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CONVERSATIONAL EXERCITIVES: SOMETHING ELSE WE DO WITH OUR WORDS

ABSTRACT. In this paper, I present a new (i.e., previously overlooked) breed of exercitive speech act (the conversational exercitive). I establish that any conversational contribution that invokes a rule of accommodation changes the bounds of conversational permissibility and is therefore an (indirect) exercitive speech act. Such utterances enact permissibility facts without expressing the content of such facts, without the speaker intending to be enacting such facts and without the hearer recognizing that it is so. Because of the peculiar nature of the rules of accommodation that generate them, conversational exercitives have importantly different felicity conditions and therefore constitute a new breed of exercitive speech act.

1. INTRODUCTION

Austin drew our philosophical attention to various ways in which speech can constitute action.[1] The "I do" in a wedding ceremony, for example, constitutes the act of marrying. Verbal bets, promises, warnings and orders are other familiar examples. Austin also distinguished between various sorts of performative utterances[2] and I focus on one such sort here. Exercitive speech acts enact rules (or permissibility facts), thereby fixing the bounds of permissibility in a certain domain. When a lawmaker declares that bystanders to crimes must intervene unless it is dangerous to do so, for example, this utterance (said under the appropriate circumstances, of course) makes it the case that bystanders to crimes must intervene unless it is dangerous to do so. This utterance changes what is legally permissible.

In this paper, I introduce a previously overlooked sort of exercitive speech act. Building on Lewis' notion of a rule of accommodation,[3] I argue that any conversational contribution that invokes a rule of accommodation is an exercitive speech act. Although this has gone unnoticed, such an utterance changes the bounds of conversational permissibility. These conversational exercitives, however, are importantly different from

[1] See Austin (1979, 1962).

[2] See Austin (1962).

[3] See Lewis (1979).

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the sorts of exercitives that Austin discusses and that currently dominate the speech act literature. Conversational exercitives do not, for example, depend on either speaker intention or hearer recognition in the various ways that Austinian exercitives do. In addition, conversational exercitives enact permissibility facts without expressing the content of the permissibility fact being enacted. That conversational contributions are exercitive and that permissibility facts can be verbally enacted in such a covert manner is important for speech act theory. Moreover, as we shall see in Section 6, the phenomenon of conversational exercitives may have important political and legal consequences as well.

First, some preliminary background on Austin's theory of speech acts is presented. This is followed, in Section 3, by a brief summary of Lewis's argument that rules of accommodation are operative in conversations. I then argue, in Section 4, that contributions to conversations have exercitive force because they fix the bounds of conversational permissibility. In Section 5, I demonstrate that the felicity conditions of conversational exercitives are importantly different from those of their Austinian counterparts. The exercitive force of conversational contributions is non-defective even if various sorts of speaker intention and hearer recognition fail. Because the felicity conditions for conversational exercitives are so very different from their Austinian counterparts, they constitute a new (i.e., previously overlooked) breed of exercitive speech act. Finally, in Section 6, potential applications to current discussions about free speech are briefly explored. If speech enacts permissibility facts in this covert manner then there may be legal grounds for prohibiting more of it.

2. AUSTIN ON EXERCITIVES

Austin distinguished between various forces of an utterance. First, the locutionary force of an utterance is the proposition asserted by that utterance. When I say "I am going to Ireland in March", my utterance has the locutionary force of asserting the proposition that I am going to Ireland in March. Second, the perlocutionary force of an utterance is the effect of that utterance on the audience. This force can, of course, vary between hearers. Saying that I am going to Ireland in March might elicit jealousy from some (e.g., those who would also like to go to Ireland in March) while causing relief and joy in others (e.g., those who are happy that I will be far away from them in March). Finally, the illocutionary force of an utterance is the

action constituted by that utterance.[4] "I order you to tie your shoes" has the illocutionary force of ordering while "I promise to go to mass each week" has the illocutionary force of promising.

Be warned that this definition of illocutionary force (i.e., as the act constituted by the utterance) is not the only definition of illocutionary force in use. Some theorists define illocutionary force as the intended force of an utterance. This definition, though, has definite drawbacks. First, since there are several different sorts of speaker intention, the notion of intended force is problematically vague. As we shall see in Section 5, a speaker can have locutionary, perlocutionary and illocutionary intentions. If illocutionary force is the speaker's intended illocutionary force, then clearly we will need an additional independent characterization of the illocutionary. Second, on this definition, the notion of unintended illocutionary force is conceptually impossible. Even if one assumes, as many theorists do, that intentions play such a crucial role, it is nevertheless problematic to build contingent empirical claims into one's definitions.[5] Finally, the definition I use here squares with those of Austin and Searle.

