1 Overview

This handout is about doing things with words: the stable conventions surrounding how we signal to others that we intend to perform specific speech acts, the nature of those speech acts, and the effects those speech acts can have. It’s a highly uncertain, context-dependent process that has important social and legal consequences.

2 Loctionary act

A locutionary act is an instance of using language. (This seems mundane, but it hides real complexity, since it is all wrapped up with speaker intentions.)

3 Sentence types and illocutionary force

Sentence types are syntactic characterizations. There is considerable variation in the relationship between sentence types and illocutionary force, and thus there is a great deal of uncertainty around making inferences about illocutionary force.

<table>
<thead>
<tr>
<th>Sentence type</th>
<th>Examples</th>
<th>Force</th>
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<tr>
<td>Declarative</td>
<td>Turtles are amazing. I wonder where Kim is. You should move your bicycle. You can have a cookie. It would be a shame if something happened to your store.</td>
<td>assertion question suggestion invitation threat</td>
</tr>
<tr>
<td>Interrogative</td>
<td>Is today Tuesday? What day is today? What on earth are you doing? Do you want to have ice-cream? Could you help me?</td>
<td>question question accusation invitation request</td>
</tr>
<tr>
<td>Imperative</td>
<td>Move your bicycle! Have a cookie. Please rain! Get well soon! Turn right here.</td>
<td>command invitation plea well-wish request</td>
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3.1 Properties

From Mitchell Green’s entry on speech acts in the Stanford Encyclopedia of Philosophy (Green 2007); see also Searle 1969; Searle & Vanderveken 1985.

i. **Illocutionary point**: This is the characteristic aim of each type of speech act. For instance, the characteristic aim of an assertion is to describe how things are; the characteristic point of a promise is to commit oneself to a future course of action.

ii. **Degree of strength of the illocutionary point**: Two illocutions can have the same point but differ along the dimension of strength. For instance, requesting and insisting that the addressee do something both have the point of attempting to get the addressee to do that thing; however, the latter is stronger than the former.

iii. **Mode of achievement**: This is the special way, if any, in which the illocutionary point of a speech act must be achieved. Testifying and asserting both have the point of describing how things are; however, the former also involves invoking one’s authority as a witness while the latter does not. To testify is to assert in one’s capacity as a witness. Commanding and requesting both aim to get the addressee to do something; yet only someone issuing a command does so in her capacity as a person in a position of authority.

iv. **Propositional content conditions**: Some illocutions can only be achieved with an appropriate propositional content. For instance, I can only promise what is in the future and under my control. I can only apologize for what is in some sense under my control and already the case. For this reason, promising to make it the case that the sun did not rise yesterday is not possible; neither can I apologize for the truth of Snell’s Law.

v. **Preparatory conditions**: These are all other conditions that must be met for the speech act not to misfire. Such conditions often concern the social status of interlocutors. For instance, a person cannot bequeath an object unless she already owns it or has power of attorney; a person cannot marry a couple unless she is legally invested with the authority to do so.

vi. **Sincerity conditions**: Many speech acts involve the expression of a psychological state. Assertion expresses belief; apology expresses regret, a promise expresses an intention, and so on. A speech act is sincere only if the speaker is in the psychological state that her speech act expresses.

vii. **Degree of strength of the sincerity conditions**: Two speech acts might be the same along other dimensions, but express psychological states that differ from one another in the dimension of strength. Requesting and imploring both express desires, and are identical along the other six dimensions above; however, the latter expresses a stronger desire than the former.

4 Perlocutionary effect

A **perlocutionary effect** is an additional effect that comes about through performing an illocutionary act. “[T]he effect that a speech act is likely to have on others” (Solan & Tiersma 2005:26). (Of course, perlocutionary effects are only partially under the speaker’s control; I might intend my utterance to have one effect, only to find that my audience perceived a very different one.)
5 The Bustamonte Case

Why, indeed, would any rational person ever agree to let the police search his possessions? At best, you will be forced to stand by and wait while suffering the indignity of having a stranger ransack your personal belongings. At worst, the police will find incriminating evidence and use it to send you to prison. (Solan & Tiersma 2005:37)

5.1 Legal background

The Fourth Amendment prohibits “unreasonable searches and seizures”. This means that the police must obtain a warrant showing probable cause, unless there is evidence that a crime is in progress. Cars are treated somewhat specially but, even there, the exception is triggered only if there is evidence that a crime is in progress. Thus, absent a warrant or in-progress crime, police must ask for permission to search a car, and the occupants must “freely and voluntarily” consent.

