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# HOW TO GET A NORM FROM A SPEECH ACT

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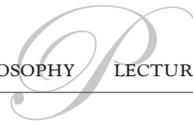
RAE LANGTON

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## *How to Get a Norm from a Speech Act*

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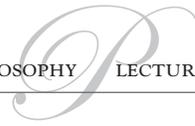
### ABSTRACT

Doing things with words can create an *ought* that was not there before: Jones makes a promise, a master orders a slave. With the former example, Searle 'derived' an *ought* from an *is*. With the latter, Lewis showed that permissibility follows a 'rule of accommodation'. The parallel between promise and order suggests that norms, good and bad, can be got from speech acts by accommodation: what is said 'requires and thereby creates' what is required, given certain conditions. Authority is such a condition: of a slave master, a desert island leader, a doctor, a quack doctor, a father, or a presidential candidate who 'normalizes' a behaviour. Authority can be pre-established, or gained by accommodation. It can be practical, or epistemic. It can belong to the speaker, or be outsourced. These cross-cutting distinctions allow for weakened authority, but a power to enact directives remains. Hearers can assist: in a two-part process, hearers accommodate presupposed authority, which in turn accommodates a speech act, creating a norm. As hearers we may need, sometimes, to stop helping.

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# How to Get a Norm from a Speech Act

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## 1. Speech Acts and Accommodation

WHEN YOU DO THINGS WITH WORDS, you can create an *ought* that was not there before. You promise you'll pay back the money. You write your patient a prescription. You tell someone to go and pick up wood.

With the example of the promise, John Searle claimed to derive an *ought* from an *is*, in the following steps. Jones utters some words to Smith: 'I hereby promise to pay you, Smith, five dollars.' Jones promises to pay Smith five dollars. Jones places himself under an obligation to pay Smith five dollars. Jones is under an obligation to pay Smith five dollars. *Jones ought to pay Smith five dollars.*<sup>1</sup>

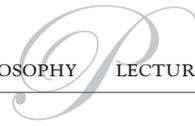
With the example of the order, David Lewis claimed that permissibility follows a 'rule of accommodation': what is said 'requires and thereby creates' what is required, on the following pattern. A master utters some words to a slave: 'Go and pick up wood'.

What the master says requires, for its success, that the slave ought to go and pick up wood. Certain conditions hold. *The slave ought to go and pick up wood.* (I borrow the order's content from J. L. Austin.)<sup>2</sup>

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1 Searle 1964, 44. I have put his steps in the present tense.

2 Lewis 1979, 339, 340. The 'pick up wood' example is from Austin 1962, to be discussed below.



What Searle showed, I think, is that an *ought* can be born from ‘accommodation’, in the sense introduced by Lewis.

Consider the parallel. The order will fit Searle’s ought-yielding pattern for a promise. Jones (the master, let us say) utters to Smith (the slave) the words ‘Go and pick up wood.’ Jones orders Smith to go and pick up wood. Jones places Smith under an obligation to go and pick up wood. Smith is under an obligation to go and pick up wood. *Smith ought to go and pick up wood.*

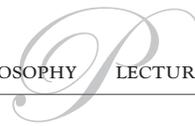
Conversely, the promise will fit Lewis’s ought-yielding pattern for an order. Jones utters some words to Smith: ‘I hereby promise to pay you, Smith, five dollars’. What Jones says requires, for its success, that Jones ought to pay Smith five dollars. Certain conditions hold. *Jones ought to pay Smith five dollars.*

For the order and the promise alike, an *ought* comes into being, which was not there before. What is said ‘requires and thereby creates’ what is required, following a rule of accommodation.

We shall be following Lewis, and extending his pattern in some unorthodox directions. We shall be looking at accommodation’s role in generating a norm from a speech act, understanding ‘norm’ in a broad sense to include particular *oughts*, like ‘Jones ought to pay Smith five dollars’, ‘The slave ought to pick up wood’, and general ones like ‘people ought to keep their promises’, and ‘slaves ought to obey their masters’. We shall touch on the relation of local norms, social norms, legal norms, and moral norms, but without doing them justice. The project is exploratory, and my ‘How to—’ title will be read, I hope, as a nod to Austin and Searle, rather than hubris.

We shall pursue the idea that accommodation supplies a pattern for getting a norm from speech act. Shall we also follow Searle, and say that in each case an *ought* is born from an *is*? The parallel between promise and order bodes ill for the standing of the *ought* supposedly ‘derived’. Surely the slave is not *really* obliged to go and pick up wood! It suggests a *reductio*. Searle was wrong to think he had derived an *ought*, simpliciter. But it suggests something else, as well. There may be local and relative *oughts*, born from accommodation, which – like the slave law in the background – can bind someone, even though they should not.

A ‘rule of accommodation’ governs much of what we do with words, said Lewis. If we compare the ‘score’ of a conversation to the score of a sports game, evolving over time, track-



ing state of play, we find that in conversation, unlike in baseball, the score is often adjusted by a default process, that accommodates what is said. If a speaker needs something, for their contribution to count as ‘correct play’, they will often get it, if it was not there before. ‘Correct play’ is a kind of success: depending on the case, it may be acceptability, or truth, or what Austin called ‘felicity’ – the distinctive success of a speech act – or some combination of these.<sup>3</sup> Lewis framed the rule of accommodation as a conditional. If an utterance requires something novel in the conversational score, for it to count as correct play, then, given certain conditions, what is required will be created.<sup>4</sup>

Someone who says ‘Even George could win’ needs it to be acceptable that ‘George is not a leading candidate’: they need a presupposition to come into being that was not there before. Presuppositions follow a rule of accommodation, according to Lewis. Provided certain conditions hold, what is needed is supplied: as long as nobody blocks the speaker, saying ‘Whaddya mean, *even* George?’, the presupposition is acceptable. What is said ‘requires and thereby creates’ what is required.<sup>5</sup> Presupposition accommodation has become a familiar topic in philosophy of language, though not in ethics. We shall remedy that gap here, to a modest extent.

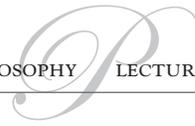
Someone who says ‘I hereby name this ship the *Generalissimo Stalin*’ needs it to be true that the ship is thereby named the *Generalissimo Stalin*: they need a ship’s name to come into being that was not there before. Someone who says ‘Go and pick up wood’ needs it to be true that the addressee ought to go and pick up wood: they need an ought to come into being which was not there before. Speech acts, including namings and orders, are what Austin called ‘illocutionary’ acts: they are acts a speaker performs ‘in saying’ something – distinct from the content of what is said, which he called a ‘locutionary act’; and distinct from its effects, which he called a ‘perlocutionary act’. Speech acts follow a rule of accommodation, according to Lewis. Provided certain conditions hold, what is needed is supplied: as long as

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3 Lewis 1979. I take felicity to be an aspect of ‘correct play’ in Lewis’s sense, and his examples bear this out. For further argument, see Langton 2012, forthcoming (a), (b) and (c). For a proposal in a partly similar spirit, see Witek 2015.

4 This combines and somewhat simplifies schemes given in Lewis 1979, 340, 341, 347.

5 Lewis 1979, 339.



the speaker has authority, the naming, or the order, ‘requires and thereby creates’ what is required.<sup>6</sup>

The accommodation of speech acts – ‘illocutionary accommodation’, let us call it – has not become a familiar topic in philosophy of language, or elsewhere.<sup>7</sup> We shall remedy that gap also, to a modest extent.

Lewis took the rule of accommodation to have wide application. ‘Once we have this scheme in mind’, he said, ‘I think we will find many instances of it.’<sup>8</sup> He was right. We have seen that the ‘scheme’ applies to promising, for a start, which he did not consider.