In what follows, I focus on a certain kind of illocution, the exercitive. An exercitive speech act "confers or takes away rights or privileges".[6] Thus, exercitive speech acts enact permissibility facts and thereby determine what is permissible in a certain realm. Suppose, for example, that while enacting college policies, the President of Wellesley College declares that the playing of loud music is prohibited in the dorms after 11:00 p.m. This utterance has exercitive force because it takes away certain privileges. Notice first that exercitive speech acts fix a certain sort of institutional fact.[7] Such speech acts fix facts about what is permissible. The president's (felicitous) utterance changed the rules and thereby made it the case that playing loud music in the dorms after 11:00 p.m. is impermissible. Second, exercitive speech acts are authoritative speech acts since the speaker must have the requisite authority over the domain in question. Had an uptight

[4] Notice that any locutionary act is an illocutionary act since assertion is an illocutionary act. For a detailed explication of this point, see Searle (1968).

[5] Many theorists assume that speech acts are merely a matter of communicated intentions. I question, and am here questioning, that view of language. Plenty of things outside of our awareness partially determine what we are able to do with our words. According to the causal theory of reference, for example, the (objective) causal structure of the world constrains what we are able to refer to. I may intend to refer to what you refer to with the term 'water' but if I grew up on Twin Earth, I refer to XYZ all the same. See Putnam (1975). In this paper, I argue that rules of accommodation afford another case in point since such rules generate unintended exercitive force.

[6] Austin (1962, p. 120).

[7] Searle (1969).

student uttered the very same words as the president, her utterance would not have had the same exercitive force. The student's utterance would fail to have exercitive force exactly because she does not have the authority to enact the rules of the college. Third, the sort of authority in question is restricted to the appropriate domain. Although the president of Wellesley College has the authority to enact the rules for Wellesley College, she does not have the authority to enact rules at Brandeis University or to call a runner out in a Red Sox game.

The case of the college president is a fairly ceremonial example of an exercitive speech act. The role of college president and the authority of that office are usually explicitly stated in legislation. Both what a college president has the authority to do and the circumstances under which she is permitted to do it are explicitly defined. Not all cases of exercitive speech acts, though, involve the formal exercising of the powers of an official office. Parenthood, for example, is not an official office, but parents nevertheless manage to verbally set rules for their children. Thus, there are less ceremonial cases of exercitive speech acts and they are common enough in everyday life.

Both the ceremonial sorts of cases discussed by Austin and the less ceremonial cases just mentioned are instances of what I call *Austinian exercitives*. An Austinian exercitive somehow expresses the content of the permissibility fact being enacted.[8] When the college president said "Playing loud music in the dorms after 11:00 p.m. is no longer permitted", she explicitly stated the permissibility fact that she was enacting. This utterance is therefore an Austinian exercitive. Although an Austinian exercitive must express the content of the permissibility fact being enacted, it need not make explicit that a permissibility fact is being enacted. I may say "no gum in public" without being explicit about the fact that I am thereby enacting new rules for my children. Such an implicit exercitive is nevertheless an Austinian exercitive.

In Section 4, I will argue that any conversational contribution that invokes a rule of accommodation changes the bounds of conversational permissibility and is therefore an exercitive speech act. Since Lewis first introduced the phenomenon of such rules, I turn now to a brief summary of his relevant work.

[8] While familiar examples of Austinian exercitives involve the explicit assertion of the content of the rules enacted, I leave open the possibility that such an exercitive might express the content of the enacted rule in some other manner (e.g., by presupposition or conversational implicature). See Grice's classic paper "Logic and Conversation" in Grice (1989, pp. 26–31).

3. RULES OF ACCOMMODATION

In his "Scorekeeping in a Language Game", Lewis argues that there are several ways in which conversations are like baseball games.[9] First, each of these activities is governed by rules. Just as it is impermissible for a runner to go from first base directly to third base, it is unacceptable for a participant in a conversation to cite what is known to be entirely irrelevant to the topic at hand.[10] Second, each activity is such that what is permissible depends on the rules and what has already transpired in the game or conversation. Whether or not it is appropriate for a runner to walk immediately after a ball is thrown depends on how many balls have just been thrown to that runner. Similarly, whether it is permissible for a participant in a conversation to start talking about cars depends on whether cars are somehow relevant to the topic at hand. This, of course, depends on what has already transpired in the conversation. Third, both activities can be understood as having a score.

