared pornography protected by the first amendment – freedom of speech. This decision led feminist language philosophers, like Langton, to take seriously the classification of pornography as speech. By applying speech act theoretical frameworks to pornography, the goal was to argue that pornography rather is a form of subordination, instead of just causing it. Part of Langton's (1993) argument is that pornography deprives women of the power to do things with their words, that pornography silences women.

Langton defines silence as a kind of “failure to act” and being silenced as being prevented from doing things with one’s words (Langton 1993, 314). Based on Austinian speech act theory, since there are three distinct acts to any utterance (locutionary, illocutionary and perlocutionary), there are three ways in which one could be silenced. The first kind of silencing is locutionary silencing; it happens when people are prevented from speaking in the first place. This can be achieved physically, by gagging them, or less directly, e.g., by threatening or demoralising them into silence.

The second kind of silencing concerns the perlocutionary dimension. When the intended effects of an utterance are not achieved – e.g., an order that is not obeyed, an apology that is not accepted, a joke that does not provoke laughter – we speak of perlocutionary frustration. Although perlocutionary frustration is a common occurrence that might not be intentionally brought about by the audience – some jokes are just not funny to some people – it can become politically relevant when this perlocutionary frustration occurs as a result of one’s social group membership (Langton 1993, 315).

The kind of silencing that has been discussed predominantly is based on illocutionary disablement. The silencing debate revolves mainly around this type, which is usually just called *silencing*. As we have seen in the section about speech act theoretical foundations, utterances are actions. To be illocutionary disabled, then, is to be unable to perform illocutionary acts with one’s words. A prime example is that of an actor on stage, yelling “fire”, trying to warn people. However, this utterance is thought to be part of the play and therefore not taken to be a warning. In this case, it is impossible for the actor to perform the illocutionary act of warning.

Silencing² becomes especially interesting in the context of political speech and issues. This is why, following Langton, most of the silencing debate revolves around matters of discrimination against disadvantaged groups and perpetuated injustices. However, if the concept of silencing only encompasses situations where already disadvantaged group members are concerned is a matter of discussion. This relates to what is usually called the *systematicity condition* of silencing. It ensures that whatever brings about silencing must do so in a systematic manner, as opposed to randomly. The systematicity condition sometimes refers to social group membership, though it can also be defined in different terms. Its function is mostly to distinguish silencing as a politically relevant phenomenon from instances where one’s illocution is disabled, based on

² Illocutionary silencing, which I will from here on out just refer to as *silencing* unless stated otherwise.

idiosyncratic factors. For example, someone not recognising my attempt at giving advice because they think I have a bad aura and must be doing something nefarious is different from someone not recognising the same because they think that a woman could not possibly be giving them advice. The latter refers to issues of systemic disadvantages that women face while the former is just an idiosyncratic incident.

However, not all philosophers within the silencing debate necessarily connect silencing with pre-existing systematic disadvantages. While some explicitly do (Kukla 2014, McGowan et al. 2016), others operate with a broader definition of silencing that just refers to one's role – disadvantaged or not (Langton 1993³) – or how robust the failure of recognition is in the light of different locutions attempting the same illocutionary act (Caponetto 2021). Even though this is an important issue to discuss and will have an impact on who can be a victim of silencing, I will not be able to discuss it further and instead settle on a broad understanding of systematicity, only indicating where different conceptions might yield different results.

There are a few ways in which silencing can be brought about. If we look back at Austin's types of infelicities, those conditions that lead to misfires, if not met, can illuminate how a misfire can be induced. Langton (1993) is concerned with uptake failure. She argues that pornography sets the rules for sexual encounters; it determines the felicity conditions for speech acts in sexual contexts. By preventing a speaker from securing uptake, her illocution misfires and she is silenced. However, there are other ways of silencing rather than preventing uptake. Denying someone the authority to perform a certain act would be one option (McGowan 2009, McGowan 2017, Langton 2018, Caponetto 2021). Another discussion revolves around sincerity-based silencing (McGowan 2014, McGowan 2017, Caponetto 2021).⁴

Sincerity silencing is an especially interesting case since, in an Austinian framework, insincerity only induces an abuse as opposed to a misfire. Thus, an insincere person could still be able to perform her intended illocution. At this point it is important to note that while Langton's definition of silencing references inability to perform a certain illocutionary act, this definition is not universally accepted. Many philosophers, especially those working within an intentionalist framework, are not focussed on

³ “*Example (1): Warning*” describes an actor who is prevented in virtue of his role as an actor from warning the audience about a real fire (Langton 1993, 316). Langton subsequently describes the actor as having been silenced, indicating that silencing does not necessarily target discriminated groups (assuming that actors do not count as a disadvantaged group).

⁴ For a comprehensive overview over different types of silencing see McGowan 2017 and Caponetto 2021.

illocutionary misfire, but on communicational failure. It is no surprise, then, that sincerity silencing originated from the intentionalist framework that McGowan uses, which we will turn to next.

1.2.2. Different Frameworks of Silencing

McGowan works within a Gricean intentionalist framework and is thereby committed to the view that language is focussed on communication of linguistic intentions (McGowan 2019, 11). However, she still holds that different illocutionary acts have different felicity or success conditions (McGowan 2019, 15). McGowan also uses the abuses/misfires distinction and notes that while it might sometimes be controversial if an illocutionary act fails, there can be noticed especially important conditions for speech acts in general – like uptake (McGowan 2019, 15). Further, McGowan distinguishes between formal/ceremonial/institutionalised speech acts and more ordinary speech acts (McGowan 2019, 17). While she allows for the former to be governed by conventions and seems to employ a more Austinian approach, she sees the latter as dependent on communication of intention instead, thereby adopting an intentionalist stance. This combination of Gricean intentionalism and an Austinian framework for infelicity is also a good example for how blurred the lines are between the camps.

This distinction between formal, institutionalised speech acts and ordinary ones has also been accepted by other authors. Maitra, for example, agrees that silencing only applies to communicative acts, as opposed to any illocutionary act. According to her, illocutionary acts that are closely tied to conventions and authority, like marrying or knighting, cannot reasonably be the target of silencing. Preventing gay people from marrying, for example, is not a wrong that relates to the inability of performing a certain speech act, but more generally, to the exclusion of a group of people from an important social institution (Maitra 2009, 319–320). The speech-related harm of silencing, in contrast, emerges from the systematic disablement in performing communicative acts.

Kukla and Caponetto are notable proponents of normativist accounts. As the name suggests, normativists are primarily concerned with the ability of language to shape our social norms. As a result, the audience's understanding of whether and how the social norms are changed through a given speech act is heavily emphasised. Kukla (they/them) is especially clear in their commitment to normative status materialism (Kukla 2014, 443). Normative status materialists take that successful speech acts change dispositions to act in

the speaker and in the audience. Silencing, on this account, takes the form of inability to bring forth standard norm changes with certain speech acts.

Whether a norm has been enacted or not is still a topic of discussion. It relates to very interesting but underdiscussed questions regarding mixed audience responses. Aside from determining the relevant audience, which might already be tricky in some cases, it might be hard to determine whether a speech act has been successfully performed when the audience cannot agree on the matter. Due to the scope of this thesis, I will not be able to tackle this issue here. For my purposes, I will assume a homogenous audience response unless specified otherwise.

Having given an overview of important theoretical developments in the discussion about speech act theory and silencing, I now move on to address different kinds of silencing that have been brought up in the literature.

2. KINDS OF SILENCING

In this chapter, I examine different kinds of silencing based on Laura Caponetto's (2021) distinction into uptake-, authority-, sincerity-, and seriousness-based silencing. Since this classification is by no means taken for granted in the silencing debate, I will also give reasons for choosing this distinction. Throughout this whole chapter, I will consult different accounts and discuss their treatment of the different kinds of silencing. This elaboration will not only provide a basis for the advances of counter-speech with which this thesis (and Chapter 3 in particular) is concerned; it aims also at providing a limited overview of theories of silencing in general.

The original conception of silencing, as we have seen, was rooted in uptake failure, which in turn has sprouted multiple different interpretations of what uptake actually consists of. Since then, several other kinds of silencing have been brought up and gained traction within the debate. Because all kinds of silencing involve either (i) recognition-based failure that prevents a certain felicity/success condition from being met, (ii) denial that the condition is met even though it is, or (iii) more general prevention from the condition being met, it is important to have a clear picture of what those felicity/success conditions are. McGowan (2017) identifies four different kinds of silencing, just like Caponetto (2021). They both isolate uptake-, authority-, and sincerity- silencing as distinct kinds of silencing, which up to that point have already received ample discussion. The last kind of silencing that McGowan identifies – misattribution of desires that go against a person's explicit wishes to their "true inner self" – is treated as a subcategory of sincerity silencing on Caponetto's account. Additionally, Caponetto introduces seriousness-based silencing.

Since Caponetto (2021) presents the most extensive classification of types of silencing that (mostly) have already been established in the literature, I will be using it as a basis for structuring the main parts of this thesis. By examining how these silencing types fit into other prevalent accounts and discussing ways in which they provide a more fine-grained distinction that helps to understand the silencing phenomenon, I also aim to contribute to the persuasiveness of Caponetto's classification. Also, since not every type of silencing might be compatible with every speech act theory or work in the same way, this classification allows for speech act theoretic account to integrate those silencing types

that are compatible and leave out the ones that are not. Similarly, my approach to counter-speech will make use of this advantage.

I start by discussing uptake in 2.1, investigating what it means to secure uptake and how performance of a speech act is connected to uptake within different approaches to silencing. In 2.2, I examine various conceptions of authority and separate them into three categories of authority silencing. In 2.3, I argue that sincerity silencing is not only possible in the intentionalist framework it was conceived of, but can, within limits, also be included into frameworks that work with an Austinian notion of uptake. In 2.4, I briefly discuss seriousness silencing and its controversial status as a distinct form of silencing. Further, I introduce a kind of silencing that I call *standing silencing* in 2.5. I argue that standing silencing can explain situations that display the essential characteristics of silencing and are not covered by the other forms of silencing.

2.1. UPTAKE

That a hearer's interpretation of a speaker's utterance in some way matters to the successful performance of the speech act is central to the concept of silencing. Most notably, this is illustrated by the role of uptake. If I tell you, my roommate in this example, "I want a puppy", and you interpret me as just stating my wants while my intention was to propose to you to adopt a puppy, the intended uptake has not been secured. If another friend asked you if I ever proposed to adopt a puppy, you could, to the best of your knowledge, deny that I did. If a friend asked me the same question, I would, also to the best of my knowledge, answer that I did. But who – if anyone – would be right?

There are different approaches to uptake and its role in the silencing literature. Every theory of silencing that I will be discussing, places at least some importance on uptake as a necessary condition for illocutions. Now, if we grant that uptake is a necessary condition for illocutions, there is still the question what happens if uptake is not received. There are generally three possibilities: (i) the attempted speech act (or any other) has not been performed, (ii) the attempted speech act has been performed, albeit less than fully successfully, (iii) a wholly different speech act has been performed.

An illuminating categorisation of theories can be found in McDonald (2022). McDonald distinguishes between ratification theories and constitution theories. Ratification theories limit the hearer's influence on an illocution to determine only *whether* the attempted illocutionary act was performed, depending on the uptake. The

speaker with her intentions pre-determines the illocutionary force. How the hearer interprets what the speaker is doing then decides if she performs the intended illocution (when uptake is secured) or not (when uptake is not secured). On this view, the hearer is limited to being a ratifier for an illocution with an already pre-determined force. In contrast, constitution theories place more importance on uptake. Under circumstances specified by each theory, mistaken uptake through the hearer can *constitute* an illocutionary act that was not intended by the speaker but nevertheless performed by her.

This ratification-constitution distinction aims to make visible the different commitments regarding the hearer's influence on a speaker's actions. Although it is possible to roughly identify a theory of silencing with either a ratification or a constitution label, many silencing theories will not fall neatly into either category but take different stances depending on the type of illocutionary act. Unveiling these commitments and giving an overview of the hearer's role within silencing is the goal in this section.

Another important point of discussion is how uptake is defined. Often, uptake is conceived of as recognition of speaker intention (McGowan 2019, Maitra 2009, Bianchi 2021, McDonald 2022). However, this assumption already builds on an intentionalist framework and is, thus, not useful for all approaches. Alternatively, uptake can be defined more generally as the hearer's recognition of the illocutionary force of the speaker's utterance. If this force is taken to be unrelated to the speaker's intention, for a successful illocution, the intended force will not need to be recognised by the hearer. If conventions or normative changes are taken to be the determining factor, this is what the hearer will need to recognise for uptake to be secured. The advantage of this definition is that it is compatible with different theories of illocutionary force, not just intentionalism. In what follows, I will also work out which notion of uptake is used within a certain framework and consider what that means for the accompanying account of silencing. For the rest of this thesis, if not specified, I will use *uptake* to refer to the recognition of illocutionary force, not intention.

In what follows, I will paint a broad picture of the role of uptake in the silencing debate. I will discuss views that represent each proposed answer to the previously posed question about whether a speech act has been performed when the intended uptake has not been secured and their connection to silencing.