We shall be looking at accommodation’s role in generating a norm from a speech act, paying special attention to authority, an important felicity condition for many directives. In the cases we’ll consider, illocutionary accommodation is at work, altering facts about permissibility. Presupposition accommodation is occasionally at work too, for example, bringing authority into being, when it was not there before.<sup>9</sup>

Promising does not require authority, but our chief interest will be in speech acts that do.<sup>10</sup> The master’s order offers a certain paradigm: a speaker who has pre-established authority, which gives him a distinctive illocutionary power to alter facts about permissibility. For our purpose, there will be no significant difference between its different possible formulations: between, e.g. a performative order (‘I hereby order you to go and pick up wood’), an

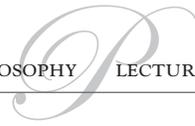
6 Lewis 1979, 339. Under the heading of illocutionary accommodation, I am interested in speech acts more generally, so I combine his category of performatives, like naming, with his category of the order.

7 The accommodation of permissibility facts, however, has received detailed attention from Mary Kate McGowan, to whom I owe a great debt, especially for her work on ‘conversational exercitives’, enactment, and ‘triggering’ of rules. As I understand it, she denies that conversational exercitives are speech acts (McGowan 2003, 2004, 2009, and forthcoming). See also Langton 2012, Langton and West 1999, Witek 2013, and Sbisà forthcoming.

8 Lewis 1979, 347

9 For presupposition accommodation of authority, see Langton forthcoming (a), (b) and (c) (also John Locke Lectures 2015). See also Thomason 1990, von Fintel 2008, and especially Witek 2013, 151: a speaker’s ‘illocutionary power’ can be ‘produced by a mechanism akin to what Lewis calls presupposition accommodation’, discussed also in Sbisà forthcoming. See Maitra 2012 for (what I take to be) supporting considerations.

10 This needs more reflection: even promising may require a certain authority, if agents can be disqualified from promising, e.g. through incapacity or childhood.



otherwise self-verifying order ('You are obliged to go and pick up wood'), or an imperative ('Go and pick up wood'). I say the master's order will offer a certain paradigm (as it did for Lewis); but I acknowledge the awkwardness of talking about 'master' and 'slave' in so abstract a fashion, without attending to the concrete circumstances of an actual social practice. I hope, all the same, there is something to be learned this way.

The master's order is at one end of a spectrum of cases we shall consider, which progressively weaken the condition of authority, until it becomes all but invisible – sometimes because the speaker's authority was initially absent, but is then gained, on the fly, by accommodation; sometimes because the speech act's authority is outsourced to another location. Even with seemingly attenuated authority, the power to enact a norm remains, I shall argue.

Accommodated authority is a familiar phenomenon, illustrated by Richmond Thomason in this mundane scene, where a speaker gains authority by presupposing it:

There is a moment of indecision and then someone takes charge, asks for suggestions about restaurants, decides on one, and asks someone to get two cabs while she calls to make reservations. When no one objects to this arrangement, she became the group leader, and obtained a certain authority. She did this by acting as if she had the authority.<sup>11</sup>

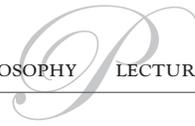
By performing speech acts that presuppose authority, she 'obtains' the authority she needs, when her hearers go along with it.

Outsourced authority is an equally familiar phenomenon, though it has not received much attention. Instead of claiming authority for yourself, you outsource it. Instead of 'Don't steal!' you might say 'The Bible says, don't steal!' or 'Stealing is illegal!' or simply 'People don't steal!' The pattern is familiar to parents of young children, who often enact a rule by locating it somewhere else. 'When the big hand gets to 12, it's Tidy Up Time!' Things have come to a sorry pass for the parent who has to march around with her hands in the air shouting 'I am the boss! I am the boss!' – Tina Fey's naïve childhood vision of what it would be like to be in charge.<sup>12</sup> The outsourcing of authority has advantages: it avoids the potential

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<sup>11</sup> Thomason 1990, 342; cf. von Fintel 2008, and Witek 2013.

<sup>12</sup> Fey 2011.



clumsiness (and risk) of a blunt directive; it brings in external reinforcement; and it veils the speakers' responsibility (even to themselves, perhaps).

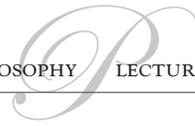
So we shall consider a gallery of cases, illustrating different points on a spectrum of apparently ever-weakening authority, and drawing on three cross-cutting distinctions regarding authority: whether it is pre-established, or acquired through accommodation; whether it is practical, or epistemic; and whether it is claimed for the speaker, or outsourced. These three distinctions in principle give nine combinatorial possibilities; but some raise new questions I shall postpone.

By way of preview: we begin with Lewis's example of a master who has pre-established practical authority, and whose order creates a new rule for the slave. (Such a master could *sustain* an existing rule the same way, I argue.) We move to a mere would-be leader, like Thomason's example, a variant of whom was sketched by Austin as a desert island figure who initially lacks authority to direct survivors. He too could order, if his presupposition of authority were accommodated. We consider a doctor, who has pre-established authority that is epistemic, not practical. But that is authority enough for him to perform directives which 'prescribe'. We move on to a mere would-be doctor, a know-nothing quack, who initially lacks even epistemic authority. Even he could order, if his presupposition of credibility were accommodated. Finally, we consider speakers who outsource the authority of their directives. One is a variant of Austin's example: a desert island figure, who orders fellow survivors merely by reciting instructions, whose authority is outsourced to a remembered Survivors' Manual. Finally, closer to home, we consider a father, who orders a son merely by saying 'Boys don't cry'. Here again, I suggest, his directive has authority, outsourced this time to a social practice.

I shall suggest that such varied speech acts are working as orders (or in some cases permissions), taking for granted that the force of a speech act, as a directive, is not to be read off its mood, whether imperative, indicative, or interrogative. We might regard them as *indirect* speech acts, though whether this is the best description is a question I shall not address. My guiding hunch, for what it is worth, is that most directives are not, in fact, uttered in the imperative mood.<sup>13</sup>

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13 They may be indirect speech acts, by analogy with Garcia-Carpintero's account of indirect assertion



The gallery of examples is open-ended, and indefinitely extendable, bearing out Lewis's remark that 'once we have this scheme in mind ... we will find many instances'. My hope is that it will shed light on the diverse and unnoticed ways a speech act can create a norm; highlight the unity in this diversity, in their conformity to a rule of accommodation; and bring out their dependence (obvious and subtle) on the dynamics of authority, as a condition of their success.

What role does presupposition accommodation play, in getting a norm from a speech act? One role for it is in helping a speaker *obtain authority*, which in turn enables the performance of the speaker's directives. This can be regarded as a development of Austin's idea that presupposition contributes to felicity: that what an utterance presupposes can contribute to its force, as a speech act.<sup>14</sup>

When presupposition contributes to the felicity of a directive, there is a two-part process of accommodation, I shall suggest. Through presupposition accommodation, a first part generates a felicity condition, in this case a speaker's authority. Through illocutionary accommodation, a second part generates a norm.<sup>15</sup>

The ability of a speech act to gain authority by accommodation has social significance. It can alter a speech act's power to help or harm others, in a way that is hard to see, because it did not exist beforehand. Catharine MacKinnon says, in a much-quoted passage, that 'authoritatively saying someone is inferior is largely how structures of status and differential treatment are demarcated and actualized'.<sup>16</sup> That familiar fact is illustrated by bad law (including the discriminatory law to which she alludes). But it is equally illustrated by speech that lacks authority to begin with, but gains authority informally by accommodation. This includes informal hate speech, I suggest, drawing here on work by Ishani Maitra.<sup>17</sup>

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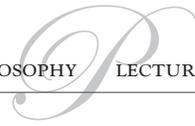
(forthcoming).