Obviously, a baseball game has a score. The commonsense notion of a baseball score, though, tracks only the number of runs but Lewis' notion includes other facets of the game that are relevant to its assessment and proper play. Lewis' notion of score tracks, among other things, the inning, number of balls, strikes, outs and errors as well as the number of runs.[11] Akin to the notion of common ground, Lewis' notion of conversational score keeps track of that which is relevant to the proper development of the conversation.[12] This includes, among other things, the relevant topics, presuppositions and the appropriate standards of descriptive accuracy. Since conversational score has such a wide variety of components, it is worthwhile to consider examples of some of these components.

Consider presuppositions. When a conversational contribution involves a presupposition, that presupposition becomes a part of the score (so long as it is not immediately questioned). Suppose, for example, that I am dis-

[9] Lewis (1979).

[10] This is so, unless of course, one means something by citing the irrelevant. See Grice's "Logic and Conversation", in Grice (1989, pp. 26–31).

[11] For a detailed discussion of the score, see Lewis (1979, pp. 236–238).

[12] Arguably the common ground literature arose from Lewis' notion of common knowledge as presented in Lewis (1969). Stalnaker's highly influential work on presupposition also appeals to common ground. See Stalnaker (1973) and (1974). More recently, Clark (1996) develops this notion of common ground in an especially empirically informed way. Stalnaker (2002) credits Grice's William James Lectures with the introduction of the notion of common ground. See Grice (1989, pp. 65 and 274). Since I am here primarily interested in introducing Lewis' notion of a rule of accommodation, though, in what follows I focus on Lewis' argument for the existence of such rules.

cussing the local housing market with my colleagues. Suppose also that at a certain point I say, "The rates were pretty good last month when we bought our house". My utterance presupposes that I just bought a house. So long as my interlocutor does not question this presupposition, it becomes a part of the conversational score. Everyone in the conversation is subsequently entitled to presuppose that I just bought a house.

Definite descriptions purport to uniquely refer and yet many definite descriptions (at least appear to) do so despite failing to uniquely describe their referent. Salience appears to account for this. On this account, a definite description refers to the most salient satisfier of the description.[13] Suppose that Seamus mentions that his truck is black and I ask if the truck is a pickup. Seamus' truck is certainly not the only truck in the world and his truck may not even be the only truck in view, but I have nevertheless managed to refer to his truck with the expression 'the truck'. This is because Seamus' truck is the most salient truck in the context of this conversation. Having just mentioned it, Seamus' truck is conversationally salient. Salience is a component of conversational score.

Lewis points out that although both baseball games and conversations are rule-governed activities, the rules governing a conversation are importantly different in nature from the rules governing a baseball game. In particular, the rules of baseball are rigid in a way that the rules of conversation are not. In baseball, for example, if a runner walks after only three balls are thrown to him, that runner has violated the rules. That he did so does not make it correct for him to have done so. This is so even if the runner somehow manages to get away with it. The rules governing conversation, however, are different. Because they accommodate the actual behavior of participants, Lewis calls them rules of accommodation. Such rules make the score automatically adjust (within certain limits of course) so that what actually occurs counts as fair play.

Consider again the case of presupposition. When I say, "The rates were pretty good last month when we bought our house", the presupposition that I recently bought a house automatically springs into existence and becomes a part of the conversational score (so long as my interlocutors do not immediately question it). In other words, within certain constraints,

[13] Clark's assessment is similar but a bit more detailed. The referent of definite descriptions is fixed by an appeal to salience (i.e., joint salient common ground) as well as the hearer's assumption that the speaker assumes that the hearer can easily and immediately figure out the intended referent (i.e., his immediacy and solvability premises) and the hearer's assumption that the speaker has provided enough information for the hearer to be able do this (i.e., his sufficiency premise). Clark treats conversational contributions as puzzles (i.e., as solvable participant coordination problems). See Clark (1996, pp. 62–70).

the score automatically adjusts itself to make my contribution count as correct.[14]

Standards of accuracy are another component of conversational score that sometimes adjust to accommodate what is said. Suppose that Donal mentions that Ireland is shaped like a sideways teddy bear and his interlocutors happily accept his claim. This shows that the standards of accuracy operative in the conversation at the time of Donal's utterance are such as to render his utterance sufficiently accurate. Suppose that Seamus subsequently points out that Italy isn't really shaped like a boot because it is squiggly on both sides and boots generally aren't. Seamus' denial that Italy is boot-shaped requires higher standards of accuracy than were operative in the conversation at the time of Donal's utterance. The standards immediately and automatically adjust, though, so that what Seamus said is true enough.[15] Since standards of accuracy are a component of the score, this is a case where the score adjusts itself to accommodate what is said.