2.1.1. Option 1: No Illocutionary Act Has Been Performed

As we have seen in 1.1.1, Austin categorises misunderstanding⁵ as a sort of infelicity (Austin 1975, 22). He can be read as including uptake as a felicity condition for all speech acts – be they institutionalised with formal procedures or just everyday speech acts. Thus, failing to secure uptake with any speech act induces a misfire (Austin 1975, 14). Many philosophers in the silencing debate who work within the Austinian tradition will therefore agree that uptake is a necessary felicity condition for any illocution, and its absence will not produce an illocutionary act, only an attempt (Austin 1975, Langton 1993, McDonald 2022).

To start, let us look why this differentiation is important. After all, what does it matter whether an illocution is performed and (in some way) faulty, or not performed and only attempted? Since the silencing debate originated from discussions around concrete legal issues and provided arguments to support the regulation of pornography, its aim was to inform legislature. Therefore, theoretical commitments must be evaluated carefully, lest one wants to risk advocating for potentially catastrophic legal changes. One concrete example that illustrates this difficulty is one about sexual assault:

*Refusal*⁶:

A man makes sexual advances towards a woman. She intends to refuse his advances by saying “no”. However, the man does not recognise her attempted refusal as such but instead thinks she is playing “hard to get”. As a result, he does not stop his advances and rapes her.

In this scenario, uptake is not secured. To the man, the woman’s “no” does not constitute a refusal but is part of an implicit script for sexual encounters that requires women to display modesty or disinterest before they inevitably give in to the man’s proposition. Thus, the woman is silenced; she is unable to perform the illocutionary act of refusal, according to Langton (1993). It is important to distinguish this scenario from those in which the man recognises the woman’s refusal but just ignores it, since that would constitute a case of perlocutionary frustration.

Even though the silencing debate evolved to include other social issues and, most of the time, might not be connected to a stance on a specific legal issue, the topic is still very

⁵ While Austin lists mishearing as well as not securing uptake as instances of misunderstanding (Austin 1975, 22), I will be focussing on the latter since it concerns the illocutionary act, as opposed to the locutionary.

⁶ Adapted from “*Example (5): Refusal*” (Langton 1993, 320)

much part of applied philosophy. This is why philosophers in this debate cannot allow to neglect theoretical consequences of their approaches. This can also explain the general reluctance to agree with the silencing premise – that the woman did not refuse. The burden is on the philosopher to explain how the man can still be held accountable for rape if the woman did not refuse. Of course, since absence of refusal does not equate consent, it can be argued that any sexual act in such a situation can still be classified as rape. However, since the presence of (especially verbal) refusal still plays a big role in legal matters, it is understandable that some philosophers prefer an account that characterises the woman as having performed an act of refusal while still trying to retain the socially impactful critique that silencing provides.

In the next section I will discuss an account that introduces a further distinction into the performance of illocutionary acts to manage such problems like the one discussed in this section. By potentially allowing for less than fully successful performances, the silenced speaker is not condemned to illocutionary inaction. This approach manages to secure some autonomy for the speaker while, on the downside, might weaken the force of the silencing argument.

2.1.2. Option 2: Less Than Fully Successful Performance

The second option in dealing with failed uptake is to introduce a distinction between fully successful (or perfect) illocutionary acts and defective (or faulty) ones. Hornsby does that by focussing on the communicative character of language. In her writing, she emphasises the importance of the speaker being taken to perform the illocution she attempts to perform. The condition which makes this possible is what Hornsby calls *reciprocity*. Reciprocity is a “background condition” (Hornsby and Langton 1998, 25) that enables mutual understanding and the securing of uptake. For Hornsby, reciprocity (and therefore uptake) is a necessary condition for a fully successful illocutionary act and also a sufficient condition for any illocutionary act.

Hornsby focuses on what she calls fully successful illocutionary acts (Hornsby 1995, 133), however, it is less than clear what it means to perform a less than fully successful illocutionary act without uptake, as opposed to an attempt. An illocutionary act is only fully successful when reciprocity holds and uptake is secured. For example:

Warning:

A speaker attempts to warn a hearer by shouting “There is a lion!”.

In case A the hearer takes her to merely state an observation.

In case B the hearer takes her to issue a warning.

In situation A the speaker is not fully successful in her warning since uptake has not been secured. Only when the hearer takes her to issue a warning is the speaker fully successful in having warned. Hornsby calls attempts at illocutions that do not receive uptake “defective” illocutionary acts (Hornsby 1994, 14). As a consequence of her view, it is possible to perform illocutions without securing uptake, since in her definition, uptake is sufficient for illocutionary success, but not necessary (Hornsby 1994, 14). However, uptake is necessary for “perfect” illocutionary acts (Hornsby 1994, 15). I take it that perfect illocutionary acts are the same as fully successful illocutionary acts. Thus, there are (at least) 3 possibilities concerning illocutionary acts: (i) attempt (non-performance), (ii) defective, (iii) fully successful. So, the main question is not whether the illocutionary act has been performed, but whether it has been fully successful.

The importance of this answer is connected to the silencing argument. If, for example (as has been argued by Langton (1993)), pornography interferes with women’s abilities to illocute, it makes a difference whether women are unable to perform certain illocutions or whether they are still able to perform them, albeit it not fully successfully. The former would provide strong grounds for an argument against pornography on the basis of the right to free speech. Because women’s speech would be impeded by the speech of pornography, there is a clear conflict. The latter approach, however, loses some of the force of the silencing argument. The right to free speech does not include the right to communicate – to be listened to, to be understood (de Gaynesford 2017, 87). Since silencing would then induce a defective illocution (but an illocution nonetheless), free speech (construed as freedom to illocute) would not be impeded by it. Since this whole debate conceives the phenomenon as a free speech issue, the threat of silencing would have to be reframed.

Another author who focusses on the communicative side of illocutions and is thereby also committed to a version of the fully successful-defective distinction regarding illocutions, is McGowan. McGowan distinguishes illocutionary success from communicative success. This means that even without securing uptake, a speaker is able to perform most illocutions. Although there might be some exceptions when it comes to

more formal, institutionalised acts, since they seem more dependent on convention than communication of intention (McGowan 2019, 18). Ordinary speech acts, in contrast, rely mainly on the latter and are the main concern of this debate. Thus, like Hornsby, McGowan would describe the speaker in *Warning case A* as having performed the illocutionary act of warning but not having been successful in communicating that warning (McGowan 2019, 17).

With such communication-based accounts, the concept of silencing is redefined. A silenced speaker is no longer prevented from doing things with her words, i.e., illocuting, but from communicating successfully. There is an undeniable advantage in being able to say that the woman in *Refusal* did refuse and the woman in *Warning* did warn. The hearer can only prevent communication (or the performance of a fully successful illocutionary act), but not the act per se. On the downside, the burden of arguing why, in some cases, communicative failure constitutes a violation of the right to free speech is heavier than with illocutionary failure. Thus, the force of silencing arguments is weakened.

2.1.3. Option 3: A Wholly Different Illocutionary Act Has Been Performed

The third option describes a hallmark of constitutivist accounts of uptake. Kukla (2014) presents such an account, where not only silencing, i.e., a failed illocutionary performance, can happen when uptake is not secured, but, depending on the circumstances, a wholly different illocutionary act can be constituted by the received uptake.

Kukla's approach fixes the performative force of an utterance to the output of a speech act that is generated by an input. The input includes factors like context, conventions, and speaker-audience relationships, while the output is the set of normative statuses instituted by the speech act, i.e., changes in social space (Kukla 2014, 442). For example, the question "What are you doing on Friday?" can constitute different speech acts. It can be an inquiry about your plans, an invitation, a request to babysit, an accusation of infidelity, and many more. The input conditions can be seen as a first filter tool of what is possible to do with any given speech act in a certain situation. With the utterance above, it will not be possible to assert my belief that Pluto should be reinstated as a planet – the words are simply not the right tools for that. The uptake my utterance receives and the thereby changed normative statuses, i.e., the output, then determines the speech act. So, if I ask you, my friend, what you are doing on Friday, after I told you I

was planning to throw a party, and you interpret me as inviting you and say “Thanks, I’ll come to your party!”, then I will have invited you. This is the case even if I did not intend to invite you and was merely trying to inquire about your plans. Since the input conditions were the right ones for both an inquiry and an invitation, your uptake decides. However, if the input conditions are not met for a certain act, the corresponding output will not be able to constitute this act. If you are my primary care physician (and nothing more), we would not have the right kind of relationship for your mistaken uptake to constitute an invitation.

This uptake-based mechanism can turn anyone’s attempt at a speech act into a wholly different one, but especially disadvantaged groups suffer its effects. Kukla describes this as “discursive injustice” (Kukla 2014, 441). Discursive injustice happens when a member of an already disadvantaged group is systemically prevented from producing certain speech acts because of their group membership. In a further step, their attempted speech act might even result in one that further worsens their position. The described phenomenon then goes beyond mere silencing and introduces an even more problematic mechanism; one where a person is not only unable to perform the speech act she wants, but also might not be in a position to stop performing a different one. Kukla illustrates this with an example:

Floor Manager:

“Celia is a floor manager at a heavy machinery factory where 95% of the workers are male. It is part of her job description that she has the authority to give orders to the workers on her floor, and that she should use this authority. She uses straightforward, polite locutions to tell her workers what to do: “Please put that pile over here,” “Your break will be at 1:00 today,” and so on. Her workers, however, think she is a “bitch,” and compliance is low.” (Kukla 2014, 445)

Instead of explaining Celia’s difficulties via overt sexism – which might as well be the case in some of these scenarios – Kukla calls attention to the possibility that Celia is not interpreted as issuing orders but as making requests, based on her gender and the associated prejudices. Celia does not secure uptake for her orders but is taken to perform an act that is bound to different obligations and responses. This then explains the discord between Celia and the workers. Celia expects her workers to follow her attempted orders and does not repay them with gratitude – after all, orders do not require an expression of

thanks when followed. The workers, in contrast, think it is up to them whether they grant Celia the perceived requests; and if they do, they expect to be thanked accordingly.

Celia, thus, finds herself in a double bind. She cannot get more forceful with her orders without violating the social expectations of the perceived requests even more, and she cannot ask and answer more sweetly since that would be even more detrimental to her authority. Even escalating the issue up to her superiors is unlikely to be met with appreciation. The robust and persistent social structures that brought her in this position cannot be tackled locally and their influence on her workers is unlikely to be expelled through a stern talk by her supervisor.

This does of course not mean that every situation similar to Celia's is completely hopeless and should not even be attempted to be rectified through various approaches. However, the described situation makes clear that sometimes people of disadvantaged groups can get put into impossible situations that they do not seem to have much control over – in this case even regarding their attempted speech acts. Celia is not able to use existing social structures to perform her orders and is instead constricted by them. Kukla takes this lack of control at face value and aims to highlight how social structures impact our ability to perform speech acts.

Much as the distinction between fully successful and defective illocutions (discussed in 2.1.2) was made to preserve speaker autonomy, I think, the focus on audience-uptake (discussed in this section) is doing the opposite. It highlights our own incapacity to shape the entire social world according to our wants, specifically because we all share the same social space. Precisely because uptake is seen as powerful, legal and social changes to protect disadvantaged groups from speech-related harms seem more pressing.

Interestingly, some ratification accounts seem to have constitutivist features concerning certain speech acts. Even though Langton's account of silencing would be, for most parts, best described as ratificationist, she is not opposed to the option of having speakers perform an act they did not want to perform. Speakers can subordinate without intending to. And speakers can be silenced "not simply by depriving speech of its intended illocutionary force, but by replacing it with a force that is its antithesis." (Langton 1993, 326). However, Langton writes that her account limits what a hearer can

do. A hearer may not be able to twist sexual refusal into sexual consent⁷, but “a hearer may weaken what would have been an order into a mere request, if an order requires a certain hearer-dependent felicity condition” (Langton 2018, footnote 44).

While Langton does not specify which acts can be performed without intention to do so, her stance on determining the illocutionary force when it is unclear if and which felicity conditions are met, includes three considerations: (i) whether important felicity conditions are met, (ii) what uptake has been provided, (iii) whether the illocution would explain the effects of the utterance. None of these are infallible and provide a solution in every case; still, Langton views them as useful depending on the evidence (Langton 1993, 309). This leaves room for at least some speech acts to be treated in a constitutive manner. Thus, we can see that the delineation between ratification and constitutive approaches is not always clear-cut.

In this section, I have listed the main possibilities in which uptake can influence the success of a speech act. I have used the distinction between ratificationist and constitutivist approaches to explicate the power of uptake on different accounts. Further, I have discussed how they relate to the silencing debate, and which issues they focus on. Utilising the power of uptake for ways of counter-speech will be addressed in 3.1.

There will be call-backs to uptake in the following sections. Since some kinds of silencing are treated as a distinct category on some intentionalist and normative accounts but not on conventionalist accounts, it will be necessary to connect them back to uptake for them to work. I have labelled them *uptake-based [condition] silencing*. Still, I think those subcategories deserve to be discussed in relation to their relevant condition, not only because the uptake section would otherwise overtake most of this chapter, but also because the relationship between uptake-failure and each of the other conditions (authority, sincerity, seriousness) can give us answers on how to approach them.