<sup>14</sup> The topic of Langton forthcoming (a), (c). See Austin 1962, 51, Witek 2013. The idea that presupposition contributes to force is implicit in Langton and West 1999, Langton 2012.

<sup>15</sup> This two-part pattern mirrors the two-stage structure cited to explain accommodation of informative presupposition cf. von Stechow 2008. (The parts are simultaneous, not sequential.)

<sup>16</sup> MacKinnon 1993, 31. She is comparing the authority of the law with the authority of pornography; see also Langton 2017, and forthcoming (b) and (c).

<sup>17</sup> See Maitra 2012, Langton forthcoming (a), (b) and (c). This is my interpretation; she describes how authority can be informally acquired, but does not herself call it 'accommodation'.



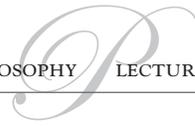
A different role for presupposition accommodation is in helping a speaker to *outsource authority*, by conveying something as normal practice, uncontroversial, not-at-issue.<sup>18</sup> Such authority can likewise, in turn, enable the performance of the speaker's directives, via a comparable two-part process, like the one I just described. In such a case, presupposition accommodation does not supply the speaker with authority; but it does supply the speech act with authority. What is gained by accommodation is an outsourced authority for the speech act, rather than individual authority for the speaker. Of the several combinatorial possibilities available, this part of logical space, combining outsourced *and* accommodated authority, deserves special attention. I cannot do it justice in this paper, but I shall say something about its significance.

A speaker can outsource authority by several means, as I just illustrated, and one routine method is by 'normalizing' something – for example conveying a behaviour as regular or accepted practice. Normalizing something can be done explicitly, via assertion, or implicitly via presupposition (*inter alia*), and these work differently. Explicitly asserting a regularity can normalize it, by communicating that the behaviour is 'what we do around here'. Merely presupposing such a regularity can normalize it more potently, by conveying it as common knowledge, 'what we do around here, and what we all *know* we do around here'.<sup>19</sup>

'*People don't do things like that!*' says a scandalized Hollywood producer, refusing a wicked proposal from Lina Lamont, in *Singin' in the Rain*. (She responds with a sinister giggle, and a brutal, 'People? I ain't people!') The producer normalizes a behaviour by explicitly asserting a regularity, outsourcing authority to a social practice. The force is also an order: 'You're not allowed to do that!' Compare this to a presidential candidate who says, 'It's just locker room talk', excusing words he had uttered on a bus. *People do things like that*. He normalizes a behaviour by *presupposing* a regularity, again outsourcing authority to a social practice. The force is a permission: 'I'm allowed to do that.' The referring expression presupposes a practice of 'locker room talk' where the behaviour is acceptable. The excuse presupposes the acceptability of using 'locker room talk' outside a locker room.

18 Langton and West 1999, Langton forthcoming (a), (b) and (c); cf. Sbisà 1999, Stanley 2015.

19 For more on normality, normalizing and 'what we do around here' see Tirrell 2012, Haslanger 2014, Swanson forthcoming (a). I do not here address the literature on social norms, but see e.g. Pettit 2004, Bicchieri 2006, Cialdini 2007, Langton 2009 (a).



Outsourcing authority via presupposition, rather than assertion, gives it extra credentials, presenting the regularity as not-at-issue. *Everyone knows* people do things like that.<sup>20</sup> Accommodating the presupposition triggered by the expression ‘locker room talk’ gives the self-permission authority; and gives the supposed practice authority, as well. This illustrates the possibility of authority which is both outsourced *and* accommodated – outsourced to a practice, dependent on presupposition accommodation, and contributing to the force of a directive. This possibility is an important one, which takes us further still from our initial paradigm, and although I cannot do it justice, I shall at any rate gesture in its direction.

In Section 2, we take a closer look at the rule of accommodation, illustrating with Searle’s example of the promise. Section 3 begins the main gallery of norm-setting speech acts, with a speaker who has practical authority, pre-established in one case, obtained by accommodation in another. Section 4 does the same with a speaker who has epistemic authority, again pre-established in one case, obtained by accommodation in the other. Section 5 turns to outsourced authority. I offer concluding remarks in Section 6.

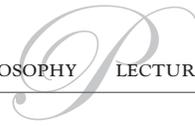
## 2. The Rule of Accommodation

A RULE OF ACCOMMODATION ‘creates’ what is ‘required’, when certain conditions hold, said Lewis. This sounds like a recipe which magically brings one of its ingredients into being – or like a tool which magically adapts itself to the task presented, in Kai von Fintel’s nice metaphor. The magic is nothing to be afraid of, at least from the viewpoint of metaphysics.<sup>21</sup>

Lewis offered a ‘general scheme’ for accommodation, in all its forms, specifying a re-

20 ‘Normalize’ used to mean, primarily, ‘return to normal’, as in ‘her heart rate has normalized’; but recent political events have seen the word shift in meaning (according to the Merriam Webster Blog 2016). For Lina Lamont, see ‘Singin in the Rain’, Donen and Kelly 1952. For ‘locker-room talk’, see US Presidential Debate of 9 October 2016. There was significant resistance from athletes who denied the existence of the presupposed practice – an instance of political presupposition blocking, as discussed in Conclusion below, and Langton forthcoming (a).

21 His metaphor is of a magical screw, which adapts itself to any sort of screwdriver (von Fintel 2008, p. 12). He is describing presupposition accommodation in particular, and has a nice discussion of the supposed ‘magic’. For other ‘magical’ aspects of accommodation, including time traveling retroactivity, see Langton forthcoming (a).



quirement that is routinely fulfilled, given certain conditions. For ease of reference, I am labeling the clauses, and leaving blanks to be filled in as appropriate.<sup>22</sup>

*The General Scheme*

- If – (1. *Utterance*) – at time *t* something is said [...]; and  
 (2. *Requirement*) – a score component is required to be a certain way [...], in order for what is said to be correct play [...]; and  
 (3. *Novelty*) – the component wasn't that way before; and (4. *Conditions*) – certain conditions hold [...]; then  
 (5. *Creation*) – at *t* the score component is that certain way [...], enabling what is said to be correct play [...]

Our interest is in the application of this pattern to speech acts that set norms. So 'correct play' (in 2 and 5) will include *felicity*, in Austin's terms. Lewis was interested in truth, as an aspect of correct play for speech acts. We can agree with him (against Austin) that speech acts can be self-verifyingly true, but truth is not our focus.<sup>23</sup> The 'novelty' (in 3) we shall assume for now, but there will be reason to amend it: what matters ultimately is not novelty, but modal dependence. The 'conditions' (in 4) include the conditions for a speech act's success, its *felicity conditions*. And the relevant 'score component' (in 2 and 5) will be something normative, for example, a fact about *permissibility*.