What I now aim to show is that rules of accommodation generate exercitive force. Any utterance whatsoever that invokes one of these rules thereby changes the bounds of conversational permissibility and is therefore an exercitive speech act.

4. CONVERSATIONAL EXERCITIVES

Since rules of accommodation adjust the score so that what actually happens counts as fair play, any conversational contribution that invokes a rule of accommodation thereby changes the score. Since what counts as fair play depends on the score (and the rules), changing the score changes the bounds of conversational permissibility. Thus, any conversational contribution that invokes a rule of accommodation is an exercitive speech act in virtue of changing what is permissible in that conversation.

Since the exercitive force of conversational contributions is so subtle and since my argument is both general and abstract, some examples may

[14] Here is how Lewis formulates *the rule of accommodation for presupposition*: If at time *t* something is said that requires presupposition P to be acceptable, and if P is not presupposed just before *t*, then – *ceteris paribus* and within certain limits – presupposition P comes into existence at *t*. Lewis concedes that this rule is not yet well stated and that there are other rules governing the kinematics of presupposition. See Lewis (1979, p. 234).

[15] Following Lewis (1979), we might state *the standards of accuracy rule of accommodation* in the following manner: If at time *t* something is said that requires standards of accuracy A in order to be acceptable, and if standards of accuracy A were not operative just before *t*, then – *ceteris paribus* and within certain limits – standards of accuracy A become a part of the conversational score at *t*. The same qualifications apply: This rule is not yet well stated and there may well be other rules operative.

help to illuminate the phenomenon. Before such examples are offered, however, a methodological clarification is warranted. In what follows, I briefly describe conversational contexts and argue that certain utterances are exercitive because they change the bounds of conversational permissibility. I argue that the permissibility facts have changed by citing utterances that are thereby rendered conversationally impermissible. A problem may seem to arise from the fact that such conversational contexts are inevitably under-described. There are always an infinite variety of factors that are (or may be) relevant to the proper specification of any such context. Because of this, there may well be ways of filling in unmentioned details that falsify particular claims I make about which utterances are subsequently conversationally impermissible. Even if it were always possible to do so, this does not establish that such utterances are not conversationally inappropriate (at least sometimes or even most of the time). That there are some ways to fill in the details such that the utterance in question is appropriate does not establish that there are not other ways to do so such that it is indeed inappropriate. Since it is impossible to avoid under-describing conversational contexts, the best I can do is to specify those details most likely to be relevant. That said I turn now to examples of conversational exercitives.

Consider first salience facts. Conversationally changing salience facts changes the score and is thereby exercitive. Suppose that, when discussing Mike's dog, I say "We had a hyperactive Irish setter named Finbar who stole undergarments from neighborhood clotheslines and so we had to get rid of the dog". By introducing Finbar into the conversation, I made Finbar the most salient dog and that is why I managed to refer to Finbar with the expression 'the dog'.[16] Because of what I said, Mike cannot refer to his dog with the expression 'the dog' (until the salience facts change back again).[17] My utterance changed the salience facts that are a part of the conversational score and thereby changed (however temporarily) the bounds of conversational permissibility. My utterance is an exercitive speech act even though it is not obviously so.[18]

[16] Lewis (1979, p. 242) states the *rule of accommodation for comparative salience* as follows: If at time t, something is said that requires, if it is to be acceptable, that x be more salient than y; and if, just before t, x is no more salient than y; then – *ceteris paribus* and within certain limits – at t, x becomes more salient than y. The above qualifications apply.

[17] Under certain circumstances, an utterance of Mike's, requiring that his dog be most salient, may invoke a rule of accommodation and thereby make it the case that his dog is most salient. If this were to happen all of the time, then salience permissibility facts would not be violatable. For a discussion of this phenomenon and the challenge it raises, see Section 8.2 of McGowan (2003).

[18] I argue elsewhere that conversational exercitives are a new breed of indirect speech act. This Finbar utterance is directly an assertion and indirectly an exercitive. Unlike other

Conversational contributions with presuppositions are also exercitive. Consider a conversation where I say something early on that presupposes that I have children. If my interlocutor does not immediately question that presupposition, then the presupposition that I have children becomes a part of the score.[19] Since my utterance changes the score, this contribution changes facts about what constitutes fair play.[20] Suppose we go on to discuss, in an informed manner, the best pre-schools, pediatricians and toy stores and then my interlocutor asks me whether I have any kids. This query is conversationally improper because my being a parent has become a shared part of the conversation. To later question that presupposition is conversationally odd. Thus, cases of presupposition are also cases of conversational permissibility and they are therefore exercitive speech acts.