2.2. AUTHORITY

For some speech acts, authority and the recognition of it is a necessary condition for illocutionary performance. Most obviously, this is the case with illocutions such as legislating, marrying, sentencing, and so on. On a smaller scale, ordering employees, voting for a club president, and grading students are also illocutions that need relevant

⁷ No account, to my knowledge, explicitly allows for refusal to be turned into consent, although normativist accounts have been criticised on the basis of this possibility (See Bianchi 2021, McDonald 2021).

authority to be performed. For all those acts, it is mostly clear (depending on the social role or position someone inhabits) what is within their power to do. An officiated priest can marry people, a policewoman cannot. A teacher can grade her students, but not students from another school.

The clarity of those instances is contrasted by situations in which a person seems to perform an authoritative speech act without inhabiting a special role – posing the question of how the speaker gained the necessary authority.

Group Leader:

Imagine a group of people trying to decide where to go. There is no pre-established hierarchy, and the members simply voice their various preferred option. They all want to go to different places, so no easy solution is found. Suddenly Anna states that they will go to the mall today and choose one of the other suggestions for their next get-together. She says, “Come on, follow me!” thereby issuing an order. No one objects and they follow her.

In this situation, Anna manages to decide for the group and order them to go to the mall with her, despite not being in any pre-established position of authority. Generally, missing authority would render her authoritative speech act a misfire. To explain why she nevertheless succeeds to perform her illocution, we need a theory of informal authority.

In section 2.2.1, I will describe Maitra’s notion of licenced authority that explains how authority can be accommodated in cases like *Group Leader*. I will briefly argue for the existence of a different kind of authority in the silencing debate in 2.2.2. To tie everything together, in 2.2.3, I will categorise different types of authority silencing as relating to different types of authority. Further, I will discuss the connection between authority and uptake-based silencing, since some failures to perform an authoritative speech act seem not to rest on lack of authority but lack of recognition of said authority.

2.2.1. Formal and Licenced Authority

In the discussion around subordinating speech, Maitra addresses the so called “authority problem” (Maitra 2012, 95). While it is reasonable to say that legislators, because of their official authority, can subordinate with their speech, e.g., by introducing discriminatory laws, it is less clear how ordinary speakers can subordinate. Since subordination is taken to require (i) the deprivation of rights, (ii) ranking as inferior, and (iii) legitimisation of discriminatory behaviour (Langton 1993, 303), it is hard to see how ordinary people can

fulfil all or even any of these sufficient conditions. However, Maitra provides an insightful account that makes a strong case for the ability of ordinary people to obtain the necessary authority to do so. Later on, I will refer to Langton (2018) for a theoretical framework for this important insight.

Maitra distinguishes formal authority from licenced authority. Formal authority is what we usually think of as authority – officially invested authority like that of political leaders or the police. Importantly, this also includes more constrained authority like the kind parents have over their children, or teachers have over their classroom. Authority always refers to some domain in which it can be utilised. In contrast, licenced authority does not rely on any previous social role, function, or title. It describes authority that gets accommodated when no one objects to it.

In subsequent literature, the basis of this accommodation mechanism is provided by the idea of a shared common ground or conversational scoreboard. What happens in a conversation becomes part of this shared ground or scoreboard. Depending on the underlying theory, it tracks propositions, propositional attitudes like belief, norms and norm changes, or a combination of them. The idea of a common ground (Stalnaker 2002) and the conversational scoreboard (Lewis 1979) are both used in the silencing literature to explain how authority is accommodated and norms are changed during conversations (Langton 2012, Langton 2018, McGowan 2019). Langton likens the conversational scoreboard to an abstract structure that is working at an Austinian illocutionary level while the common ground operates at the perlocutionary level (Langton 2012, 87). The score can be understood to describe the normative dimension, as tracking changes regarding what is permissible. The common ground, in contrast, includes mental states like beliefs in the participants of a conversation. They are both linked and can also be understood as two sides of the same coin. For my purposes, I will only need the conversational score.

Lewis (1979) introduces the conversational score via a baseball metaphor. For those of us that did not grow up with baseball, I will provide an alternative chess metaphor. During a chess game, moves, positions, and pieces are tracked. There exist a number of rules that govern which moves are permitted and which are not. Depending on the course of the game, I might be permitted to move my knight from g1 to f3 at one turn but will be prohibited from doing so the next because one of my pawns now inhabits f3. I am free to move my queen as long as she is on the board but will not be allowed to do so anymore

when my opponent has captured her. The score develops over the course of a game and is dependent on what has already happened. Similarly, the score of a conversation develops over time and includes which moves are permissible. If, at one time, I ask you if you know what the time is and you tell me that you do not know, it would be inappropriate to ask you again a few seconds later. It is already part of the conversational score that I asked that question and that you do not have the answer – granted that nothing interfered with our understanding of the situation. Asking you again shortly after has then become impermissible.

At some point, the baseball or chess metaphor breaks down, since conversations allow for much more flexibility than that provided by a rulebook. Specifically, it is possible to introduce new norms or propositions during a conversation just by behaving as if they were already in place. The mechanism that allows for such moves is called the rule of accommodation. The rule of accommodation changes the conversational score (within limits) to make what was said permissible, if not challenged, and changes what is permissible from that point onwards. This is most clearly the case with presuppositions, e.g., if I say, “My girlfriend likes this song”, it is presupposed that I have a girlfriend and I do not have to state it separately. If this presupposition is not challenged, it gets accommodated. Thus, subsequent questions about whether I am single would then be out of place. Similarly, this mechanism can introduce new norms. If we are in my apartment and I say, “The floor is lava!” and we both immediately jump on my couch, I have changed the norms in a way that makes it now impermissible to step on the floor. Of course, if you call me childish and refuse to partake in this game, I have failed to accommodate this norm change.

Now, to get back to the *Group Leader* example, we have the tools to describe what is happening on the level of the conversational score, which will help us understand how Anna comes to have the necessary authority to issue an order to her friends. Since she originally is not in a position of authority and, therefore, would not be able to felicitously order her friends to follow her, Anna’s order needs to make use of the rule of accommodation. In saying “Come on, follow me!” she presupposes the authority to issue this order. Because none of her friends object and instead go along with her order, she manages to accommodate the authority to perform the order. Thus, her order has been felicitous.

Licensed authority can be very fickle, though. If it is challenged, e.g., if one of Anna's friends say "Woah, who made you the leader?", her attempted order might misfire. This might even happen later in the conversation. Licensed authority is licensed *by* someone; in Anna's case, it is licensed by her friends. Consequently, it is mostly up to the audience to allow for the speaker to have licensed authority and also to challenge and thereby likely deny it. This is where silencing enters the picture. Before we go into the discussion about how authority silencing can occur, I will quickly discuss a possible other kind of authority.

2.2.2. *Other Types of Authority*

In addition to the distinction between formal and ordinary speech acts, there is another interesting distinction that cuts through the set of types of illocutionary acts on intentionalist accounts – the distinction between "purely communicative" speech acts and "communication-plus" speech acts (McGowan 2009). McGowan argues that uptake is a sufficient condition for the fully successful performance of purely communicative speech acts like telling. On the other side, communication-plus speech acts require more than uptake. Authoritative speech acts would fall in this category.

McGowan discusses variations of the *Refusal* example to argue that refusing is a communication-plus speech act. Since I am not able to refuse on someone else's behalf (unless authorised), refusal seems to be an authoritative speech act. At its core lies the authority that one has over their own body. Speech acts that rest on this authority can then be silenced if someone does not recognise this fact, since it is a kind of communicative failure (McGowan 2017, 48). In a variation of *Refusal* this happens when the man does not recognise the woman as having authority over her own body and instead believes that as a man, he has rights to her body. Instead of uptake-based silencing, the woman is experiencing authority-based silencing when trying to refuse.

Under closer inspection it is quite difficult to categorise this kind of authority. Clearly, the authority to decide over one's own body is not licensed. The man cannot determine whether the woman does have authority over her own body. But to call it formal authority might also be a mistake. The woman is not granted authority over her own body by any social position she occupies. Even though that autonomy might be supported by current laws, making her bodily autonomy dependent on them leads to problems in circumstances where the law would deny her autonomy.

If, by law, the authority over a woman's body would fall to men, she would not be able to refuse, since she would not be meeting the authority condition. Independently of whether the man would understand her attempts at refusal as refusal, she would not be in a position to actually perform a refusal. Approaches like Langton's might lean into this analysis and use it to criticise the system that made it impossible for women to hold authority over their bodies and, in further consequence, to refuse. In contrast, McGowan's approach focusses on communicative failure instead of illocutionary failure. Since the man does not recognise the woman's authority, communication fails, and she is silenced. However, this only works if she did have the authority to refuse, otherwise even her illocution would fail. Thus, I believe, it would be in line with McGowan's approach to claim that the woman nevertheless has the necessary authority to refuse. This authority would then have to originate from something other than social position and licensing.

What this section aimed to show was that there can be different conceptions of authority and, depending on which one operates, silencing can occur in different ways. While some theories might conceive of authority as a purely social construct, other approaches might profit from other conceptions of authority. This then introduces other forms of authority than the ones discussed in previous sections. Furthermore, silencing would, as a consequence, even be possible when the speaker does, in fact, possess the authority to perform her intended speech act. This leads to an interesting distinction between preventing someone from gaining licenced authority and denying that someone has an audience-independent kind of authority. Identifying three types of authority silencing based on the different types of authority will be the focus of the next section.

2.2.3. Three Types of Authority Silencing

As will have become clear from the last section, there can be more than one kind of authority silencing. Unfortunately, in the literature, *authority silencing* can refer to different mechanisms that are not clearly set apart. My aim in this section is to clear up what has already been understood as authority silencing and also to argue that those conceptions can lead to kinds of silencing that do not need a specific framework. The first kind of silencing is based on licenced authority and involves the inability to accommodate authority. Another kind is similar to the original uptake-based silencing in that the satisfaction of the authority condition is not recognised. There is also a third kind of silencing that revolves around the ability to get into a position of formal authority. This

yields three different types of authority silencing, characterised by: (i) inability to accommodate authority independent of social status, (ii) inability to have pre-existing authority recognised, and (iii) inability to take on a social role that comes with formal authority. In this section, I will distinguish these three kinds of authority silencing in turn.

(i) Licenced Authority Silencing

Licensed authority silencing occurs when a person is systematically prevented from having their authority accommodated. This routinely happens to decisive women who cannot make their voices count and women experts who cannot accommodate epistemic authority. While the latter can also count as an example of uptake-based authority silencing (when the woman in question is a certified expert in her field), it also happens to women who have acquired specialised knowledge in an informal domain, like parenting. The mechanism that accommodates authority in a conversation cannot be employed in a standard way when silenced.

Of course, accommodation will and should not work one hundred percent of the time. Not just because of silencing, but also because sometimes accommodation is not reasonable. An opinionated layperson is probably not the right person to get epistemic authority on medical issues, even in an informal conversation between friends. A discriminating speaker should not be able to accommodate the authority to subordinate other people. Accommodation failure becomes highly problematic when it happens for no other reason than already existing injustices that hinder the speaker to accommodate authority in the standard way that other (non-disadvantaged) people can⁸.

(ii) Uptake-Based Authority Silencing

This kind of authority silencing is closely related to uptake failure since it also involves recognition failure. It happens when women doctors are addressed and treated as nurses, when women supervisors are not viewed as authority figures, and when people are not respecting a woman's authority over her own body. Their medical advice, orders, or refusals might be infelicitous. In those cases, the hearer might understand what the speaker was trying to do. They might take her to attempt to issue an order but think "How cute, she's trying to tell me what to do", they might see her credentials and still think "She probably got through medical school by seducing her professors, I want a real

⁸ To distinguish cases in which failed accommodation of authority constitutes silencing from those in which it does not, it is necessary to define a systematicity condition (discussed in 1.2.1). It is not my goal to do so here, but I acknowledge that more discussion is needed to draw a line between mere accommodation failures and silencing.

medical opinion”. The intention to order or to give medical advice is recognised, but the illocution still fails to be recognised as having the intended force, which produces a misfire on an Austinian account. Likewise, on intentionalist accounts, the speech act is less than successful. The speaker succeeds in her illocution since she does possess the necessary credentials but does not manage to communicate to the hearer that she does occupy the necessary authoritative role.

I have decided to discuss this kind of silencing here instead of in the course of uptake-based silencing in 2.1 for two reasons. Firstly, on intentionalist accounts of uptake, not recognising someone possesses the necessary authority is distinct from not recognising that someone is intending to perform a certain illocution. What does not get communicated is that the authority condition does obtain and, therefore, separating misrecognition of authority from misrecognition of intended illocutionary force makes sense. Secondly, even if, on Austinian accounts, *uptake-based authority silencing* is simply categorised as *uptake silencing*, I believe it will give us a clearer picture of the situation if we clarify the basis on which uptake has not been secured – in this case, the basis of recognition of authority.