Promising follows a rule of accommodation, as we have observed, so let us use it to illustrate the scheme, and at the same time confirm our initial observation. For the imagined situation, the rule would go something like this. If Jones says something (1) that requires a new norm to come into being, for it to be a felicitous promise, namely that Jones is obliged to pay Smith five dollars (2 and 3); and certain conditions hold, e.g. that Jones is speaking

22 Lewis 1979, adapting and somewhat simplifying from 339, 341, 347.

23 For example, a performative 'I hereby name this ship ...' can be true, when successful, likewise an order with form 'you are obliged to pick up wood'. But accommodation applies in the same way to shift permissibility facts in response to directives that are not truth-apt, e.g. 'Go and pick up wood!' We do not need to convert imperatives to indicatives (as Lewis wanted to do) in order to see accommodation's point. For further argument, see Langton forthcoming (a).

seriously (4); then a new norm comes into being, and Jones is obliged to pay Smith five dollars (5). Putting it schematically:

*The Promiser Creates an Ought*

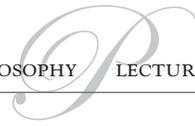
- If (1. *Utterance*) – at time *t* something is said [*Jones says to Smith, ‘I hereby promise to pay you, Smith, five dollars’*]; and
- (2. *Requirement*) – a score component is required to be a certain way [*Jones is obliged to pay Smith five dollars*] in order for what is said to be correct play [*a felicitous promise*]; and
- (3. *Novelty*) – the component wasn’t that way before; and
- (4. *Conditions*) – certain conditions hold [*Jones is serious, knows what he is doing, etc.*]; then
- (5. *Creation*) – at *t* the score component is that certain way [*Jones is obliged to pay Smith five dollars*] enabling what is said to be correct play [*a felicitous promise*].

Promising follows a rule of accommodation, and you may wonder how closely this pattern matches Searle’s ‘derivation’. Well, the *utterance* is Searle’s first step. The *requirement* is, I think, a version of a subsidiary step: ‘All promises are acts of placing oneself under (undertaking) an obligation to do the thing promised’. *Novelty* he takes for granted. The *conditions* ‘will include such things as that the speaker is . . . speaking seriously [and] knows what he is doing’. The *creation* is a version of his fourth step. And we take his fifth step to be trivially implied, agreeing that there is no gap to speak of between ‘obligation’ and ‘ought’.<sup>24</sup> The upshot? Searle’s magic of pulling a deontic rabbit from a descriptive hat may simply *be* Lewis’s magic of accommodation.<sup>25</sup>

Let us move now to our main task, of considering how a norm may be got from a speech act, in ways enabled by different degrees and sources of authority.

24 Searle 1964, 44–6. As noted, Searle’s pattern is framed as a derivation, from several premises to a conclusion, while Lewis’s pattern is framed as a conditional, with a conjunctive antecedent, and a consequent.

25 It is unlikely that accommodation gets a norm from something purely descriptive, but the same caveat applies to Searle. For accommodation, there are regulative rules in the background, and normative aspects of score. The rule of accommodation itself I do not take to be normative (cf. Sbisà forthcoming). Lewis describes it is a mere ‘tendency’, but it is surely constitutive for his illocutionary and performative cases.



### 3. The Master's Order

WE BEGIN OUR GALLERY of authoritative speech acts with the initial example from Lewis. This needs no further preamble, except, first, to emphasize that the master's order is an exercise of *practical* authority, as distinct from epistemic authority, our topic in the next section.

#### 3.1. *With Pre-established Authority*

The master has authority already, and creates a new permissibility fact for the slave. The speaker's directive brings a new permissibility fact into being, following a rule of accommodation. If the master says something (1) that requires a new norm to come into being, namely that the slave is obliged to go and pick up wood (2 and 3); and certain conditions hold, e.g. that the master has authority (4); then a new norm comes into being, and the slave is obliged to go and pick up wood (5). Schematically, and adding names for the master and slave:

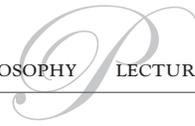
#### *The Master Creates an Ought*

- If (1. *Utterance*) – at time  $t$  something is said [Jones says to Smith, 'Go and pick up wood!']; and  
 (2. *Requirement*) – a score component is required to be a certain way [Smith is obliged to go and pick up wood] in order for what is said to be correct play [a *felicitous order*]; and  
 (3. *Novelty*) – the component wasn't that way before; and  
 (4. *Conditions*) – certain conditions hold [e.g. Jones is master of Smith, has authority over Smith]; then  
 (5. *Creation*) – at  $t$  the score component is that certain way [Smith is obliged to go and pick up wood], enabling what is said to be correct play [a *felicitous order*].<sup>26</sup>

Does accommodation always bring a *new* permissibility fact into being, in such a case? One might think so, given the third clause about 'novelty'. But I suggest that that the answer is no, not always. The temporal 'novelty' clause is not essential to accommodation, though

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<sup>26</sup> I have shaped Lewis's 'rule of accommodation for permissibility', given informally (341), into something that more closely fits an application of his 'general scheme' (347).



we have assumed it so far, and it was indeed part of Lewis's scheme. The real point, I suggest, is not *temporal difference*, but *modal dependence*. This is important, because it allows for the possibility that a speaker may *sustain* an existing norm, as well as create a new one; and that this sustaining follows just the same pattern.

We have been putting it the usual way: something is created at a given time, which was not there before. But it would be better to say: something is created at a given time, which would not otherwise have been there. The idea is not temporal, but modal: not change, but dependence. We can illustrate with a variant example.

Suppose there were a rule that the master's edicts would go null and void at sunset. For a permissibility fact to be renewed, it would need a daily sunset-timed reaffirmation, in a newly-uttered speech act. Suppose at 6:59 PM the permissibility facts include *Smith is obliged to stay indoors*. (It is easier if we switch to a stative verb.) At 7:00 PM, as the sun sets, Jones says, 'Smith is obliged to stay indoors'. The permissibility facts adjust accordingly, via accommodation.

What the master brings about is not a change. The adjustment is not a temporal novelty, but a modal difference. It does not involve an alteration in permissibility facts, but a sustaining of permissibility facts. If it is 7:00 PM, the permissibility facts are not different *now* from what they *were* at 6:59 – they are different now from what they *would otherwise have been* at 7:00 PM. They depend on what the master does just now. The contrast is not with a different actual past, but with a different possible present. To capture this, we could substitute 'counterfactual dependence' for 'novelty', in the third clause of the scheme.

If the master says something (1) that requires a norm to exist which *would not otherwise exist*, namely that Smith is obliged to go and pick up wood (2 and 3); and certain conditions hold, e.g. that the master has authority (4); then that norm exists, and Smith is obliged to go and pick up wood (5). Putting it schematically:

*The Master Sustains an Ought*

If (1. *Utterance*) – at time *t* something is said [Jones says to Smith, 'You are obliged to stay indoors']; and

(2. *Requirement*) – a score component is required to be a certain way [Smith is obliged to stay indoors] in order for what is said to be correct play [a felicitous order]; and

- (3. *Counterfactual Dependence*) – the component would not otherwise be that way at *t*, though it was that way before;
- (4. *Conditions*) – certain conditions hold [*Jones is master of Smith, has authority over Smith*]; then
- (5. *Creation*) – at *t* the score component is that certain way [*Smith is obliged to stay indoors, enabling what is said to be correct play [a felicitous order]*].

Here the master has pre-established authority, but merely sustains a permissibility fact for the slave. This opens up further possibilities for the sustaining of norms. For example, the master could sustain an order previously enacted by a *different* master, as readily as he could sustain his own, on exactly the same pattern.