5. Clarifications and Potential Objections

Before turning to a more detailed discussion of the peculiar nature of conversational exercitives in Section 5, a few clarifications are warranted. As discussed above, exercitives speech acts are authoritative speech acts. The speaker must have the requisite authority in order to enact permissibility facts in some domain. If, as I have argued, so many conversational contributions have exercitive force, then it seems we must contend that any competent contributor to a conversation is thereby an authority and this consequence may seem counterintuitive. It is not. Recall that the authority required of the speaker is limited to the domain over which the enacted permissibility facts preside. Consequently, competent contributors to conversations only need to have authority over the actual conversation in which the speaker is contributing. It is utterly unsurprising therefore that a competent contributor to a conversation is an authority over the conversation that he or she is creating.[21]

Second, as I have argued, conversational exercitives change the bounds of conversational permissibility and it is well worth noting that other things do this too. Salience facts, for example, can be changed non-conversationally. Suppose, for instance, that while driving with her and

indirect speech acts though, conversational exercitives do not work via conversational implicature. For a discussion of indirect speech acts, see Searle (1979a, b). See also Lycan (1984).

[19] For an explicit statement of *the rule of accommodation for presupposition*, see n. 14.

[20] Of course, what is permissible can change later in the conversation.

[21] It matters little whether we way that conversational exercitives are authoritative speech acts (and that all conversational participants have the requisite authority) or that they are not (since no peculiar authority is required).

discussing Deirdre's car, another car flies through a red light and nearly kills us. Since all conversational participants witness this, that (red-light violating) car is rendered the most salient car at that point in the conversation. As a result, it would be conversationally improper for any conversational participant to try to refer to any other car with the expression 'the car' (until, of course, the salience facts change again). That this event (or our recognition of it) changes the bounds of conversational permissibility in no way undermines the fact that conversational contributions do so too. What can be done through conversational means can also often be done non-conversationally. Suppose, for example, that I want to communicate my desire that Donal share his French fries with me. I can do so verbally (by requesting that he do so) or I can do so non-verbally (by gazing longingly at the French fries). Thus, that other things change the bounds of conversational permissibility in no way undermines the claim made here that conversational contributions do so too.

Third, one might be tempted to think that particular utterances have but one illocutionary force. If what I have argued here is correct, however, then many (perhaps even most) conversational contributions are conversational exercitives and thus have exercitive force in addition to whatever other (surface) illocutionary force such utterances have. Although this may seem counterintuitive, there is already considerable precedent for attributing several illocutionary forces to a single utterance. The canonical account of indirect speech acts, for instance, maintains that such utterances have multiple forces.[22] Saying, for example, "Can you pass the salt?" during a meal is, on this account, both literally a question about the addressee's abilities and an indirect request that the addressee pass the salt. If, however, one is especially wary of multiple forces, there are a variety of ways to avoid a commitment to them.[23]

Fourth, it is also worth noticing that a single utterance can be both an Austinian exercitive and a conversational exercitive and that this in no way undermines the important distinction between them. As I have argued, any conversational contribution (and thus any Austinian exercitive) invoking a rule of accommodation is also a conversational exercitive. Suppose, for example, that while discussing Mike's dog, my three-year-old son walks into the room and I notice (although Mike does not) that my son has blown a bubble clear out of his mouth and into the hair of Mike's frail elderly mother. Suppose that, in response, I set a new rule for my son by saying:

[22] See Searle (1979a, b). See also Lycan (1984).

[23] One may, for example, understand conversational contributions as merely functioning as exercitives. For a discussion of such a conservative approach to indirect speech acts, see, for example, Bertolet (1994).

"You are no longer permitted to chew bubble gum in public". This utterance is clearly an Austinian exercitive. Since it also renders gum chewing a relevant topic in the current conversation, it thereby changes the score and is thus also a conversational exercitive. Thus, that a single utterance can be both an Austinian and a conversational exercitive in no way undermines the important distinction between them.[24]

Finally, one may object that the enacting of conversational permissibility facts is a mere causal (that is, perlocutionary) effect of conversational contributions.[25] If conversational contributions merely cause the score to change (by invoking a rule of accommodation) then they merely cause the enacting of new conversational permissibility facts and are thus not exercitive speech acts at all. This concern is misplaced. When I say to my children, for example, "You are no longer permitted to chew bubble gum in public", the new permissibility fact enacted springs into existence as I speak. It would be incorrect to say of such a case that my utterance merely caused the rule to be enacted. Similarly, because of the peculiar nature of rules of accommodation, when one makes a conversational contribution invoking a rule of accommodation, the score automatically changes (it is not merely caused to change) and that, in turn, automatically changes what is conversationally permissible.[26]

6. DIVERGENT FELICITY CONDITIONS

I have argued for the previously overlooked fact that any conversational contribution that invokes a rule of accommodation is an exercitive speech

[24] After all, my Finbar utterance is both an assertion and a (conversational) exercitive but the distinction between assertions and exercitives is in no way undermined.