(iii) Formal Authority Silencing

Langton and West (1999) describe how we can understand silencing in relation to accommodation. In a power dynamic like that of a master (authoritative person) and a slave (subordinated person), the former can adjust the score and introduce new rules by simply stating them, e.g., “You are not allowed to go there”. The subordinated person, in contrast, is not in a position to make the same move, even if they use the same words in the same situation. The subordinated person is prevented from performing this action with their words, in other words: silenced. Here we can see the purest form of authority silencing – simply not having the necessary authority to perform some speech acts and being unable to attain this authority.

The injustice here does not emerge from the inability to accommodate authority one should be able to accommodate, nor from lack of recognition of already obtained authority. Rather, it is the injustice of being unable to escape one’s subordinated social role or the injustice of being unable to get into an authoritative social role. Of course, this form of silencing has to be addressed in a highly nuanced way. It will simply not be possible for everyone to attain any and all authoritative roles they wish to inhabit. It is simply impossible that everyone be a president or pope. But there is an important

distinction in not inhabiting a certain role and being unable, in principle, to inhabit it. Women can be presidents, but they cannot be popes. Of course, one might be virtually unable to obtain a certain office based on one's socio-economic status, education, or upbringing – which is another kind of injustice. But those hard lines that prevent women from inhabiting positions of power are at the root of formal authority silencing.

Distinguishing these types of authority silencing is not only important for understanding what is happening in some situations, but also for addressing the issue at the right place. Licenced authority silencing and uptake-based authority silencing operate based on stereotypes, prejudices and ingrained ways of thinking. While the former is more prone to happening unconsciously and harder to address (since mechanisms of accommodation are not common knowledge), the latter can oftentimes rely on biases that can be spelled out and addressed. Formal authority silencing, in contrast, relies on already existing institutions or traditions that make it impossible for some groups to break into every part of social life. This issue can only be addressed by changing official rules and regulations.

2.3. SINCERITY

Sincerity presents us with a tricky problem. On an Austinian account, sincerity is one of the felicity conditions that, if not met, induces only abuses as opposed to misfires. Therefore, failing to meet the sincerity condition could not constitute instances of silencing, since the accompanying definition of silencing is focussed on the inability of a person to perform speech acts. It seems then that, on an Austinian approach, sincerity-based silencing cannot occur. I will argue that it is nevertheless possible to conceive of sincerity-silencing if it is (just like with uptake-based authority silencing) mediated through uptake-failure, or, further, possibly on the grounds of failure to change normative statuses. If a person (mistakenly) interprets a speaker, based on perceived insincerity, as not performing the intended act, uptake will not be secured, and the speaker's illocution will not be felicitous.

In contrast, intentionalist accounts do not face such a limitation. They can allow for a speaker who is perceived to be insincere to perform their illocution but fail to communicate their sincerity. Sincerity silencing is thereby seamlessly integrated as a kind of systematic communicative failure on an intentionalist account. In this section, I will

discuss the role of sincerity in different accounts by providing examples of (in)sincere speakers and hearer perception.

To begin, we can distinguish three different relevant situations:

- (i) The speaker is being sincere, the hearer takes her to be insincere
- (ii) The speaker is being insincere, the hearer takes her to be sincere
- (iii) The speaker is being insincere, the hearer takes her to be insincere

The case in which the speaker is being sincere and the hearer takes her to be sincere can be disregarded, since that would mean that both the sincerity condition and the recognition of its satisfaction is given, and therefore could not constitute an instance of sincerity-based silencing (although the speech act might be silenced on the basis of other conditions). I argue that (i), and possibly even (iii), can constitute silencing even on an Austinian approach. To illustrate the relevant cases, here are examples:

(i) Perceived Liar:

Erika says to her friend Helga: “I promise I will come to your party” and does indeed intend to do so. However, Helga, knowing that Erika is not fond of parties but generally does not want to disappoint her friends, assumes that she is lying and will probably cancel last minute. She answers with a noncommittal “Okay,” but does not expect her to come and also does not factor Erika’s attendance into her calculations for food. Helga is disappointed not because she assumes that Erika will break a promise, but because she does not understand why her friend would not be honest with her.

(ii) Actual Liar:

Masha says to her friend Karin “I promise to pay you back next week” when borrowing money from her. However, she does not intend to pay her back next week, or even ever. Karin, being the trusting person she is, takes Masha at her word and expects her to pay her back next week.

Actual Liar illustrates a paradigmatic case of insincere promises. Masha manages to perform the act of promising, takes on the obligation to pay Karin back, but lacks the intention to fulfil that obligation. Her promise is hollow, it counts as an Austinian abuse. Contrast this with *Perceived Liar*. I take it that this situation can be described in a variety of ways. One might describe Erika as having performed a promise. She neither triggers a misinvocation nor a misapplication. Since she is also sincerely intending to attend the

party (and if we assume she does), the promise also cannot be an instance of abuse. But something is going wrong – on the hearer’s side and thereby most likely on the level of illocutionary effect failures (see 1.1.1) – either uptake is not received, or normative statuses are not changed (in the right way). Let us look at both of these options in turn.

It is debatable whether Erika was able to secure uptake. Helga surely picked up on her intention to perform a promise (abuse or not) but might not have thought that it actually was one. She did recognise Erika’s illocutionary intention but that would not necessarily be enough to also think that Erika’s utterance had the force of a promise. If Helga had read Austin, she might have agreed that Erika was performing an infelicitous act of promising and thereby providing the uptake necessary for the performance, rendering Erika’s speech act a successful promise. However, if Helga were not acquainted with speech act theory and did not view Erika’s utterance as a kind of promise, but instead as a way to get out of an awkward situation or simply a failed attempt at a promise, the uptake condition might not be met. In this case, it is not relevant whether theory tells us that the utterance should count as a promise. Helga can be mistaken about what constitutes a promise. If she interprets Erika’s utterance as a not-promise (i.e., a mere attempt at a promise or something else entirely), uptake will not be received. For example, if asked whether Erika has promised her to come to the party, Helga could answer to the best of her knowledge: “Not really. I mean, she said she would, but I know she was lying.” Helga thereby (wrongly) identifies the speech act not as a faulty promise but as a not-promise, preventing uptake from being secured.

To strengthen this point, let us look at another example:

Party Invitation:

Imagine Beatrice, a very popular girl at her school, inviting all her friends at school individually to her amazing end-of-year party. She intentionally does not ask Maria, the class outcast. However, Beatrice’s parents are present when Beatrice speaks out her invitations. They figure out that Maria is the only one left out and tell Beatrice to invite her. Since they pay for the party, Beatrice feels like she has no choice and (with a lot of attitude) says to Maria: “Ugh okay, you can also come”. Maria and all the other schoolgirls pick up on Beatrice’s insincerity. When Maria comes the party, Beatrice gets mad, telling her that she was not invited.

Now, imagine that Maria comes to the party. I take it that there can be two broad reactions to her arrival⁹. Either the audience holds that Beatrice is in the wrong and she did invite Maria, albeit unwillingly and insincerely. In this case, Beatrice's utterance would constitute an invitation (and abuse) since audience uptake for an invitation has been secured. Or, and this interpretation I think is not only possible but also extremely interesting, they could agree that Beatrice was right and that what she said in front of her parents was not a *real* invitation and that Maria should have known that. They could tell her "You know Beatrice only said that because her parents were there and not because she wanted to issue an invitation". Even Maria herself could believe that Beatrice did not issue a *real* invitation but think that she could get away with pretending that it was one to attend the party.¹⁰ In this case, the audience did not provide the uptake necessary for Beatrice's utterance to constitute an invitation. This shows that the audience's perception of a speaker's sincerity can impact the felicity of her illocutions by influencing the audience's uptake.

Let us now turn to the other place where a misfire could arise, the normative dimension. Even if uptake is secured, the normative status changes that are also part of the illocutionary effect conditions might have changed in an uncharacteristic way. To perform a felicitous promise in *Perceived Liar*, Erika would have to acquire the obligation to attend the party and Helga the right to demand that she keep her promise. But it can be questioned whether this is the case¹¹. Erika might be under the impression that this is how the normative statuses have changed. But Helga's view would differ. She might not think that she has a right to demand Erika to come since her utterance wasn't a *real* promise. She might think that she only has the right to be mad at Erika because of the perceived dishonesty. Whatever might be the actual change in the social fabric, the actual obligations put on Erika, it is at least possible to look for the origin of the defectiveness in the realm of normative changes.

⁹ And, of course, mixed responses, which I exclude for the sake of clarity.

¹⁰ Hornsby and Langton (1998) argue that it has to be distinguished between the intention to invite and not wanting someone to attend. They discuss cases where the speaker does want to issue an invitation and do so because they feel they have to – but they do not want the addressee to attend. It is taken for granted that the addressee will identify the attempted invitation as an invitation and not as something else. Still, I believe there to be nothing contradictory in believing that the hearer could just identify the speech act as something else, or (contra to an Austinian view and perhaps mistakenly) hold that insincere invitations are not invitations, thereby preventing uptake.

¹¹ This raises the difficult question of how normative statuses are brought about. They might be independent from what both speaker and the audience believe, or they might be dependent on their perception or disposition to act. I will not argue for any particular view but merely suggest that, depending on what view of normative statuses is presupposed, misfires might result out of complications in this area.

If either of these analyses is correct, doubting someone's sincerity can provide grounds for silencing. If either the uptake is not secured or the (appropriate) normative changes are not achieved, Erika does not simply make an infelicitous promise, but fails to make a promise at all. In this way, the *perceived* sincerity of Erika's attempted promise matters for the performance of her speech acts and can be grounds for silencing. Sincerity silencing then would occur when certain social groups are perceived as inherently dishonest and thereby systematically prevented from performing illocutions (similar to Erika in *Perceived Liar*). The goal of the discussion up till now was to show that sincerity silencing is possible on an Austinian account of speech act theory and a Langtonian definition of silencing, focussing on illocutionary misfires. Now I turn to specific theories.

Normativism in particular can give us a pretty clear picture. Uptake and enacted norms, which determine the illocutionary force, do not work in a standard manner in *Perceived Liar*. Since Kukla holds that "[n]ormative statuses supervene on concrete, materially implemented dispositions to act" (Kukla 2014, 443) it becomes clear that because Helga is not disposed to act as if Erika has made a promise, the normative statuses did not change in a way to make it so that she has. Thus, Erika is unable to perform the act of promising. Similarly, in *Party Invitation* the material normative statuses did not change like they would when a standard invitation was issued. Beatrice and her friends sincerely believe that Maria does not have a right to attend. They do not act like the utterance in question bestowed Maria with the right to attend. It might very well be their mistake to do so, but uptake does not have to be justified to determine the outcome. If anything, a normativist account like Kukla's would provide even more support for this mechanism. Since the audience's uptake would not support the view that an invitation has been issued, the consequence would be that it has not been. To see how an already existing account of sincerity silencing is embedded into an Austinian framework, we now turn to Caponetto.

Caponetto describes her version of sincerity silencing as failure to invite a response. She is drawing from Austin, who writes that "many illocutionary acts invite by convention a response or sequel" (Austin 1975, 117). Caponetto connects the invitation of a sequel to the illocution's normative effects. She describes a version of the *Refusal* case where the man recognises that the woman is trying to refuse but thinks that she is not sincere in her refusal. In this case, the obligation to stop his advances has been put on the man, but it did not translate into an invitation to do so (Caponetto 2021, 196).

For this argument to be convincing, it would be necessary to further elaborate on what it means that an illocution invites a response. It cannot mean that the response is actually produced, since that would fall squarely within the realm of the perlocutionary. But what then is the difference between putting an obligation on someone to do x and inviting them to do x? Invitation might, in contrast to the obligation, require uptake. But that would lead us right back to a kind of uptake failure. Further, it will not help us with *Perceived Liar*. Since a promise would invite the response of fulfilment (Austin 1975, 117), which is directed at the speaker instead of the hearer, it cannot help us pinpoint where the attempted promise went wrong. Of course, a promise might invite more than just fulfilment. But the problem of specifying what an invitation entails remains.

Thus, I take the most promising ways to introduce sincerity silencing into an Austinian framework to be either via the route of uptake-failure or failure to change normative statuses, as discussed previously. Interestingly, neither of the routes are concerned with whether the sincerity condition actually is satisfied. This further introduces the possibility that silencing can even occur when the speaker speaks insincerely. To investigate this possibility, let us turn to another example:

(iii.a) Dishonest Promise:

Sandra nags her father Karli to buy her a new car. Karli, exhausted from her begging and pleading, says “Alright, I promise to buy you a car if you finish your master’s thesis within the next two months”, aiming to incentivise her. He does not believe Sandra will be able to do that and also has no intention of buying her a car in any case. Sandra knows how difficult a task Karli is proposing and infers that he does therefore not expect having to keep the promise. However, she takes him at his word and after much hard work, finishes her master’s thesis within the set timeframe. She then demands Karli keep his promise.