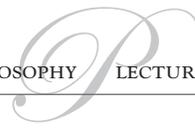
Imagine there were several masters, and the sunset rule enables any of them to sustain a pre-existing norm. At 6:59 PM today, the slave is obliged to stay indoors – because of what the first master said at sunset yesterday. At 7:00 PM today the permissibility facts are the same, because of what the second master said at sunset today. The second master sustained an order enacted by the first. He did not change the permissibility facts; but he did make them different to how they otherwise would have been.<sup>27</sup>

If accommodation can be involved in merely sustaining a component of score, this has theoretical and moral significance. Theoretically, the point of accommodation has always seemed to be novelty: the need to explain how something that was *lacking before* can be supplied in the moment – hence the tempting metaphor of a recipe that brings a new ingredient into being, as it is needed. But a recipe may sometimes need, merely, to sustain something: for example, to maintain the oven's temperature for a second hour, when it would have dropped otherwise. We are interested in the implications for norm enactment; but they almost certainly extend further afield, to very different components of score.<sup>28</sup>

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27 Even this is not quite right, if the norm's maintenance or re-enactment were over-determined – if, say, a third Master would have done the renewing, if the second Master had not. So that is why 'modal dependence' is better not only than 'novelty' but also than 'counterfactual difference'. I set this complexity aside.

28 To extend this point to some different examples, also from Lewis 1979: the accommodation of informative presupposition can sustain shared knowledge of something that would otherwise have been forgotten (though it had not been forgotten just before); and the accommodation of salience can sustain reference



A sustaining role for accommodation has moral significance, in part because of its ubiquity. As speakers, we are in the business of sustaining norms (good or bad) more routinely than we are in the business of creating them, *de novo*. And typically, the norms we sustain will have been set up by other speakers, or by other means, making them closer, in life, to the variant just described. This will apply, for example, to norms whose authority resides in an existing social practice, which our doings help to sustain. Often, unlike the master, speakers do not have special authority. That doesn't matter. Norms can be created by speakers *without* pre-existing authority, as we shall see in a moment; and they can be sustained that way too.

The 'novelty' clause is not essential, I suggest, to a rule of accommodation; but it will be convenient to stick with it for now, except when its modal substitution is needed.

### 3.2. *With Accommodated Authority*

The master's order depends, for its success, on his established authority. He had authority already.<sup>29</sup> Suppose, however, you are *not* a master and you try to issue an order. One possibility is that your attempt would 'misfire': it would not 'come off', it would not be an order at all. That is what Austin imagined, in a desert island case:

On a desert island you may say to me 'Go and pick up wood' and I may say 'I don't take orders from you' or 'you're not entitled to give me orders'— I do not take orders from you when you try to 'assert your authority' (which I myself fall in with but may not) on a desert island, as opposed to the case when you are the captain on a ship and therefore genuinely have authority.<sup>30</sup>

What Austin describes here as 'genuine' authority is a kind of role-based institutional authority. (We might recall he was a commanding officer himself, in World War II.) He denies that the desert island figure has 'genuine' authority.

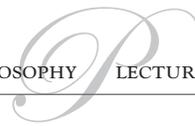
But suppose I do 'fall in' with it. What happens then? A different possibility is that you

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of 'the cat' to a New Zealand cat, which would otherwise have shifted to a Princeton cat (though it had not shifted just before).

<sup>29</sup> This may not be enough, as Rebecca Kukla suggests, describing a company executive who finds her orders treated as mere requests by sexist employees (Kukla 2014, discussed in Langton forthcoming (a)).

<sup>30</sup> Austin 1962, 28.



actually gain authority, and you give orders that do not misfire. The authority you gain is then genuine (contrary to Austin), but not pre-established: it is acquired in the moment. The case would be like Thomason's informal leader, whose authority to decide about restaurants is gained, on the fly, by accommodation. You try to 'assert your authority', says Austin, exploiting an ordinary language usage. Scare quotes are advisable. The speaker is presupposing authority, not asserting it, and obtaining it when hearers go along with what is presupposed.

This prospect involves a *two-part accommodation*: you get the authority your speech act requires, *and* you get the shift in permissibility your speech act requires, simultaneously. Lewis's recipe needs to produce two required ingredients, and has two parts, the first supplying authority, and the second supplying the norm. Presupposition accommodation creates the authority; and illocutionary accommodation, in turn, creates the *ought*.<sup>31</sup>

So let us put Jones and Smith on Austin's desert island, to see how this will work. If Jones says something (1) that requires his authority to come into being (2 and 3), and certain conditions hold, e.g. Smith 'falls in' (4), then that authority comes into being (5). Authority is created by presupposition accommodation. Putting it schematically:

*The Would-be Master Creates an Ought*

Part I. Presupposition Accommodation of Authority

If (1. *Utterance*) – at time *t* something is said [Jones says to Smith, 'Go and pick up wood!']; and

(2. *Requirement*) – a score component is required to be a certain way [Jones has authority] in order for what is said to be correct play [a *felicitous order*]; and

(3. *Novelty*) – the component wasn't that way before; and

(4. *Conditions*) – certain conditions hold [e.g. Smith falls in, treats Jones as having authority]; then

(5. *Creation*) – at *t* the score component is that certain way [Jones has authority], enabling what is said to be correct play [a *felicitous order*].

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31 Note that the presupposition of authority is not just acceptable, but true. This is because facts about a speaker's authority (unlike facts about George's not being a leading candidate) are partly constituted by their acceptability; see Langton 2017, forthcoming (a), (b) and (c), Sbisà forthcoming.

This authority, in turn, supplies a felicity condition for the order, accommodated in the second part of the process. If Jones says something (1) that requires a new norm to come into being, for it to be a felicitous order (2 and 3), and certain conditions hold, for example that Jones has authority (4), then a new norm comes into being (5). The authority obtained by presupposition accommodation (in the ‘creation’ step of Part I), supplies the felicity condition for the order (in the ‘condition’ step of in Part II). Putting it schematically:

#### Part II. Illocutionary Accommodation of Permissibility

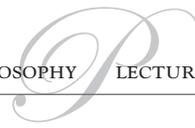
- If (1. *Utterance*) – at time  $t$  something is said [*Jones says to Smith, ‘Go and pick up wood!’*]; and
- (2. *Requirement*) – a score component is required to be a certain way [*Smith is obliged to go and pick up wood*] in order for what is said to be correct play [*a felicitous order*]; and
- (3. *Novelty*) – the component wasn’t that way before; and
- (4. *Conditions*) – certain conditions hold [*e.g. Jones has authority*].
- (5. *Creation*) – at  $t$  the score component is that certain way [*Smith is obliged to go and pick up wood*], enabling what is said to be correct play [*a felicitous order*].

A speaker’s ability to gain authority by accommodation has normative significance, altering the power of a speech act to help or harm others. It bears particularly on informal speakers, whose authority is not given by institutional roles or structures.<sup>32</sup> Hate speech may, perhaps, acquire authority in this way, depending on how it is treated by hearers. Ishani Maitra has argued thus, describing a racist who verbally abuses an Arab woman on a subway: when other passengers are silent, this gives the speaker a certain authority. Such authority is acquired by accommodation, I suggest, in the manner described in Part I above.<sup>33</sup>

The orders considered so far depend on a speaker’s *practical* authority, the authority to issue directives of a kind typically possessed by a master, a legislator, a teacher, or a parent; or by an informal leader whose authority is obtained, on the fly, through accommodation. But a speaker can have authority of a quite different kind.

<sup>32</sup> See Langton 2017, and forthcoming (a), (b) and (c).

<sup>33</sup> Maitra 2012. See also Langton forthcoming (a), (b) and (c), and Swanson forthcoming (b).



#### 4. The Doctor's Order

A SPEAKER CAN HAVE 'MASTERY', as we say, of a *subject matter*, rather than of a human subject. Speakers can have epistemic authority, or 'theoretical' authority as it is sometimes called, in virtue of their expertise and credibility. This too manifests itself in a power to perform speech acts: a different class, in the first instance, e.g. authoritative findings of matters of fact, or 'verdictives' as Austin called them – as when a jury finds a defendant guilty, or a doctor offers a diagnosis.