[25] One might be tempted to think that conversational exercitives are merely (what Bach and Harnish call) collateral acts. This is not so. First, (as discussed in Section 5) conversational exercitives lack the requisite speaker intentions. According to Bach and Harnish, all collateral acts are to be understood in terms of the speaker's (recognized or unrecognized) intentions. Second, unlike collateral acts, the communicative presumption is not typically suspended with conversational exercitives. For a discussion of collateral acts, see Bach and Harnish (1979, pp. 96–103).

[26] Lewis' own language stresses this point. Of presupposition, for example, he says: "Say something that requires a missing presupposition, and straightway that presupposition springs into existence, making what you said acceptable after all". See Lewis (1979, p. 234). Of course, there is also the general problem of maintaining the distinction between illocution and perlocution especially in light of the fact that successful illocution depends on various causal processes (e.g., speaking, hearing and understanding). This general problem, however, does nothing to undermine conversational exercitives in particular. For a consideration of other potential objections to the phenomenon of conversational exercitives, see McGowan (2003).

act. We have already seen two respects in which such conversational exercitives are different from their Austinian counterparts. First, conversational exercitives do not express the content of the permissibility fact enacted. Second, they are much more common than their Austinian counterparts since, arguably, most conversational contributions invoke a rule of accommodation and are therefore conversational exercitives. There are other important differences between Austinian exercitives and their conversational counterparts. Unlike their Austinian counterparts, conversational exercitives are not sensitive to either speaker intention or hearer recognition in the various ways that Austinian exercitives are.

In what follows, I use the term defect rather broadly. A speech act can be defective even though it manages to have the intended illocutionary force. Suppose I say, "I promise to tell you every rumor I ever hear about you" even though I have no intention of doing so. My insincerity is a defect of my speech act, but I nevertheless managed to promise by saying what I said. Thus, not all defects are fatal. An illocution with a fatal defect, on the other hand, fails and the illocutionary act attempted is not performed. (Austin calls such failed illocutions misfires.) Suppose that I try to verbally enact higher speed limits in order to avoid being pulled over for speeding. Try as I might, I will fail to enact new speed limits exactly because I do not have the authority to do so. In what follows, I often leave it open whether a particular defect is fatal or not.[27]

Austinian exercitives are sensitive to speaker intention in (at least) two ways. First, consider the speaker's illocutionary intention. An Austinian exercitive is defective unless the speaker intends that her utterance have exercitive force. Suppose, for example, that during an administrative meeting (the purpose of which is to enact new college policies) the college president says "Smoking should be impermissible in any college building" but she merely intends, by so doing, to be expressing her personal opinion. That the president did not intend to be enacting new college policy is at least a defect (whether fatal or not) of her (exercitive) speech act.[28]

Austinian exercitives also depend on the speaker's locutionary intention. Since Austinian exercitives express the content of the permissibility fact being enacted, such a speech act can be defective if the speaker's locutionary intention fails to match that content. Suppose, for instance, that I

[27] I do this, in part, because theorists disagree.

[28] One might be tempted to say, in such a case, that the president's utterance fails to enact new college policy exactly because she does not intend to do so. I am unconvinced that the speaker's illocutionary intentions play such a crucial role, but this much, at least, is clear. Speaker illocutionary intention is an important felicity condition of Austinian exercitives and the failure of this condition constitutes a defect of some sort (whether fatal or not).

intend to be prohibiting my children from playing any video games but that I falsely believe that Nintendo is the only kind of video game. When I say, "You are no longer allowed to play Nintendo", my exercitive is defective because my locutionary intention (i.e., to prohibit the playing of any video game) does not match the locutionary content of my utterance. Of course, we can imagine cases where the context makes my locutionary intentions sufficiently clear for successful communication but the mismatch between my locution and my locutionary intentions nevertheless constitutes a defect (whether fatal or not) of my Austinian exercitive. Thus, Austinian exercitives are also sensitive to the speaker's locutionary intentions.