In *Dishonest Promise*, Sandra correctly identifies Karli’s lack of sincerity. Still, she interprets him as having made a promise and thereby believes her demand to keep the promise as justified. In this case, I hold that Karli, albeit ill-advisedly, did indeed perform a promise and has thereby incurred the obligation to keep it or to rightfully endure Sandra’s ire. Both, uptake and normative status changes, have been received. We can see then that perceived lack of sincerity is not always grounds for misfire and possibly

silencing. Perceived sincerity would have to cause illocutionary effect failures to impact the performance of illocutionary acts.

But now, let us tweak the example:

(iii.b) Dishonest Fake Promise:

Sandra nags her father Karli to buy her a new car. Karli, exhausted from her begging and pleading, says “Alright, I promise to buy you a car if you finish your master’s thesis within the next two months”, aiming to incentivise her. He does not believe Sandra will be able to do that and also has no intention of buying her a car in any case. Sandra knows how difficult a task Karli is proposing and infers that he does therefore not expect having to keep the “promise”. She therefore does not take his utterance to be a *real* promise. Coincidentally, her good friend also has a deadline in two months and motivates Sandra to join her coworking group. Sandra works tirelessly and finishes her master’s thesis within the set timeframe. She does not demand Karli keep his “promise” since she does not think that she has the right to demand he keep a fake promise.

This example supports the view that perception of speaker sincerity can influence uptake of illocutionary force. To argue that this is not the case, one would have to prove that it is impossible for Sandra to view Karli’s utterance as anything other than a promise (defective or not). I take it that there are no limits on how severely intended speech acts can be misunderstood. Importantly, my view is not that the hearer can decide whether they want it to be a promise or not – merely, that there can be situations in which the hearer simply does not provide the necessary uptake, based on their perception of speaker sincerity, and thereby causes a certain speech act to fail.

Whether situations similar to *Dishonest Fake Promise* could constitute instances of silencing is debatable. After all, where is the injustice in not being able to perform a dishonest promise? If we imagine that the systematicity condition were fulfilled (e.g., if the uptake failure were the result of Karli’s membership in a socially disadvantaged group), would he be silenced? At best, Karli is fortunate when he realises that Sandra did not take his words to constitute a promise, since he would not be obligated to buy her a car. At worst, Karli is systematically prevented from making dishonest promises. Technically, Langton’s silencing definition would include cases like this.

I would argue that being prevented from making promises – dishonest or not – would in any case constitute silencing. Language as a cooperative enterprise enables speakers to do things with their words. Whether those things are good or bad, right or wrong, should not be a deciding factor for unjustly excluding only some people from performing them. It might very well be questionable whether a dishonest promise is something people should have the right to perform. But I believe it to be problematic that this ability be only bestowed on members of a privileged group. However, deciding whether being systematically prevented from performing insincere speech acts constitutes an injustice is not the most pressing issue. Even if it turned out that this could not constitute silencing, there is still option (i) to support the claim that sincerity silencing is possible in an Austinian framework.

Since the fulfilment of the sincerity condition on its own does not seem to be able to cause silencing, one can ask whether it makes sense to individuate sincerity silencing as its own kind. Uptake and authority silencing together might be enough to cover all cases of silencing, since these are the conditions tied to misfires. But this line of argument only makes sense with Austinian approaches because the focus is on the performance of illocutions. I do not think it impossible to reduce everything to uptake and authority. But I do think that we would lose a whole lot of explanatory power and miss possible connections that might be fruitful in finding ways to counteract silencing.

To finish this section, I briefly want to address sincerity silencing in intentionalist accounts, since this is where the concept originated. McGowan (2014) introduces sincerity silencing as distinct from uptake silencing. She argues that recognition of sincerity is (sometimes) necessary for successful communication. At least for refusals, communication of sincerity is taken to be vital for communication, and failure to recognise the sincerity of the speaker would constitute communicative failure (McGowan 2014, 466, McGowan 2017, 49, McGowan 2019, 151)¹². If this communicative failure is brought about in a systematic manner, it can constitute silencing. Because recognition of sincerity, just like intention, is placed within the realm of the communicative instead of that of the illocution, intentionalists have an easier time individuating sincerity silencing.

What I hope to have shown in this section is that sincerity silencing is not only conceivable on an intentionalist account, but on Austinian accounts as well. Both uptake

¹² McGowan further distinguishes recognition of surface sincerity from that of the “deep self”. This marks another interesting distinction regarding sincerity silencing that I do not have the space to address. For more on this see McGowan (2017) and (2019).

failure and failure to change normative statuses constitute ways for a speech act to misfire on the basis of perceived speaker sincerity. It might require further discussion about its prevalence and people's likelihood of interpreting an apparent speech act *x* as an instance of not-*x* as opposed to faulty-*x*, but, in principle, the basis for sincerity silencing is there, even for non-intentionalist accounts.

2.4. SERIOUSNESS

The role of seriousness in the performance of illocutions is not particularly clear. If a promise in jest still falls under the speech act of making a promise or constitutes a different speech act altogether, e.g., joke-promising, has not been discussed extensively in the silencing debate. Even Austin, on whose speech act theoretical framework the debate builds, offers no unambiguous role of seriousness. In *How To Do Things With Words*, he only hints on the importance of seriousness: “a performative utterance will, for example, be in a peculiar way hollow or void if said by an actor on the stage, or if introduced in a poem, or spoken in soliloquy” (Austin 1975, 22). Austin uses “hollow” and “void”, words he introduced before as descriptions for abuses and misfires respectively. Thus, Austin leaves open if a non-serious promise might count as an abuse of a standard promise or if it simply does not constitute a promise at all, but something else.

Caponetto claims seriousness to be a pre-condition for illocution (Caponetto 2021, 196). This would mean that to even be taken to illocute, one would have to be taken to be serious, i.e., not acting, rehearsing, joking, or the like. If, during our weekly Dungeons and Dragons game, I threaten to hurt my friend unless he takes better care of his imp, I am not truly performing an act of threatening him – I am merely acting as if. My friend is still able to pick up on the potential force of the utterance, on it being a threat. But he also recognises that I am not seriously threatening him but only doing so as part of the game. On this account, my play-threatening is not an illocution at all since seriousness is taken to be necessary to illocute, as opposed to resulting in an illocution that is not serious (similar to abuses). Therefore, failure to realise that a speaker is not joking or acting can constitute silencing because she is not even taken to be illocuting at all, preventing uptake from being secured. Just like with sincerity, seriousness silencing is mediated through uptake-failure.

Despite sincerity and seriousness seeming very similar, they easily come apart in some situations. If I say “Stop, I don't like being tickled!” you might think that I

insincerely ordered you to stop and secretly love being tickled. Alternatively, you might think that I am just acting to get you to stop, so I can launch a vicious counterattack. I take it that the first interpretation would be more likely to make you stop and maybe ask why I would order you to stop when you are convinced that I always want to be tickled. In contrast, if you interpret me to be only acting, you might even double down to not give me a chance to gain the upper hand in our play-fight.

Seriousness silencing is then based on the misconception that someone is “putting on an act” based on their social role. This can range from situations in which a woman is taken to be just fishing for compliments when asking someone’s opinion of her, up to issues of consent when utterances like “Stop, you’re hurting me” by workers in the adult entertainment industry are taken to be part of a game of seduction.

The role of seriousness in intentionalism is not discussed in detail. McGowan mentions misinterpreting someone as “role-playing” as the cause for other types of silencing that she discusses (McGowan 2017, 51). I take her to mean that perceiving someone as merely acting will lead to communicative failure by way of misrecognition of intention. Thus, she deems failure to recognise seriousness a cause as opposed to a genuine kind of silencing. Nevertheless, failure to recognise a speaker’s seriousness can result in silencing.

There surely is a general need for further discussion on issues of seriousness and its connection to silencing. To my knowledge, seriousness-silencing has not received much attention in the silencing debate, even though it offers an interesting perspective on commonly discussed examples.

2.5. STANDING

In the last part of this chapter, I want to draw attention to another important condition for the ability to perform speech acts: being part of the conversation. If you are separated from the conversation, say, by a soundproof wall, you will not be able to contribute. Similarly, if your intended contributions get ignored or talked over, it will be near impossible to make a conversational move.¹³ Exclusion from the conversation not by an object but the biases or ill will of your peers is, I argue, an instance of a distinct kind of

¹³ For a related discussion about community in- and out-grouping see Herbert and Kukla (2016). Here, I want to focus on specific conversations as opposed to speech-facilitated membership in communities, although sometimes inclusion or exclusion from a conversation will depend on community membership.

silencing. In this section, I will discuss what I call *standing silencing* – being prevented from joining a conversation based on judgements about one's characteristics.

As a pre-condition for even making a speech act in a certain conversation, you actually need to be part of the conversation. Your inclusion will most often be accommodated, sometimes, however, it may also be challenged on the basis of who you are, and sometimes even on the basis of who you are taken to be. I do not aim to provide an exhaustive list of reasons why people are generally excluded from conversations but will focus on the reasons pertaining to what kind of person the speaker is taken to be. In a further step, I will discuss how this exclusion can sometimes constitute silencing.

In the literature, this ability to join and contribute to a conversation has been described as having a certain standing. Standing is often compared to authority but also treated independently of it (McGowan 2019, Hesni 2018). I believe this to be reasonable, since, even on a theoretical level, the standing to join a conversation, and the authority to make a certain move in a conversation (that one is already part of or able to enter) target different stages of the performance of a speech act. Combining failures of either standing or authority into one category will run the risk of conflating different phenomena. Thus, I will take standing to be a pre-condition for illocution – much like seriousness.

Having or being able to accommodate the necessary standing to contribute to a conversation does work similar to authority. However, there is much more leeway for the participants of a conversation to recognise standing. McGowan provides a lovely example in which she is able to join the conversation of a group of Yacht Club ladies by simply acting as if she belonged to their social circle (McGowan 2019, 67). If the ladies would have recognised that she is not one of them, they might not have licenced the standing necessary for McGowan to join their conversation. I suggest that looking at the reversed situation can also illuminate how standing works.

The Yacht Club ladies could have refused to grant standing to someone who indeed was a member of their club and in the same social class. If a new member of the Yacht Club had the misfortune of having spilled coffee on her and was thus forced to borrow a polo shirt from the personnel, she might have a hard time joining the ladies' conversation on account of her not being recognised as one of the Yacht Club ladies. Therefore, even in situations where one would be taken to already have the necessary social standing, it could be revoked for a certain conversation. If the new member cannot (or does not want to be so direct as to) make the ladies understand that she is one of them, she does, in fact,

not have the standing to enter that particular conversation. It does not truly matter whether she does have the necessary social status, but only whether the others accommodate it.

I propose that judgements like this – whether a person is the right kind of person to contribute to a conversation – do not have to be based on facts about this person but only on the perception of them. Sometimes, this will constitute an injustice, especially when the perceived characteristics of the person in questions are based on discriminatory stereotypes. To examine different kinds of exclusion from conversation, I will discuss examples for unproblematic exclusion, exclusion based on idiosyncratic characteristics, and exclusion based on structural discrimination. The aim is to help us understand more clearly what exclusion from conversation can entail and locate it more firmly within theories of silencing.

At first, let us take a look at an example in which someone is unproblematically excluded from a conversation:

Teacher's Pet:

As a part of parent conference day at a middle school, the parents are invited to observe a lesson. The teacher introduces the topic of the day: planets. She asks the class: “Who can tell me what the planet closest to the sun is called?” Before any of the children can answer, one parent shouts out: “Mercury!”. The teacher accepts the answer but reminds the parent that they are only here to observe and that the questions are directed at the children. However, the overeager parent keeps answering her questions. The teacher then simply ignores him and his answers and only continues when a child provides the correct answer. The children follow the teacher’s lead and answer with what they think is right, not paying attention to the overeager parent.

In this example, it was specified in the beginning who was to be part of the conversation about planets and who was not. The parents were invited as observers, not as part of the class. The teacher accommodated the first answer that the overeager parent gave, thereby temporarily letting him be part of the conversation. However, further attempts to be included were not accommodated and he was being excluded from the conversation. As a teacher, she had enough of a say to exclude the parent, but this need not have been the case if the children did not follow her lead.

Although this exclusion is based on the parent's social role as a parent, I do not believe it to be unjust. This conversation was simply not created for him, but he insisted to be part of it anyway. The same kind of exclusion can happen when a stranger on the subway butts into a private conversation between you and your friend. You might tell the stranger to mind their own business, ignore them, or simply move away from them. Exclusion of this kind preserves the conversation and its aims and is sometimes necessary. What I am interested in are the exclusions that are not and happen because of one's perceived characteristics.

Take this paradigmatic example:

Annoying:

A group of students are chatting at a party. Erich, a colleague everyone else perceives as annoying, aims to join their conversation, wanting to boast about his recent achievements. The group patiently waits for him to finish talking, after which Finley says: "Anyways. What did you say before, Rosi?" Erich, confused why no one is responding to him, again starts to talk. But every time he tries to enter the conversation, the others react with "Get a hint", "Gosh, you're so annoying", and "Did you hear anything?". Eventually, Erich gives up and leaves.

In this example, Erich is excluded in virtue of him being perceived as annoying. Whether this is true or not, this perception prevents him from getting a foot in the door of the conversation, so to speak. His speech acts, whatever they may be, are not even taken up as some kind of specific speech act, but simply as "annoying speech". The group does not consider him to be the right kind of person to contribute to their conversation and thus are not even listening to him¹⁴. However, being part of the conversation is a necessary condition to even perform speech acts¹⁵.