5.2 Context

Joe Gonzales (driver), Robert Bustamonte, Joe Alcala (brother of car’s owner), and a few other young men were driving in Mountain View. They were stopped by Officer James Rand on the grounds that something was wrong with a headlight and the license plate light of the car. Two other policemen arrived, for a total of three on the scene.

(1) Rand: Does the trunk open?
       Alcala: “Yes” (then he gets the key and opens the trunk)

The officers eventually found forged checks in the trunk of the car.

5.3 Consequences

Bustamonte appealed on Fourth Amendment grounds. The case climbed up through the courts, until the Supreme Court ultimately decided that the search was constitutional.

5.4 Linguistic analysis

i. What was the intended illocutionary force of Rand’s utterance?

ii. What did Alcala likely perceive the force of Rand’s utterance to be?

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1The “motor vehicle exception” says that drivers have reduced privacy expectations and thus can be searched without a warrant if there is probable cause, and items in plain sight do not require probable cause.
iii. What perlocutionary effect did Rand’s utterance have on Alcala?

iv. What was the degree of strength of Rand’s utterance?

v. What is the role of preparatory conditions in our understanding of this discourse?

vi. What role might the maxims have played in shaping Rand’s utterance, his intentions, and Alcala’s response?

vii. How does all this help us answer Solan & Tiersma’s central question, quoted at the start of this section?
6 Solicitation

6.1 Background

Solan & Tiersma (2005:181) have this to say about solicitation:

Not only is it illegal to commit a crime, but people can also be punished for asking or inducing someone else to do so. This is the crime of solicitation. Usually, the law punishes only the solicitation of more serious crimes. The state must usually prove that the solicitor intended the crime to be committed, although the crime does not actually have to be carried out. What is essential, at least under federal law, is that the solicitor “solicits, commands, induces, or otherwise endeavors to persuade” someone else to engage in the crime. The essence of solicitation is language.

The speech act that the defendant must have performed is a request, or perhaps an offer or command. […] The crux of the matter with solicitation is not so much the specific speech act used (in linguistic terms, the illocutionary act), but more the goal of the speech act (the perlocutionary act).

6.2 Price fixing?

From Solan & Tiersma (2005:184):

Another relatively obvious example of a request involved Robert Crandall, the president of American Airlines. Crandall was accused by the federal government of soliciting Howard Putnam, president of Braniff Airlines, to engage in an attempt to monopolize the airline business in the Dallas-Fort Worth area. Both airlines had their hub at the Dallas-Fort Worth airport, and competition between them was intense; as a result, neither airline made much money. One day, Crandall telephoned Putnam about the problem: [see figure 1, next page]

Solan & Tiersma’s questions:

Did Crandall “request” Putnam to violate the antitrust laws by conspiring to set prices? Or is this merely a suggestion, which is what Crandall himself labeled it, and which would not be criminal.

Wierzbicka (1987:187) on suggest:

Utterance $U$ is a suggestion iff

a. I say that I think that it would be a good thing if you did the act described by $U$;
b. I say this because I want you to think about it;
c. I do not know whether you will do it; and
d. I do not want to say that I want you to do it.
Crandall: I think it’s dumb as hell for Christ’s sake, all right, to sit here and pound the **** out of each other and neither one of us making a **** dime.
Putnam: Well—
Crandall: I mean, you know, goddamn, what the **** is the point of it?
Putnam: Nobody asked American to serve Harlingen. Nobody asked American to serve Kansas City, and there were low fares in there, you know, before. So—
Crandall: You better believe it, Howard. But, you, you, you know, the complex is here—aín’t gonna change a goddamn thing, all right. We can, we can both live here and there ain’t no room for Delta. But there’s, ah, no reason that I can see, all right, to put both companies out of business.
Putnam: But if you’re going to overlay every route of American’s on top of over, or top of every route that Braniff has—I can’t just sit here and allow you to bury us without giving our best effort.
Crandall: Oh sure, but Eastern and Delta do the same thing in Atlanta and have for years.
Putnam: Do you have a suggestion for me?
Crandall: Yes. I have a suggestion for you. Raise your goddamn fares twenty percent. I’ll raise mine the next morning.
Putnam: Robert, we—
Crandall: You’ll make more money and I will too.
Putnam: We can’t talk about pricing.
Crandall: Oh bull ****, Howard. We can talk about any goddamn thing we want to talk about. 7

Figure 1: Crandall and Putnam on the phone; from United States v. American Airlines (1984)

References