Austinian exercitives are also sensitive to hearer recognition in several ways. Suppose that my children think that I am only kidding when I say that they have until the big hand hits the two to finish their dinner. Their failure to recognize my illocutionary intentions is a defect (whether fatal or not) of my speech act.[29] The hearer's recognition of the speaker's locutionary intention is also an important felicity condition of Austinian exercitives. Suppose that my children misunderstand what I said and think that I intend to be declaring a new rule such they have until Big Ann hits her shoe to finish their dinner. In this case, they recognize my illocutionary intention (to enact a new rule), but they misunderstand the content of that rule. Such a misunderstanding also constitutes a defect (whether fatal or not) of my Austinian exercitive. Since I leave open the possibility that a speech act can have a particular illocutionary force and/or a particular locutionary content without the speaker intending that her utterance have that force and/or that content, there are two more ways in which hearer recognition may fail. An Austinian exercitive is defective if the hearer fails to recognize the actual illocutionary force of the utterance (whether intended by the speaker or not) and/or the actual locutionary content of the utterance (whether intended by the speaker or not.)

Unlike Austinian exercitives, however, conversational exercitives do not depend on either speaker intention or hearer recognition in any of these ways.[30] Consider first speaker intention. Recall that when I changed

[29] Again, one may be tempted to say in such a case that I have failed to enact new permissibility conditions for my children exactly because they do not recognize my intention to do so. I am unconvinced of this but we can conclude at least that the hearer's recognition of the speaker's illocutionary intention is an important felicity condition of Austinian exercitives.

[30] Of course, they do depend on other sorts of speaker intention and hearer recognition. Arguably, the exercitive force of my Finbar utterance depends on the (minimal) success of my Finbar assertion. If conversational exercitives are indirect speech acts, then the success of the (indirect conversational) exercitive depends on the success of the direct speech act that, in turn, depends on various (other) sorts of speaker intention and hearer recognition.

the subject and started talking about my childhood dog Finbar, I changed salience facts (and thus the score) and thereby changed the bounds of conversational permissibility. That I did not intend to change the bounds of conversational permissibility is irrelevant to the exercitive force of my utterance. The rules of accommodation operative in the context of the conversation are sufficient to make my utterance change the bounds of conversational permissibility. Unlike Austinian exercitives then, conversational exercitives do not depend on the speaker's illocutionary intention.

The failure of the speaker's locutionary intentions is not a defect of conversational exercitives either. By making Finbar the most salient dog, my Finbar utterance enacts a (new) permissibility fact: Currently, the (only) referent for the expression 'the dog' is Finbar. That my locutionary intentions do not match the content of this permissibility fact is simply irrelevant. The rules of accommodation that are operative in this context are sufficient to make it the case that my Finbar utterance nevertheless non-defectively enacts that permissibility fact. The mismatch between the speaker's locutionary intention and the permissibility fact enacted is simply not a defect of conversational exercitives.

Consider hearer recognition. As we have seen, Austinian exercitives are sensitive to both the hearer's recognition of the speaker's illocutionary intentions and the hearer's recognition of the speaker's locutionary intentions. Clearly, conversational exercitives cannot be. Since the analogous speaker intentions are absent in the case of conversational exercitives, no issue regarding the hearer's recognition of them can arise. For this reason, I will consider instead the hearer's recognition of the actual illocutionary and locutionary force of the utterance. Even if my interlocutor does not consciously recognize that I changed the bounds of conversational permissibility when I started talking about my childhood dog Finbar, my conversational exercitive is nevertheless non-defective.[31] Moreover, the exercitive force of my Finbar utterance is non-defective even though my interlocutor fails to recognize the precise content of the salience permissibility fact that my utterance enacts. Clearly, conversational exercitives are not sensitive to hearer recognition in any of the many ways that Austinian exercitives are. As we can see then, because of the peculiar role of rules of accommodation, the felicity conditions for conversational exercitives are importantly different from the Austinian sort of exercitive that currently dominates the speech act literature.

[31] In virtue of operating within the bounds of conversational permissibility, however, it seems that my interlocutor recognizes, at some level or other, the permissibility consequences of my utterance.

7. INTERESTING POTENTIAL CONSEQUENCES

In addition to their importance for speech act theory, conversational exercitives appear to afford promising consequences for certain recent applications of speech act theory. Many theorists (e.g., critical race theorists and feminists) argue that certain forms of speech currently protected under the first Amendment (e.g., racist hate speech and pornography) ought to be prohibited.[32] Their arguments tend to focus on an alleged connection between harm and the speech in question. Many argue, for example, that the speech in question ought to be prohibited because of the harm it *causes*.[33] Since these arguments rely on the truth of complex causal claims that are so notoriously difficult to establish, some theorists opt for a different approach. These more "radical" theorists contend that the speech in question actually *constitutes* harm. On this view, the speech in question ought to be prohibited because it constitutes acts that the law already prohibits (e.g., acts of subordination and discrimination).