Now, let us turn to a potential example of exclusion from conversation that works just like other instances of silencing:

¹⁴ This can be subject to change. Erich could say something so outrageous that the other students cannot ignore him anymore and instead opt to engage with him. Forcing one's way into conversation like that is, however, likely to start a completely different conversation than the original.

¹⁵ Kukla (2014) discusses "entreaties" as a special kind of speech act with which one can seek entry into a conversation. It is not necessary that one already be part of the conversation to do so, but it is still necessary that one's standing is appropriate to even succeed in making an entreaty.

Tech trouble:

Céline is the only woman in her department at a tech company. In a department-wide meeting, her supervisor wants to brainstorm new ideas for their products. Céline suggests shifting the company's focus on providing tech for a lucrative niche market. Her idea just receives a non-committal "Uh-huh". A few minutes later, Viktor repeats Céline's idea to focus on the same lucrative niche market. His suggestion receives wide-spread praise, and the idea is incorporated into the company's business strategy, earning Viktor a promotion in the process.

Examples like these are unfortunately not hard to come by. Speaking up about the issue is most likely disincentivised on the risk of not being believed and possibly retaliated against. The most obvious interpretation of this example presupposes overt sexism. It could be the case that Céline's suggestion was received but disregarded because of the supervisor's (and participants') opinion that her suggestions are not to be taken up in virtue of her being a woman. Alternatively, Céline could be described as not being able to accommodate the necessary authority to make a genuine suggestion (rather than, for example, a guess), thereby disabling or changing the illocutionary force of her utterance. While the former interpretation surely cannot be ruled out, the latter cannot explain why Viktor got to reap the benefits instead. If Céline's utterance was indeed downgraded to a guess or just expression of her thoughts, everyone still should have realised that Viktor was blatantly suggesting the same thing that has already been said. Still crediting him with the idea would again, fall back to being explained via overt sexism.

I suggest that there is another interpretation for this example that does not cast every attendee of the meeting as a misogynist who actively plots against any woman they meet. My claim is that Céline was not even able to enter the conversation. This interpretation also assumes misogynistic biases, but on a much less conscious level. As a still male-dominated field, tech makes it hard for women to be heard, not only in terms of their authority on the matter but also in terms of what kind of person gets to be listened to. Just like you might not actively listen to your esoteric aunt who wants nothing more than to tell her about her new crystals, simply because you labelled her an "esoteric cultist", Céline might not get actively listened to when trying to suggest her idea. Because the world teaches us that technological innovators are male geniuses, Céline, because of her being a woman, is not seen as the right kind of person to even join the conversation. She

is not the eccentric genius whose ramblings are worth listening to on the off-chance that something insightful might be hidden beneath, she is not the hotshot corporate ladder climber who you best support lest he remember you when he is the boss in a few years, and she is not the supervisor's son who does not belong here at all but will praise you in front of his dad when you make him feel good about himself. Those are the people taken to be worth listening and responding to, the people who have no trouble joining department-wide conversations. Thus, having her voice reduced to "unimportant speech", Céline's speech is prevented from counting as a genuine move in the conversation and she is silenced.

One might wonder whether this is a genuine instance of (illocutionary) silencing, since I have not only compared it to failure on a locutionary level but also described Céline as not being listened to. I argue that there is a salient difference between people not hearing her and not listening to her. It was not unfortunate circumstance that Céline could not get through to the other participants of the meeting and suggests that incident like this will repeat. Not listening to somebody can be a conscious decision and even if it is not, repeated failure to listen to someone based on discriminatory views demonstrates the same systematic structures as other kinds of silencing. In cases of standing silencing, the induced failure of speech is again located at the illocutionary level. Céline is free to say what she wants but she is unable to contribute her speech to a particular conversation. The audience will not only fail to provide uptake for her attempt but might fail to recognise that there was an attempt of a specific speech act in the first place.

I suggest that this form of exclusion from participation in communication is worth investigating in more detail. There are still questions related to what it means not to listen to somebody, how (un-)conscious this process can be, and how discriminatory biases factor into it. For the purposes of this thesis, I cannot expand on these questions but rather on how exclusion from conversation can also work as a form of counter-speech. I will discuss applications of this form of silencing in 3.3.

3. STRATEGIES OF COUNTER-SPEECH

Now, to get to the most important and practical part of this thesis, we turn towards strategies of counter-speech. In this chapter, I will address already existing strategies like blocking and bending, and I will also introduce three new approaches that draw on current discussions in the literature: taking away uptake (3.1.2), involving the audience (3.2.3), and exclusion from communication (3.3). By paying attention to the areas of infelicities out of which silencing usually emerges, I explore the possibilities of targeting them intentionally to make discriminatory speech misfire.

3.1. UPTAKE-RELATED COUNTER-SPEECH

This section is concerned with the role of uptake in counter-speech. At first, I will describe Caponetto and Cepollaro's (2022) concept of *bending*, which is introduced as a way to perform counter-speech. They claim that a hearer can, through giving ameliorative responses to bigoted speech, transform a speaker's speech act into a different one. I argue that this does not work in the way they describe, but I suggest a related mechanism through which bending might succeed. By responding in a way that influences the interpretation of other members of a broader audience, the intended uptake might not be secured. Secondly, I expand this idea of influencing the uptake of the audience and explore how uptake can intentionally be taken away from the audience, even after it has initially been secured.

3.1.1. *Bending*

Caponetto and Cepollaro's (2022) paper on bending is part of the growing literature on counter-speech, which seeks to defuse or moderate the harmful effects of bigoted speech (Caponetto and Cepollaro 2022, 1). They describe bending as an ameliorative move that consists of deliberately giving a distorted response to a speaker's bigoted speech act.

Exclusionary Roundtable:

“Anna, Jason, and a few colleagues of theirs are brainstorming about potential invitees for a graduate roundtable. Jason says, “My supervisor would avoid inviting, you know, affirmative action students”. Anna perfectly gets that Jason is implicitly suggesting that they do the same, and yet she goes on

replying, “I know. It’s terrible how racist some professors are around here”. After a moment of bewilderment, Jason mumbles a ‘yeah’. The organization process goes on with no regard for the bigoted suggestion to exclude students from underrepresented groups.” (Caponetto and Cepollaro 2022, 2)

In this example, Anna’s response to Jason’s intended discriminatory speech ameliorates it in some way. Caponetto and Cepollaro claim that she succeeds in bending Jason’s response into an expression of indignation (Caponetto and Cepollaro 2022, 2). However, it is hard to explain how this can be the case when uptake for the intended suggestion has been received. Anna takes up not only on Jason’s intention to suggest excluding students from underrepresented groups, but also takes it to constitute bigoted speech which then motivates her response.

To explain this discordance, Caponetto and Cepollaro distinguish between two ideas of uptake. The first one, uptake-as-interpretation (UAI), is the usual Austinian kind of uptake. It is constituted by the hearer’s perception of what the speaker did with their speech act. UAI is, at least as far as Anna is concerned, secured in *Exclusionary Roundtable*. The second kind of uptake is uptake-as-response (UAR). UAR is secured when the behavioural response matches the speech act the speaker was intending. Both “Good idea, let’s follow your supervisor’s lead”, and “Woah, that’s a super problematic suggestion!” could be responses to Jason’s utterance that secure UAR. The utterance is treated as a suggestion, as Jason intended, in these cases. Anna’s ameliorative response, in contrast, treats Jason’s suggestion as an expression of indignation, thereby not providing a matching response to his intended speech act.

As an important third step, Caponetto and Cepollaro include the hearer’s reaction to the distorted response. Of course, they could contest the bending and explicate their previous intention. Or, as Jason did, they could accept the ameliorated interpretation. Successful bending then relies on two conditions following discriminatory speech: distorted ameliorative UAR by the hearer and ratification of that interpretation by the original speaker.

After the events of *Exclusionary Roundtable*, if UAI has been secured by all members of the conversation, it would not be far-fetched that they avoid Jason on the grounds of him being a bigot. To explain how this would make sense even if Jason’s utterance would constitute an expression of indignation, Caponetto and Cepollaro distinguish the conversation participants’ mental scoreboards (in which the attempted

discriminatory speech act registers), from the official record of the conversation (in which he counts as having expressed indignation). Identifying Jason as a bigot can then be explained by the contents of the mental scoreboards, even if his utterance does not count as bigoted on the official record.

While I believe bending to be an excellent tactic for counter-speech and to have a fascinating mechanism that is not easily expressed in theory, I am hesitant to support the claim that it can do what it set out to do: transform a discriminatory illocution into a non-discriminatory one. Behaviour caused by an illocution, by definition, falls squarely into the realm of the perlocutionary. As such, bending would provide a way to induce perlocutionary frustration, thereby also lessening potential harm that otherwise might have been caused by discriminatory speech if it were openly acknowledged. However, illocutionary transformation could not easily be achieved. To even consider bending Jason's speech, Anna must have taken up (UAI) on Jason's intention to perform bigoted speech. This is what caused her response to deliberately misinterpret (UAR) Jason. Claiming that UAR is the kind of uptake that constitutes a speaker's illocutionary act – even if the speaker does not protest – does not seem to be supported by either approach discussed so far.

Firstly, intentionalists clearly do not allow for UAR to influence illocutionary force since the speaker's intention sets the force of the illocution. And in the case of *Exclusionary Roundtable*, not even communication seems to be impeded, since the suggestion Jason wanted to communicate is fully recognised by Anna (and possibly other participants) and prompted a response in virtue of what it was – discriminatory speech.

Secondly, an Austinian framework connects illocutions to subsequent reactions only insofar as the illocution must be able to change normative statuses. And the change in the normative statuses in *Exclusionary Roundtable* is what makes it appropriate to afterwards be wary of Jason since his utterance is taken to be bigoted speech. If the normative statuses truly had shifted as to accommodate an act of indignation, negative behaviour towards Jason would not seem appropriate. Rather, Anna only acts as if her ameliorative response was appropriate, as if the normative statuses had shifted relative to an expression of indignation. But that simply manages to accommodate her response, and not to rewrite what Jason did.

Thirdly, normativist accounts also run into problems by stipulating UAR as the speech-act-determining condition. Kukla, for example, determines audience uptake, the

way the audience take the normative statuses to have shifted, as constitutive for illocutionary acts. In *Exclusionary Roundtable*, the normative statuses have shifted such that it is appropriate to label Jason a bigot (maybe not to his face, but surely in a subsequent discussion), to discuss excluding him from taking on further organisational roles on the basis of his bigotry, and to keep tabs on his work regarding the roundtable to ensure that he will not otherwise act on his bigotry. This would not be acceptable if Jason's utterance truly constituted an expression of indignation.

Especially in the reverse case of discursive injustice, where disadvantaged speakers are unable to prevent their utterances from constituting unintended speech acts, I believe we want to reaffirm a speaker's relative autonomy and not further undermine it. Celia, the undervalued manager in *Floor Manager*, is prevented from issuing orders based on her worker's ignorant misinterpretation of her utterances. She might even be unable to perform anything but requests because her utterances are interpreted as such. But if that were also the case if her workers consciously misinterpreted her simply because they hate women, the enemy is not so much structural injustice that leads to ignorant behaviour, but malicious people. It is not only ameliorative responses that we have to worry about, but also harmful ones. That wilful misinterpretation (when not challenged) could lead to the transformation of a speech act might have unintended consequences.

Now, I believe there is room for bending to genuinely lead to transformation of illocutions via the established mechanisms of silencing rather than employing a different notion of uptake. This happens when a speaker is able to influence the uptake (UAI) of the rest of the audience. In *Exclusionary Round Table*, it was left open whether the other colleagues have picked up on Jason's true intentions. Assuming that they initially all came to the same conclusion as Anna, it would be unlikely that they afterwards go on to naively believe that Jason wanted to express indignation all along. At this point, all participants of this conversations are part of a charade, which leaves no room for Jason's utterance to count as anything else than discriminatory speech. But now, take this revised example (based on "*Exclusionary Roundtable*", Caponetto and Cepollaro 2022, 2):

Revised Roundtable:

Anna, Jason, and a few colleagues of theirs are brainstorming about potential invitees for a graduate roundtable. Jason says, "My supervisor would avoid inviting, you know, affirmative action students". Anna perfectly gets that Jason is implicitly suggesting that they do the same. However, the other

colleagues are unaware of Jason's ulterior motives or unsure about what he is trying to accomplish. Then, Anna goes on replying, "I know. It's terrible how racist some professors are around here". After a moment of bewilderment, Jason mumbles a 'yeah'. The other colleagues now believe that Jason wanted to express indignation about discriminatory behaviour at the university. The organization process goes on with no regard for the bigoted suggestion to exclude students from underrepresented groups.