However, someone with epistemic authority can also, on that basis, have practical authority, as Joseph Raz has observed. Your doctor can diagnose your illness, an exercise of epistemic authority; and also prescribe its remedy, an exercise of practical authority. As Raz remarks,

There are practical authorities whose authority is based entirely on their being theoretical [i.e. epistemic] authorities: an expert doctor is an authority not only on the causes of illness but also on their cures.<sup>34</sup>

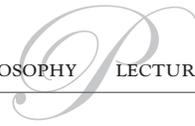
Unlike the master's order, the doctor's order is an exercise of epistemic authority. If epistemic authority can be a basis for directives, as Raz suggests, we can expect the doctor's order to follow Lewis's pattern for accommodation, matching the master's order to the slave, albeit grounded in merely epistemic authority.

##### 4.1. *With Pre-Established Authority*

Suppose Jones says something: 'you ought to stop smoking' (1); and it requires, for its success as a doctor's order, that an *ought* comes into being which was not there before: Smith ought to stop smoking (2 and 3); and certain conditions hold, for example, that he has a doctor's authority, based on his expertise and credibility (4); then what is needed is created, the *ought* comes into being, enabling what he says to be correct play, as a medical order (5). Putting it schematically:

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34 Raz 2009, 8.



*The Doctor Creates an Ought*

- If (1. *Utterance*) – at time *t* something is said [*Jones says to Smith, ‘You ought to stop smoking’*]; and
- (2. *Requirement*) – a score component is required to be a certain way [*Smith ought to stop smoking*] in order for what is said to be correct play [*a felicitous medical order*]; and
- (3. *Novelty*) – the component wasn’t that way before; and
- (4. *Conditions*) – certain conditions hold [*Jones is Smith’s doctor, Jones has epistemic authority*]; then
- (5. *Creation*) – at *t* the score component is that certain way [*Smith ought to stop smoking*], enabling what is said to be correct play [*a felicitous medical order*]

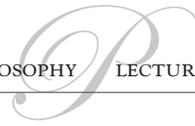
But wait: wasn’t it true *before* the doctor spoke that Smith ought to give up smoking? The permissibility component *was* that way before. The *ought* does not, it seems, ‘come into being’. Well, we saw earlier that novelty is not actually the issue, so let us ask about modal dependence instead: does the doctor’s order require a norm to exist that would not have been there otherwise? Again, the answer is no. ‘Smith ought to give up smoking’ would have been true anyway, it seems.

We should say, I suggest, that a new local *ought* does come into being, which coincides with, and in some sense reinforces, an independent one. Smith ought to give up smoking, and this was true all along. But being under doctor’s orders adds a new medical *ought*, which backs up a pre-existing *ought*. Perhaps it is like a new law prohibiting assault, when assault is already wrong; or perhaps it is like Jones’s promise to pay Smith five dollars, when Jones already owes Smith five dollars.<sup>35</sup>

This will have to do, as a provisional conclusion about the doctor – the proper doctor, that is. Let us turn, now, to a mere would-be doctor, who has no credentials, at least to begin with.

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35 This raises a number of issues I can’t address here, including the extent to which an exercise of authority, whether epistemic or practical, is supposed to track independent reasons, a much discussed topic. See Langton forthcoming (b) for an initial response to this.



#### 4.2. *With Accommodated Authority*

Suppose the doctor is wrong. Or worse, suppose it is a quack doctor, touting for business, and Smith gradually gets sucked in. Jones, as the quack, stands on his soapbox, bawling the virtues of his snake oil, and Smith, along with others in the crowd, soon reaches for his wallet. Why? Something is said, and, I suggest, the bounds of permissibility again shift, to a bring a new *ought* into being, even though the speaker lacks any authority to start with.

The quack doctor acquires epistemic authority from his hearer's response, just as the desert island leader acquired practical authority from his hearer's response. The authority is acquired, again, through accommodation. The quack's epistemic authority does not include expertise, of course. He is a know-nothing charlatan, and expertise cannot be acquired by accommodation. But his epistemic authority does include credibility, a hearer-dependent property which *can* be supplied by accommodation, and which in turn supplies a speaker with authority to perform directives.

What the speaker says requires, for its success, that two ingredients to come into being: it involves a *two-part* accommodation, as for Austin's desert-island leader, or Thomason's restaurant organizer. The first part requires, and creates authority; the second part requires, and creates the norm.

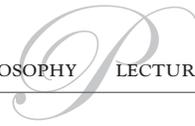
The pattern for the first part: if Jones says something (1) that requires his epistemic authority to come into being, i.e. the kind of credibility a doctor is supposed to have (2 and 3); and certain conditions hold, e.g. Smith is sucked in, treats Jones as having that sort of credibility (4); then that authority, i.e. credibility, comes into being (5). Authority, in this case credibility, is created by presupposition accommodation. Putting it schematically:

##### *The Would-be Doctor Creates an Ought*

##### Part I. Presupposition accommodation of authority

If (1. *Utterance*) – at time *t* something is said [Jones says to Smith, 'Drink my snake oil!']; and

(2. *Requirement*) – a score component is required to be a certain way [Jones has *epistemic authority*] in order for what is said to be correct play [*a felicitous order*]; and



- (3. *Novelty*) – the component wasn't that way before; and
- (4. *Conditions*) – certain conditions hold [*Smith is sucked in, treats Jones as having epistemic authority*]; then
- (5. *Creation*) – at *t* the score component is that certain way [*Jones has epistemic authority*], enabling what is said to be correct play [*a felicitous order*].

This authority, in turn, supplies a felicity condition for the order, accommodated in the second part of the process. If Jones says something (1) that requires a new norm to come into being, namely that Smith ought to buy Jones' snake oil (2 and 3); and certain conditions hold, for example that Jones has authority, in this case credibility (4), then a new norm comes into being, and Smith ought to buy Jones's snake oil (5). The authority obtained by presupposition accommodation (in the 'creation' step of Part I), supplies the felicity condition for the order (in the 'condition' step of in Part II). Putting this second stage schematically:

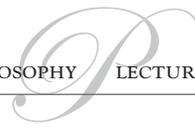
Part II. Illocutionary accommodation of permissibility

- If (1. *Utterance*) – at time *t* something is said [*Jones says to Smith, 'Drink my snake oil!'*]; and
- (2. *Requirement*) – a score component is required to be a certain way [*Smith ought to buy Jones's snake oil*] in order for what is said to be correct play [*a felicitous order*]; and
- (3. *Novelty*) – the component wasn't that way before; and
- (4. *Conditions*) – certain conditions hold [*Jones has authority*]; then
- (5. *Creation*) – at *t* the score component is that certain way [*Smith ought to buy Jones's snake oil*], enabling what is said to be correct play [*a felicitous order*].

It may seem peculiar to say that even the quack doctor acquires authority, and that an ought comes into being, as an exercise of epistemic authority comparable to the practical authority of the desert island leader. But we are not dealing, here, with idealized authority. We are dealing with mere credibility, and with local structures of authority, generating local *oughts* that are answerable, ultimately, to wider norms.<sup>36</sup>

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36 See Langton forthcoming (b).



Credibility follows a rule of accommodation (in Part I), I suggest, but expertise does not. Why? Perhaps because of the limits to what hearers can supply, in virtue of what they accept, or allow to pass unchallenged. An unchallenged assumption that you are a desert island leader can make you a leader, if it is accommodated. An unchallenged assumption that you have credibility can make you credible, if it is accommodated. But an unchallenged assumption that you have knowledge will not make you knowledgeable, even if it is accommodated. So the quack acquires credibility, through accommodation, but not expertise.<sup>37</sup>

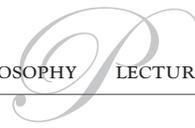
The ability to gain or lose credibility by accommodation has epistemological significance, if the testimonial standing of a knower belongs to the subject matter of epistemology. Lewis argued that accommodation can alter standards for *what counts as knowledge*, an idea that now motivates a prominent epistemological theory, contextualism. But accommodation can equally alter standards for *who counts as a knower*, if that depends, in part, on their credibility.