MacKinnon is one such theorist.[34] She claims that pornography constitutes both the subordination and the silencing of women. Since pornography, mere pictures and words, does not seem to be the appropriate sort of thing to perform actions of any sort, MacKinnon has been accused of "conceptual confusion"[35] and a "metaphysical sleight of hand". As we well know, however, speech act theory demonstrates both that and how speech constitutes action and, since pornography is treated as speech by the courts, some theorists, such as Langton, defend the coherence of MacKinnon's claims by offering a speech act analysis of pornography.[36]

According to Langton, pornography subordinates women by enacting permissibility conditions that legitimate the subordination of women.[37] Since pornography is alleged to enact permissibility conditions, Langton's analysis contends that pornography is an exercitive speech act. Since Austinian exercitives are the only sort of exercitive speech act currently recognized in the literature, Austinian exercitives afford the only model for Langton's purposes. If pornography is a speech act, though, then it seems that it must have a speaker and it is unclear who (or what) the

[32] See, for example, Crenshaw et al. (1993), Delgado and Lederer (1995), MacKinnon (1987) and MacKinnon (1993).

[33] See, for example, Anderson (1995) and Russell (2000).

[34] MacKinnon (1987, 1993, 1997).

[35] Parent (1990).

[36] Langton (1993, 1998). Langton and West (1999) and Langton and Hornsby (1998).

[37] Langton also contends that pornography silences women's speech in virtue of its exercitive force. For the sake of simplicity, I here focus on her analysis of the subordination claim.

speaker is. Let us assume, for the sake of argument, though, that the producers, distributors, and consumers of pornography collectively constitute the speaker.[38] Even so, Langton's analysis faces several (additional) challenges.[39] First, pornography does not express the content of the permissibility fact allegedly enacted. Since Austinian exercitive speech acts must by definition do so, this undermines Langton's analysis.[40] Second, the producers, distributors and consumers of pornography do not appear to intend to enact such facts. Since Austinian exercitives are sensitive to these sorts of speaker intention, this consideration also undermines Langton's analysis. Finally, the "hearers" of pornography (i.e., those exposed to it) typically do not take it to be subordinating women. Since hearer recognition fails, this consideration too undermines Langton's analysis. If, however, pornography works like a conversational exercitive, then none of these challenges apply.[41] As we have seen, conversational exercitives enact permissibility facts without expressing the content of those facts, without the speaker intending to do so and without the hearer recognizing that it is so.

Clearly, the phenomenon of conversational exercitives is helpful to Langton's particular project but the political consequences of the exercitive force of conversational contributions may well be more far reaching. Perhaps other forms of speech (e.g., hate speech) enact subordinating permissibility facts in the covert manner discussed in this paper. If (as seems plausible) rules of accommodation are operative in broader contexts as well, then our speech may very well be enacting permissibility facts in these broader contexts and in this covert manner. Since the enacted permissibility conditions may unjustly prohibit certain (perhaps already systematically disadvantaged) persons from exercising certain rights or privileges, there may be legal grounds for prohibiting such speech. Thus, in addition to their importance for speech act theory, conversational ex-

[38] I here follow Green (1998).

[39] For a full exploration of the challenges faced by Langton's analysis and the ways in which conversational exercitives help to face those challenges, see McGowan (2003).

[40] Langton and West (1999) argue that pornography expresses, via a complex combination of presupposition and conversational implicature, certain hateful messages about women (e.g., women enjoy being raped). Even if they are there successful, such hateful messages about women do not match the locutionary content of the permissibility fact allegedly enacted by pornography. It may be, however, that their strategy in this paper could be successfully extended.

[41] In order for pornography to function like a conversational exercitive, there must, of course, be rules of accommodation (of some sort) operative in the realm over which the enacted permissibility facts preside (i.e., the socio-sexual arena). This issue is explicitly discussed in McGowan (2003).

ercitives (and their rather peculiar felicity conditions) may be politically, legally and socially important as well.

8. CONCLUSION

I have argued that any conversational contribution that invokes a rule of accommodation changes the bounds of conversational permissibility and is therefore an exercitive speech act. In addition, the felicity conditions of conversational exercitives are importantly different from those of their Austinian counterparts. As we have seen, conversational exercitives are not sensitive to the various sorts of speaker intention or hearer recognition discussed. While most speech acts function via the recognition of intentions, conversational exercitives are generated by the peculiar nature of rules of accommodation. For this reason, they constitute a new (i.e., previously overlooked) breed of exercitive speech act and speech act theory ought to recognize this. Moreover, in addition to their importance for speech act theory, conversational exercitives and their rather peculiar felicity conditions may have important political, legal and social consequences.

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