In *Revised Roundtable*, the unnamed colleagues are ignorant about Jason's true intentions and Anna's bending. Anna's response even gives them reason to believe that Jason merely wanted to express indignation, and as such, can help settle what uptake (UAI) they provide. If Anna is successful in her bending, the rest of the colleagues will not come to believe that Jason is a bigot, based on his utterance, essentially taking away the intended uptake. They will have no reason, based on this short exchange, to exclude Jason from the committee. And they will probably react with confusion or defensiveness should Anna exclaim "What a bigot!" as soon as Jason leaves. Here, the normative statuses truly have changed in a way that suggests that Jason indeed did perform an expression of indignation, as opposed to discriminatory speech.¹⁶ Thus, Anna was successful in having prevented Jason from securing uptake for his attempted discriminatory speech, effectively silencing him insofar as he is unable to perform the speech act that he originally intended¹⁷.

This version of bending is also compatible with intentionalist accounts. Anna, through her response, has prevented Jason from communicating his intentions to the rest of the group. Even if this is a more restricted version of the originally proposed bending, it achieves what it set out to do on all accounts, it enables hearers to take action and prevent some instances of discriminatory speech. In the next section I will explore this idea of taking away uptake further and discuss how this can not only be done regarding other people but also for one's own uptake.

¹⁶ For this analysis, I rely on the uptake of the rest of the audience to determine the speech act. Of course, Anna will still believe Jason's utterance to be discriminatory speech and diverge with her uptake. What this could mean for successful performance is an interesting question that cannot be tackled in this thesis.

¹⁷ Whether the systematicity condition that is inherent to silencing applies here can be doubted and I do not claim that Jason is silenced in the same way that the women of previous examples are. However, what happens to Jason bears close resemblance to silencing, and calling it such reinforces the sense of power that bending can provide for hearers.

3.1.2. Taking Away Uptake

To examine more thoroughly ways to interfere with uptake – especially our own – we first have to ask: Can uptake be directed, or is it an unconscious act? The speed with which we interpret and react to utterances suggests that securing uptake, at least in the first instance, is oftentimes an unconscious event. It is mainly in puzzling circumstances that we take the time to reflect on what has been said and how it relates to the current situation to determine what act might have been performed. A speaker might even be successful in initially securing the intended uptake but then, in a matter of speaking, have the uptake taken away. Imagine a disliked colleague telling you: “Fetch me a coffee, quick!”. In the first moment after their words register, you might even take a step towards the coffee machine before conscious thought intervenes and you proclaim: “Hey, you can’t order me, I’m not your intern!” Even though you correctly picked up on your colleague’s intention to order you and even initially reacted as if uptake was secured and started to respond in line with his intended order, you then concluded that they did not have the authority to order you, thereby denying their utterance the force of an order.

The same can happen with judgements about sincerity or seriousness. I cannot count the times I was ready to spring into action when I belatedly realised that the speaker was just kidding. Similarly, if you have ever lent money to anyone who keeps insincerely promising you to pay you back in a timely manner, you might at first be tempted to take them at their word and reach for your wallet. This is, until you think about it and realise that they did not keep their last promise, which leads you to believe that they are being insincere right now. What these examples show is that uptake of illocutionary force and the satisfaction of felicity conditions can be given at one time but be lost later on.

This change in uptake is also reflected in the change of normative statuses. Since changes of normative statuses do not have to be permanent, it is possible for them to exist at one time and cease to exist later, rendering the connected speech acts essentially time sensitive. Thus, if it were possible to convince oneself or others to not provide the intended uptake, one could effectively decide what speakers can do.

But what about intentionalist uptake? If uptake were taken to be recognition of intention, I would not be able to take the securing of intention-uptake back. Once I realise that your intention is to invite me, intention-uptake will have been secured. Only matters of authority, sincerity, and seriousness might offer room for consideration. To ensure successful communication, I would also have to recognise that those conditions are

satisfied. Again, the issue of what the hearer can do is outsourced to communication, but still, this is a place where a speech act could fail to be fully successful.

In the last section, we have seen that one hearer can influence other hearers' uptake by supporting one possible interpretation. Here, I want to suggest that this is possible not only based on considerations about what the speaker aimed to do but also on the grounds of their right to do it, their sincerity about doing it and their seriousness. In most cases, this taking away of uptake will require more than one hearer.

Taking for granted that a speaker has the necessary authority, sincerity or seriousness for their speech act is oftentimes easy. It becomes especially easy to accommodate speech acts when the speaker is charismatic, confident, seems competent, or is simply what you expect them to be like. It is much harder to speak up and challenge a speaker, especially when your own position is less than privileged. Here, I want to offer some examples in which targeting one of the discussed conditions can help mobilise the audience to prevent default uptake from being secured.

Problematic Professor:

In a lecture about German idealism, a student asks the professor whether they are supposed to use gender-conscious language. The professor answers condescendingly: "No, my dear, we read Kant, we are not talking about women." No one objects to this statement and the students write their essays without using inclusive language.

With his utterance, the professor succeeded in answering the student's question and simultaneously set standards for his course. Being a professor, he is well within his rights to determine the standards for the essay. But he does more than that. He devalues women's contributions in this time period, ranking them inferior, and sets precedent for the tone of the interactions in his class – those, at least, are not within his rights as professor. But because of his official authority, they get accommodated much more easily. Only by challenging this presupposition of authority, the illocution might be rendered infelicitous.

Langton (2018) calls such implicit speech acts "back-door speech acts" and the explicitation of them "blocking". This will be discussed further in the next section but suffice to say that retroactively "undoing" speech acts is already part of the literature on counter-speech (Langton 2018). In what follows, I focus on examples that operate not

only on presupposition of authority but also sincerity and seriousness. I start with sincerity:

False Facts:

Just like every year, the topic of conversation at thanksgiving dinner reaches politics. “It’s just a fact that women are not as intelligent as men. That’s why all the high-paying jobs are held by men,” Asha’s uncle informs the family. In the past, Asha has had little success when telling the uncle that these claims are neither true nor do they make sense.

In *False Facts*, Asha is tempted to interpret her uncle as making false assertions. She engages with him as if he were sincere about his intentions and beliefs, and she takes them at face value. From this perspective, making him understand that his assertions are not supported by science or that his reasoning is faulty seems to be the best solution. But I propose that this perspective can veil what really lies beneath the uncle’s utterances. Deliberating whether her uncle sincerely believes what he is saying or whether he is acting in good faith, i.e., whether he is really interested in informing her or in engaging in discussion, can sometimes lead to a perspective that cast doubts on a speaker’s sincerity.

If Asha does not take the bait and rather asks herself or the audience whether her uncle is simply spewing polarising utterances in the hopes of starting a fight or positioning himself as a member of a specific group, regardless of whether his claims are true or even believed to be true by him, the sincerity of his speech is questioned. The other family members might come to realise, just like Asha, that her uncle is not sincerely interested in discussion but merely looking for someone to take his anger out on. Thus, his speech loses at least some of its force.

It was just a joke:

A group of friends are sitting at a table, discussing the topic of consent. General agreement is that seeking consent before and during sexual encounters is important and that non-consensual sexual encounters are rape. Matthias adds: “But what if you just don’t get that she doesn’t want sex? I mean, nothing could be worse than to be accused of rape while one was unknowingly having non-consensual sex!” Julia asks: “I mean, wouldn’t it be worse to find out that you did rape somebody?” Matthias answers: “Yeah,

sure, I was just joking about it being the worst case!” and laughs; some others join in.

Oftentimes, misrepresenting problematic statements as being non-serious – in this case, a joke – is one way of taking away the audience’s uptake. Rather than committing himself to his belief that being accused of rape is worse than actual rape, Matthias backtracks to make it seem like he was not being serious in an attempt to escape possible backlash. Although not infallible, this tactic can have an uncomfortably high success rate. But even if the speaker is able to take back the uptake for his problematic assertion, other hearers can attempt to take back the revised uptake as well. Julia might ask: “You know this is a serious topic. Why would you joke about that?”, to cast doubts on whether his assertion truly was intended to be non-serious. If she can thereby convince other hearers that it might not have been a joke or to be unsure about what Matthias’s stance on the issue is, he is at least not getting off easy. In the best case, his utterance is not taken to be a joke anymore.

My general appeal here is to look behind the charitable interpretation that sometimes enables speakers to perform problematic speech acts. To question a speaker’s authority, sincerity, and seriousness is one way to not only detect discriminatory speech but also to reveal it to others and hold the speaker accountable. When we recognise attempts of discriminatory speech, we can try to make sure that they do not succeed.

Still, taking away uptake or preventing any harm will not always be possible. Hornsby offers an insightful illustration to this:

“Hearers share the thoughts of those who speak to them. And insofar as they share a language with those who speak to them, it is well nigh impossible to avoid sharing thoughts they hear expressed. When a speaker uses words which are commonly understood to convey direct and visceral hatred or contempt, there is no act of will on a hearer’s part—no piece of mental intermediation—that will change that. The hurtful effect is an illocutionary one—it works through reciprocity—and it is present simply in the communicative use of speech.” (Hornsby 2003, 5)

What Hornsby describes is the reciprocity-facilitated securing of uptake of an act of hate speech. By recognising an attempt at hate speech as hate speech, it becomes such and will inevitably bring with it the understanding that it is meant to convey contempt. I might act as if this instantiation of hate speech did not bother me – it might not even bother me –

but I usually cannot escape the realisation that it was hate speech. As such, it has already done damage.

But we can go a step further and ask ourselves and others whether the speaker succeeded. They might have been trying to force us to accommodate their authority, their sincerity, their seriousness (or even lack thereof). And up to a degree, we can decide whether we want to accommodate them or whether we want to question the felicity of their speech.

3.2. AUTHORITY-RELATED COUNTER-SPEECH

3.2.1. Blocking

Blocking describes the process of making explicit and challenging presuppositions, authority, and anything else that can be accommodated into a conversational score. It can thwart attempts at discriminatory speech and is one way to engage in counter-speech. Blocking is used to prevent accommodation of licenced authority. Since licenced authority is granted by the audience, every hearer has a right and sometimes may even have the responsibility to oppose its accommodation.

Langton (2018) highlights the retroactive character of blocking. Following Austin, she holds that speech acts can be undone if they turn out to not have met the necessary felicity conditions. Just like a marriage becomes void when the officiant turns out to not have the proper qualifications, ordinary authoritative speech acts can be undone when the necessary authority is found to be absent. And since licenced authority depends on the audience's accommodation, it can be challenged and revoked later on, rendering the acts that relied on it void. Take this example:

Blocked Group Leader:

Imagine a group of people trying to decide where to go. There is no pre-established hierarchy, and the members simply voice their various preferred options. They all want to go to different places, so no easy solution is found. Suddenly Anna states that they will go to the mall today and choose another spot for their next get-together. She says, "Come on, follow me!", thereby issuing an order. No one objects and they follow her. Halfway to the mall, Maria speaks up: "Man, going to the mall takes forever. Why does Anna get

to decide where we go? She's not our leader!" The other friends agree with Maria, having been too shy to speak up before.

Initially, it seemed as if Anna's order was successful. Her attempt at getting the necessary authority accommodated to issue orders went well until it was questioned later. By agreeing that Anna does not have the authority to lead the group, the authority is kept from being accommodated. Thus, Anna does not have the necessary authority to order her friends, and her order misfires retroactively.

We can see that for Anna to fail in accommodating authority, her audience has to intervene decisively. If no one agreed with Maria or instead even challenged her attempt at blocking Anna's order, Anna could still have succeeded in ordering. Producing such a strong unanimous reaction in an audience is no easy feat. How the success of blocking can nevertheless be influenced, will be the focus of the next section.

3.2.2. Involving the Audience

Since blocking provides the possibility of countering discriminatory speech, we can ask whether we can increase our chances of successfully blocking such speech. My suggestion in this section, is that we actively involve the audience. Accommodation of authority works well as long as no one objects; and even if someone objects, there is no guarantee that this move will get accommodated. Either increasing the size of the audience or making it hard for them to escape the realisation that they are part of the conversation can help prevent discriminatory speech from being accommodated.

To begin, let us start with an example that illustrates how the force of a speech act can change by broadening the audience:

Football Foul-Mouths:

Dorian and Marco are playing football. When Marco misses a shot, Dorian shouts: "You play like a little b****!" Marco laughs calls him the same pejorative in return. They keep at it until a group of girls come to join them. The girls overhear their conversation and reprimand them about their use of misogynistic pejoratives and inform them that this will not be tolerated.

In this example, as long as Dorian and Marco were alone, their speech acts were taken up to be innocent bickering by each other. However, as soon as the audience increased in size, the possibility for more diverse uptake emerged. Since the girls did not interpret

Dorian and Marco's usage of pejoratives as acceptable behaviour, they were prevented from counting as acceptable. The authority to use the pejoratives, which was licenced to and by Dorian and Marco when they were alone, was then blocked by the group of girls. This made it not only so that it was suddenly not acceptable to use them, but, retroactively, that it was never so.

In this case, the number of participants of the conversation increased simply by the arrival of new hearers that also willingly joined the conversation. Unfortunately, it will not always be the case that a group of brave girls arrives to save the day. In the other cases, we will have to work with what (or who) is already there.