The accommodation of credibility also has social significance. It is likely to be an engine of ‘testimonial injustice’, described by Miranda Fricker. When a prejudiced speaker presupposes that someone *else* lacks credibility, that may result in an unjust loss of credibility. It is likely to be an engine of ‘the guru effect’, described by Dan Sperber. When a speaker presupposes their own credibility (*profundity*, in his example), and this is accepted and welcomed by disciples with ever-increasing zeal (helped by obscurity and confirmation bias), that may result in an unjust gain in credibility, a runaway phenomenon of credibility inflation, as he describes it. And finally, the accommodation of credibility is likely to give force to a kind of hate speech, such as hate propaganda, which depends initially on epistemic, rather than practical, authority.<sup>38</sup>

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37 A presupposition of speaker’s credibility can become true, through accommodation, but not a presupposition of the speaker’s knowledge, I am assuming. Note that the acceptability of expertise may amount to the *existence* of credibility, so credibility and expertise are connected in ways that need more attention than I give them. There could be an alternative *deontic* notion of credibility: people *ought* to believe you. And expertise *could* shift, e.g. with the accommodation of contextualist *standards* for knowledge (discussed in my third John Locke Lecture).

38 For contextualism see e.g. Lewis 1979 and 1996 and a large subsequent literature. For ‘testimonial injustice’ see e.g. Fricker 2007, for the ‘guru effect’ Sperber 2010. See Langton 2017 and forthcoming (b) for the role of epistemic authority in hate speech and pornography.



In our gallery of cases so far, the authority under consideration, practical or epistemic, is possessed, or acquired, by the speakers themselves, enabling them to create a norm from a speech act. I want to turn now to directives whose force comes, not from the speaker's authority, but from an authority outsourced to another location.

## 5. The Father's Order

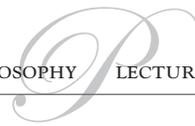
SUPPOSE A CHILD IS SOBBING, and his father says sternly, *Boys don't cry!* He performs a certain speech act. But what? Perhaps he is saying that *no boy cries*. That seems unlikely, with a sobbing boy in full view, as an object of undivided attention. His addressee is a living counter-example. It is *because* the boy is crying, that the father says 'Boys don't cry!' Perhaps he is saying that *most boys do not cry*. That seems better. But if the sister pipes up, 'But most boys *do* cry!' she may be missing the point. Perhaps he is saying *boys do not normally cry*. That seems even better, at first. But only because it moves the bump in the carpet to a different spot, where description and prescription are fudged again, this time in the word 'normal'. If the sister persists, 'But boys *normally* cry!' she may still be missing the point.

None of these capture the force of the speech act, as an *order* to the child. *Don't cry!* (And none of them capture the implied contrast. *Don't be like a girl.*) The father orders his son, but he does not say, 'As your father, I order you to stop crying!' He does not invoke his own authority. Instead, he *outsources* the authority elsewhere, and that is what gives his speech act its force, as an order. By 'outsourced authority' I mean authority attributed to a source other than the speaker, which can nonetheless give force to directives. 'Don't steal!' and 'The Bible says, don't steal!' can both have the force of an order.

When the father says 'Boys don't cry', he doesn't say how many boys. He doesn't say no boys cry, or few boys cry; he uses no quantifiers. He uses a *generic* sentence. Generics have received considerable attention, and the example illustrates some of the reasons why. The father may be describing a regularity (most boys don't cry), or a nature (boys are tough-natured), or an ideal (those who fulfill the ideals for boys don't cry). The latter is Sarah Jane Leslie's interpretation of this particular generic.<sup>39</sup> We are not going to settle this question,

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39 Leslie 2015; see Leslie forthcoming for background on descriptive generics, and Haslanger 2010 and 2014.



because we do not need to. Our primary interest is in the father's speech act. The father is *ordering* his son to stop crying; and, less evidently, *outsourcing* the authority for that directive.

We can return to Austin's desert island, to spell out the idea that outsourced authority may give force to a directive. The survivors, washed up on shore, are wondering who will do what. By good fortune, a Shipwreck Survivors' Manual has been washed up as well, to their delight. By ill fortune, the ink has entirely dissolved away. But by good fortune, one survivor, Jones, remembers just what it says. Armed with this knowledge, he distributes tasks to his fellows. Recalling the Manual, he says to Smith, '*The First Mate ought to go and pick up wood*'. He outsources the authority. He reports what he remembers. He is a modest oracle of the Manual. But what he says is at the same time an order to Smith, the First Mate. *You ought to go and pick up wood*.

His words create a norm, following a rule of accommodation. It goes something like this. If Jones says something (1) that requires a new norm to come into being, namely that Smith is obliged to go and pick up wood (2 and 3); and certain conditions hold, e.g. that the Manual has authority (4); then a new norm comes into being, and Smith is obliged to go and pick up wood (5). Although the speaker's authority is outsourced, the pattern matches Lewis's initial example of the master.<sup>40</sup> Putting it schematically:

*The Desert Island Survivor Creates an Ought*

If (1. *Utterance*) – at time *t* something is said [Jones says to Smith, '*The First Mate ought to go pick up wood!*']; and

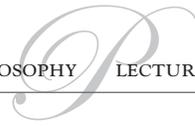
(2. *Requirement*) – a score component is required to be a certain way [Smith *ought to go and pick up wood*] in order for what is said to be correct play [a *felicitous order*]; and

(3. *Novelty*) – the component wasn't that way before; and

(4. *Conditions*) – certain conditions hold [e.g. *Jones correctly reports what the Survivor's Manual says, the Manual has practical authority, Smith is First Mate*]; then

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<sup>40</sup> We are taking the authority of the Manual itself to be pre-established. To fill out logical space, one could consider variants where the outsourced authority is epistemic: e.g. an Encyclopedia rather than a Manual; and/or gained by accommodation: e.g. the Manual has no pre-established authority, but gains credit through the survivors' responses.



(5. *Creation*) – at  $t$  the score component is that certain way [Smith ought to go and pick up wood], enabling what is said to be correct play [a *felicitous order*].

There is a question, again, about novelty and independence. We might be tempted to think this is no new or independent fact about permissibility, but the instantiation of an existing one. Just as it was true beforehand, and independently, that the patient should give up smoking, wasn't it true beforehand, and independently, that the First Mate should go and pick up wood? Well – yes, if Smith was in some sense bound by the Manual, even in ignorance; but also no, if being told makes a difference to the permissibility facts. We might want to say Jones's words enact a local 'Island Rule'; or perhaps they 'trigger' the norm (in the manner McGowan has described), putting it locally into force.<sup>41</sup>

Let us turn back to the father who says, 'Boys don't cry!' He could be affirming a regularity about boys, describing the nature of boys, reporting a social ideal for boys, all of the above, or something else entirely. And he is telling his son to stop crying, whatever else he may be doing: he is enacting a norm for *his* boy. As a directive, this comes with authority, but the authority is outsourced: the boy should not cry, because *boys don't cry*; not because his father is the boss, and is saying 'Don't cry!'