So, how do we know who is part of a conversation? This is an important question that I, unfortunately, will not be able to answer; nevertheless, it will guide further deliberations about why people might be reluctant to challenge discriminatory speech. Maitra provides an example that makes clear the complexity of knowing about one's status as a participant in a conversation:

Subway Rider:

"An Arab woman is on a subway car crowded with people. An older white man walks up to her, and says, 'F***in' terrorist, go home. We don't need your kind here.'" He continues speaking in this manner to the woman, who doesn't respond. He speaks loudly enough that everyone else in the subway car hears his words clearly. All other conversations cease. Many of the passengers turn to look at the speaker, but no one interferes." (Maitra 2012, 100–101)

It is clear that the old white man and the Arab woman he addresses are part of a (very one-sided) conversation. Since the other people in the subway car could hear the old white man and are aware that the others were able to hear him as well, Maitra suggests to "think of the passengers as (unwilling) participants in one conversation" (Maitra 2012, 101). I think she is right in that assessment. I also hold that the unwilling participants might not have come to the same conclusion.

If one is not addressed directly, it is easy to think that one is not part of whatever conversation is going on. Especially if there is a fair bit of distance between oneself and the speaker, as would have been the case for some people in the subway car. Finding the courage to enter conversations one does not believe to be part of, takes effort even in less hostile situations, much more if the conversation might escalate any second. Just like

being explicitly invited to give one's opinion at a party where one is unfamiliar with the other guests, I suggest that inviting people to take a stand in situations like *Subway Rider* can make it easier to gather support for blocking discriminatory speech.

The Arab woman might try to stand up to the aggressor by saying "I'm not a terrorist" or "I live here" but those answers only target the literal content of the hate speech. To block its subordination, the authority to make these claims would have to be challenged. The most sure-fire way of blocking in this situation would be if the other passengers were to chime in and tell the old white man that he does not speak for them and that his vile words are neither true nor welcome. However, one can hardly force civil courage; one can only try.

The old white man's hate speech puts the Arab woman in a truly terrible situation from which she cannot easily escape. Meanwhile, the audience might be disincentivised to interfere, on the one hand, by standard social norms that forbid entering strangers' conversations uninvited, and on the other hand, by personal interest not to get caught in a conflict. To turn the situation around, there are actions that can be taken by both sides. Firstly, the Arab woman can actively involve the audience by addressing them directly. She could ask the person nearest to her "Do you believe what he said is acceptable?", or "Do you agree with him?". Secondly, the audience can involve itself – not necessarily by joining the ongoing conversation but by opening another conversation that is loud enough to include the rest of the subway car. Let us look at these options in turn.

The first way would be to actively involve the audience. This can be most successfully done by addressing a single person as opposed to the whole room. Especially if body language or facial expression suggest that certain passengers are appalled by the old white man's words, it can be worthwhile to look for allies in them. By being actively made part of the conversation, it is easier to provide one's own opinion.

Of course, it is not fair at all that the victim in this situation would have to take upon herself to mount her defence. And I do not want to suggest that she would have to do so. My proposal aims to point out strategies that, if deemed safe in a certain situation, can be taken to reaffirm one's sense of power, even if rendered a victim. I additionally want to address ways in which the audience, by itself, can take a step in the right direction without resorting to direct confrontation.

The second way is for the audience to start another conversation with vague boundaries about the problematic conversation. One passenger might loudly say to the

other “How much do you think that guy had to drink?” and the other one might reply with “I don’t know, I don’t think I would be able to drink enough to talk this much nonsense”. By stating their opinions not directly to the aggressor, it can be easier to take a stand. I have experienced this not only done verbally, but also through arched eyebrows, light smiles, slight headshakes. Those gestures offer counter-speech at an even lower threshold since the conversation in which they are used can be much smaller and might only include the victim. The downside is, that the reassurance and blocking of the aggressor’s presuppositions and authority is only done privately.

Still, identifying oneself as being part of the conversation, recognising that one’s inaction does support the aggressor rather than the victim, is an important step. Being forced to acknowledge this fact in the situation (e.g., when directly addressed by a victim or other witness) similarly provides an opportunity to take a stand.

3.3. EXCLUSION FROM CONVERSATION

Finally, after I have discussed ways to critically evaluate attempted speech acts and ways to include oneself or others into a conversation, I will also suggest doing the complete opposite. Engaging with someone’s speech presupposes that conversation and the control of the direction it takes is the goal. I want to contrast this with another perspective: that of avoiding (a certain) conversation. Sometimes, the struggle is too exhausting, the rest of the audience is not receptive enough, or the discriminatory speech just keeps coming. In such situations, the only way is out.

Speakers as well as the audience can decide to remain in a conversation. Contributions are not (always) mandatory. And even further, they can decide whether some other participant can stay part of the conversation. As we have seen in 2.5, standing silencing is one way in which a person can be excluded from a conversation through refusal of listening to them. While I have mainly focussed on negative instances where a person is (presumably) unjustly excluded from conversation, the same mechanism can be employed to sort out bigots. To illustrate, take this example:

Woke Games:

Martin and his friends are hanging out at the park. They eagerly share their opinions on a new video game. Mostly, they discuss their likes and dislikes about worldbuilding, story, and controls. However, every time Johnny

contributes to the conversation, he complains about video games becoming too woke and criticises the female characters' appearances. At first, Martin tells Johnny to stop his misogynistic contributions, but when it becomes clear that he will not, the group starts disregarding Johnny's utterances. They pay him no mind, continuing to talk to each other while Johnny is spewing his misogynistic opinions. After a while, Johnny gets fed up and leaves.

This time, it is not the case that a speaker is prevented from joining a conversation but from continuing to be part of it. Johnny initially did have the necessary standing to be included in the conversation about video games. Only by displaying unfavourable characteristics, Johnny lost the necessary standing. He became unable to contribute to the ongoing conversation. His contributions were not simply perlocutionary frustrated when he could not get his friends to answer or react to his utterances, but the utterances did not even get considered to be a specific kind of speech act. If asked what exactly Johnny said or did, the friends might not even be able to pinpoint any specific act; they all simply blended together to "misogynistic speech" that was not worth listening to.

Even if Johnny changed his mind midway through his complaints and started opining on the difficulty of the game (without referencing misogynistic views), the group might not even realise. In that situation, all of Johnny's speech became "misogynistic speech", unrelated to content and force. Whether he is allowed to join the conversation again, at this point, is up to his friends. Johnny would likely have to make an effort. He might try to apologise or promise that he will behave himself. Still, even these illocutionary acts can only succeed if the group is willing to listen to Johnny in the first place. The felicity of his speech, discriminatory or not, is then at the mercy of the group.

Sometimes, this tactic is used naturally because a group does not want to accommodate behaviour of a certain kind and is also not comfortable with a direct confrontation. What I want to stress is that it can also be used as a tool to resist problematic speech that would otherwise be granted the chance to change the conversational score, to change normative statuses. Its power is severely diminished, if not sometimes outright revoked, when no one listens. At times, it can be more powerful to not engage in battles of speech but to simply refrain.

To tie what I have discussed in this chapter together, I want to finish with a lovely example that stuck with me, and was provided by a colleague in a seminar about feminist philosophy:

*Contagious Laughter*¹⁸:

Emily and her friends are walking down a street, excitedly conversing about their latest adventures. Suddenly, an angry old man starts shouting at them, calling Emily a slur. At first, she and her friends are stunned, but mere moments later they erupt in laughter. Emily amusedly shouts back: “We didn’t ask for your opinion!” The group of friends continue their way, picking up their previous conversation. The angry old man is still shouting at them in the background.

This example illustrates multiple strategies of counter-speech. After initially being stunned and recognising the angry old man’s speech as hate speech, as subordinating, as insulting, the group’s understanding changes. They begin to laugh. They do not start arguing with him, they do not take his speech at face value anymore, they take back uptake and treat the utterance as a joke. Emily then calls out the old man’s lack of authority to subordinate her, and she also challenges his participation in the conversation. Consequently, the group of friends exclude him from conversation, letting him rant in the background on his own, while they continue their own conversation in which he has no part.

What facilitates this move is the united front the group presents and the sense of security that comes from having each other’s back. It was a fortunate situation that Emily was not alone and that the angry old man did not have backup. Still, it was a powerful move that robbed the attempted hate speech of all its potential power. Thus, it goes to show that audience collaboration can provide us with the necessary foundation to employ counter-speech. Together, we can oppose discriminatory speech.

¹⁸ Names have been changed.

CONCLUSION

In this thesis, I have connected the silencing debate to the discussion around counter-speech by further developing practices of counter-speech based on insights into mechanisms of silencing. In Chapter 1, I established the relevant theoretical background for speech act theory and silencing. The different speech act theoretic frameworks that I presented – conventionalism, intentionalism, and normativism – facilitated the discussion of noteworthy developments in the silencing debate.

In Chapter 2, I delved into various conditions for successful speech acts that have been discussed in the silencing debate. Firstly, I described the role of uptake and its impact on an attempted illocution within different speech act theoretic frameworks. Secondly, I categorised approaches to authority silencing based on whether the authority condition was prevented from being satisfied due to failure of accommodation, failure to acquire a formal position of authority, or whether it was satisfied and not recognised. Thirdly, I argued for the possibility of sincerity silencing on accounts that do not view sincerity as necessary for the performance of an illocution. I did this by connecting considerations of sincerity back to uptake. Fourthly, I argued in the same way for the possibility of seriousness silencing. Fifthly, I introduced the concept of standing silencing, which is based on a speaker's inability to participate in a given conversation due to their perceived standing.

In Chapter 3, I expanded on practices of counter-speech that have already been discussed in the literature and proposed a mechanism that has not yet been paid much attention. Firstly, I described the possibility to use one's speech to take back uptake for an utterance, thereby altering the force of the speech act. Secondly, I discussed the role of a broader audience and suggested that involving more participants in a conversation can help challenge presuppositions of authority. Thirdly, I proposed intentionally excluding a speaker from a conversation as a way to prevent their discriminatory speech.

As hearers, we are not destined to simply endure the harm of a speaker's discriminatory speech. Practices of counter-speech offer us a way to actively resist such speech, and to reduce or prevent harm caused. Even if counter-speech does not work in every instance, the knowledge that actions can be taken to push back can reaffirm our sense of agency. Recognising that we have a voice that can be raised in the face of injustice is the first step towards resistance.

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APPENDIX

ABSTRACT (ENGLISH)

Current discussions about counter-speech aim at providing concrete practices that can be used to resist the harms of discriminatory speech. This thesis contributes to this goal by identifying strategies of counter-speech that have not yet been discussed in the literature. Targeting the satisfaction of necessary conditions for speech acts, counter-speech can succeed in preventing a discriminatory speech act from being performed successfully, thereby lessening, or even preventing harm. I focus on four conditions that relate to the performance of a speech act: uptake, authority, sincerity, and seriousness. This distinction is found in the debate around illocutionary silencing. Additionally, I identify a form of silencing that has not yet received any attention: standing silencing. I argue that mechanisms of silencing can inform us on different ways in which counter-speech can succeed. I suggest that we can influence the force of a speaker's intended discriminatory utterance by asking ourselves and others whether the speaker has the authority to perform discriminatory speech, whether they are sincere, and whether they are serious. Further, I propose that denying a speaker the standing to join or remain in a conversation is another way in which potentially discriminatory speech can be resisted.

ABSTRACT (GERMAN)

Aktuelle Diskussionen über Gegenrede (*counter-speech*) zielen darauf ab, konkrete Verfahren zu entwickeln, die benutzt werden können, um Schaden, der durch diskriminierende Äußerungen verursacht wird, entgegenzuwirken. Diese Masterarbeit trägt zu diesem Ziel bei, indem sie Gegenredestrategien identifiziert, die bisher noch nicht in der Literatur diskutiert wurden. Indem notwendige Bedingungen für den Erfolg von Sprechakten ins Visier genommen werden, kann Gegenrede den Erfolg von diskriminierenden Äußerungen verhindern und damit den verbundenen Schaden vermindern oder sogar verhindern. Ich konzentriere mich auf vier Bedingungen, die mit der Durchführung von Sprechakten zusammenhängen: Auffassung (*uptake*), Autorität (*authority*), Aufrichtigkeit (*sincerity*), und Ernsthaftigkeit (*seriousness*). Diese Unterscheidung findet sich in der Debatte über illokutionäres *Silencing*. Des Weiteren identifiziere ich eine neue Form von *Silencing*, die bisher noch keine Aufmerksamkeit erhalten hat: Stellung (*standing*) *Silencing*. Ich argumentiere, dass Wissen über *Silencing*-Mechanismen uns hilft, Ansätze für Gegenredestrategien zu entwickeln. Ich schlage vor, dass wir die Kraft der intendierten diskriminierenden Äußerung von Sprecher*innen beeinflussen können, indem wir uns selbst und andere fragen, ob die Sprecher*innen die notwendige Autorität, Aufrichtigkeit und Ernsthaftigkeit besitzen. Darüber hinaus schlage ich vor, dass Sprecher*innen die nötige Stellung verweigert werden kann, um an einer Konversation teilzunehmen. Dadurch entsteht die Möglichkeit, dass potenziell diskriminierende Sprechakten Widerstand geboten werden kann.