The father is speaking as an oracle of outsourced authority, I suggest, like the survivor on the island. What authority would that be? It is tempting to describe it as a Social Survivors' Manual, by analogy with the preceding example. As a desert island survivor who is First Mate, your job includes picking up wood. As a social survivor who is a boy, your job includes not crying.

But the Social Survivor's Manual is not washed up on some shore, illegible but remembered by just one. It is all around, and remembered by many more than one. It is about a regularity, *and* an ideal, because it is about normal social practice. Recall the producer's words to Lina Lamont. *People don't do that!* The father is doing the same thing, to his son. He orders. He outsources practical authority to a social practice. He uses a generic, a handy tool for describing what might be both a regularity and an ideal. He does not 'assert' his authority, in

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<sup>41</sup> We could say it enacts an additional local ought; or else that it 'triggers' the background norm, so that it is 'in effect', in a way it would not otherwise be, see McGowan forthcoming. I leave this for further reflection.

Austin's sense of presupposing his own practical authority. He exercises a modest epistemic authority, the minimal degree needed to report a behaviour as normal practice. *Boys don't do that!*<sup>42</sup>

He enacts a norm, which follows a rule of accommodation. It goes something like this. If the father says something (1) that requires a new norm to come into being for his son, namely that he ought to stop crying (2 and 3); and certain conditions hold, e.g. that the 'boys don't cry' practice has authority (4); then a new norm comes into being, and the son ought to stop crying (5). Although the speaker's authority is outsourced, the pattern again matches Lewis's initial example of the master. Putting it schematically:

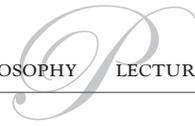
*The Father Creates an Ought*

- If (1. *Utterance*) – at time *t* something is said [*Father says to Son, 'Boys don't cry!'*]; and  
 (2. *Requirement*) – a score component is required to be a certain way [*Son ought to stop crying*] in order for what is said to be correct play [*as a felicitous order*]; and  
 (3. *Novelty*) – the component wasn't that way before; and  
 (4. *Conditions*) – certain conditions hold [*e.g. Father correctly reports a practice; the practice has practical authority; Son is a boy*]; then  
 (5. *Creation*) – at *t* the score component is that certain way [*Son ought to stop crying*], enabling what is said to be correct play [*as a felicitous order*].

This concludes my gallery of examples. But building on this, there are several more questions to pursue. We could examine whether the outsourced authority of a practice could itself be gained by presupposition accommodation, generating a norm by the two-part process described in Section 3. We could ask what this would mean for the case where the social practice did *not* have pre-established authority. (This may have been the situation for 'locker room talk', if it did not refer to an existing practice.) We could imagine variants to illustrate outsourced epistemic authority, to match these scenes of outsourced practical authority. We could explore the apparent normative force of mere regularities, that fall far short of social practices.<sup>43</sup>

42 See Leslie 2015.

43 See especially Cialdini 2007.



We could investigate the second role for presupposition accommodation, described at the outset. The father could increase his directive's force by merely presupposing 'Boys don't cry', instead of asserting it. Suppose, for example, he were to say, 'Get over it, you *girl!*' That use of 'girl' might presuppose that 'Boys don't cry'. Presupposing the norm presents it as not-at-issue, to be taken for granted, what we all know already, and know that we know already. The father would, in that case, be adding *epistemic* authority to the situation – not his own epistemic authority, but the implied epistemic authority of a group or tribe.<sup>44</sup> (That is what use of the expression 'locker room talk' was doing: presupposing a practice, which it normalized in epistemic terms, as well as practical.)

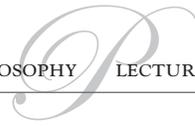
We could ask whether the father's order enacts a new and independent norm, or whether it is the application, or 'triggering', of an existing one.<sup>45</sup> The question about novelty and dependence appears again. But here there is a further factor, in addition to those raised earlier. The father makes a modal difference to the permissibility facts. Were it not for this local application of 'Boys don't cry' – and others like it – there would *be* no wider social practice, having authority. What the father says creates a norm for his son, and also contributes to the existence of the background norm. In this respect, he is like the master who sustains a norm that existed before, enacted by another. The father makes a modal difference, if he helps enact and maintain the very norm he seems, merely, to report.

## 6. Concluding Remarks

WE BEGAN WITH A PARALLEL between the promise, described by Searle, and the order, described by Lewis. The parallel is uncomfortable. It serves as a *reductio* of Searle's claim to have derived an *ought* simpliciter from anything, let alone from an *is*. But it also serves to suggest that an *ought* of some kind does come into being, through a rule of accommodation: a local *ought*, relative to a context or practice, which itself stands in need of evaluation; perhaps a

44 Leslie argues that the content of certain slurs can be captured in certain ideal generics (2015). For the idea that use of presupposition strengthens a norm by outsourcing *epistemic* authority to a group, conveying 'what we all know already' see e.g. Langton and West 1999, Langton forthcoming (a), (b) and (c).

45 Note again Mary Kate McGowan's work on the 'triggering' of existent norms 2009 and forthcoming; see also Langton 2008 on the possibility of speech acts that work in a cumulative way.



practice-internal *ought*, which depends, for its standing, on the worth of the practice itself. The value of promising, as a practice, and of slavery, as a practice, could not (to understate) be more different.

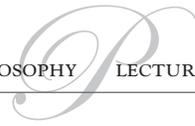
The relationship of these *oughts* to more fundamental norms is a large topic. We cannot address it here, except to say that attention to local, socially enacted norms is compatible with a commitment to ultimate or transcendent norms (even in Plato's Heaven, or Kant's Kingdom of Ends), by which the former are measured and found wanting. We can make space for norms that are bad, but real and local. They may be like the norms of a bad legal system: under slave law, you are permitted to trade human beings, but the law is wrong. Or (recalling Lewis), they may be like the norms internal to a bad game: in the Hunger Games you ought to kill those on the opposing team, but the game is wrong. The badness of local norms does not make them irrelevant, if you have to live in their jurisdiction.<sup>46</sup>

We have looked at a spectrum of cases, where a norm is got from a speech act, through apparently ever-weakening forms or sources of authority: from the established practical authority of a master ordering a slave, to the accommodated practical authority of a mere would-be master; from the established epistemic authority of a doctor ordering a patient, to the accommodated epistemic authority of a mere would-be doctor; and finally, to the merely outsourced practical authority of a father, ordering his son. Different as they are, they share the pattern Lewis identified, I have argued. They follow a rule of accommodation: what is said 'requires and thereby creates' what is required, when certain conditions hold.

Some of the enabling conditions depend on background norms and structures of authority. Some depend on presupposition accommodation, whether in creating authority, or in other ways. This has implications further afield. It means that how a norm is got from a speech act can be partly up to us, not only as speakers, but as hearers too. We have seen that accommodation can work for ill, as well as for good. If it is working for ill, and relying on hearers to supply the conditions for its success, there may be work for hearers to do – to block supply, if they can. Hearers can sometimes respond to harmful speech by arguing against it;

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46 The game-relative norms are 'regulative' rules, Lewis 1979. On the jurisdiction of norms and authority, see Langton forthcoming (a) and (b), the latter offering also a critique of ideal theories of authority; cf. Mills 2005.



and sometimes, in a quite different way, by blocking the conditions of its success. Hearers have a distinctive role in the workings of accommodation, which makes visible the possibility of blocking, as a form of counter-speech. And this takes us to new territory.<sup>47</sup>

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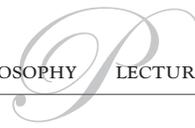
47 'Blocking as counter-speech' is the title and topic of Langton forthcoming (a).

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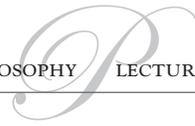
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