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Assessing Speech Morally

Shu
Presumably, Confucius
Słowo to kreacja
Nie tylko poety
A człowieka
*'Trza być w butach na weselu!'*¹
De De Es

1. Introduction

In many ethical and religious systems, there are at least three dimensions of human activity that are taken into account in moral reflection: actions, thoughts, and words. Generally speaking, ethics is focused on the first one – it examines how we should act in certain situations and what norms we should employ for morally good actions. Also moral reflection is very often driven by thoughts – we deliberate about the possible courses of action, for example, by considering a number of possible situations and losses and gains in each of them. These two spheres – actions and thoughts – are very prominent in ethical consideration. Nevertheless, there is also a third dimension of human activity that appears to be susceptible of moral assessment – language and utterances.

Prima facie, a given speech could be assessed as morally wrong because of both the intention of the speaker and the negative influence it could have on the hearer. There indeed seem to be clear cases where one's utterance could be regarded as morally wrong because of the negative effects the utterance brings about. Consider, for example, the case of *defamation*. The Shorter Oxford English Dictionary says that defaming is "to bring ill fame upon, to dishonour or disgrace in fact." Thus, it seems essential to defamation that it brings forth negative effects.

¹ *The word is the creation // not only of the poet // and the man // 'Must to be in your shoes at a wedding!'*

But, on the other hand, consider the case of *slander* – a type of utterance similar to defamation that is also at least as potentially morally wrong as defamation. Again, the Shorter Oxford English Dictionary defines slander as “the utterance . . . of false statements or reports concerning a person . . . in order to defame or injure.” As Bird (2002) stresses correctly, this characterization of slander suggests that what matters in regarding an utterance as slander is the falsity of the report and the intention of the speaker, but not necessarily the negative effect of the utterance.

But the moral assessment of speech is typically more complicated than suggested above. Suppose that Alice tells Bob about her recent meeting with Tom. In this act, Alice also says about Tom’s private affairs certain things that may not be true. In particular, she tells Bob, somewhat disapprovingly, that Tom has bought an expensive new car, although, she thinks, his financial situation is bad. Yet, she also believes that her utterances cannot bring negative, empirically observable consequences for Tom; in particular she does not intend to bring ill fame upon Tom. Nevertheless, Bob does not feel comfortable with Alice’s words and thinks that she is *gossiping* about his friend: he thinks that there is something morally wrong about her verbal behaviour. But why might Alice be morally blamed for what she does with her utterances if she neither intends to hurt Tom nor acts in a way that brings some observable negative consequences for Tom?

Moreover, there appear to be cases where not only making no meaningful sounds could be assessed as morally wrong (for example, when one stubbornly keeps a secret which, once revealed, would save many lives), but also where one does say words, but cannot do with them what one intends. Consider the following case discussed by Davidson (1984, p. 269):

Imagine this: the actor is acting a scene in which there is supposed to be a fire. It is his role to imitate as persuasively as he can a man who is trying to warn others of a fire. “Fire!” he screams. And perhaps he adds, at the behest of the author, “I mean it! Look at the smoke!” etc. And now a real fire breaks out, and the actor tries vainly to warn the real audience. “Fire!” he screams. “I mean it! Look at the smoke!” etc.

What is striking about this case is that although the actor does intend to warn against the fire, she actually fails to do this. That is, although she utters words that are appropriate for what she wants to do, to wit, warning the audience, there are some factors that prevent her utterance from counting as a warning. Following Langton (1993), we may say that the act of warning has been made *unspeakable* for her, although she said the appropriate words. But how to account for such unspeakable acts? And in particular, how could we account for these acts when our task is to assess them morally? While in the case of making no meaningful sounds at all when they are actually needed we would be prone to think that what’s morally wrong is the act of not uttering these words itself, it is not entirely clear what could be morally wrong with unspeakable acts.

The above considerations suggest that any view on how to morally assess speech should take into account various phenomena that occur when someone

utters words. In particular, it should rest upon a well-established understanding of what speakers do with their words, at the least. In this paper, we first examine some directives concerning the proper use of speech and proper conversation, put forward by religious thinkers, linguists, and philosophers. Since language norms are very present in big world religions, we will look at what kind of speech is considered to be improper (lat. *mala lingua*) in Buddhism, Judaism, Christianity and some Asian moral systems.

Secondly, we aim to argue that John L. Austin's theory of speech acts not only does provide a well-grounded understanding of what speakers do with their words, but also can underpin various phenomena that are relevant to the moral assessment of speech. In so doing, we also show how philosophy of language can shed light on topics in ethics.

Before we begin, two qualifications are in order. Firstly, the paper does not aim to provide a particular conception of the moral assessment of speech. Rather, our goal is to provide a conceptual apparatus that may be useful for the moral assessment of speech, in particular it may shed new light on the controversial cases mentioned above and on various directives concerning speech. Secondly, the paper focuses on what might be called the *critical* sense of the moral assessment of speech rather than on the *deliberative* one. While the former has to do with the third-person evaluation of the agent after her verbal action has been performed, the second concentrates on the first-person deliberations of the agent prior to performing the verbal action. As it has been argued by Scanlon (2008), the deliberative sense of moral assessment covers questions of *permissibility*, in particular when we are trying to decide what to do, or helping someone else to decide what to do. For example, the moral permissibility of such speech as lying or gossiping could be revealed by questions like "May I lie" or "May I gossip." But the critical dimension of moral evaluation focuses on what Scanlon calls the "meaning" of an action, which concentrates on whether the action is morally worthy, reasonably taken, or whether the agent can be blamed, in a more impersonal sense, for what she did. For example, the deliberative moral assessment of speech can be revealed by questions like "May Alice be blamed for gossiping?."

2. Analysing Some Directives for Speech

2.1. Directives for Speech in World Religions and Codes of Conduct

Within world religions, one can find some directives concerning the proper use of language and proper conversation. In Buddhism, proper speech (sami *samma vaca*) is the third step on the Noble Eightfold Path, where one is advised to restrain from: false speech, divisive speech, hurting speech and idle chatter. That is, right speech requires not lying, not telling one person what another says about her, not

delivering rude speech, and speaking only in a way that leads to salvation. Judaism prohibits at least three types of speech – *lashon hara*, *rechilus* and *moci shem-ra* (i.e., respectively: (1) derogatory, though true, speech about another person, e.g., the use of true speech for a wrongful purpose, any derogatory or damaging (physically, financially, socially, or stress-inducing) communication; (2) any communication that generates animosity between people, e.g. carrying tales among people; (3) negative and false speech about another person)². Christianity treats as a sin false report, slander, lie, gossip and blasphemy.

We can also find directives concerning proper speech in various codes of conduct. Most specifically, Chinese thinkers put emphasis on politeness in speech (chin. *keqi*, 客氣, 客气 in simplified spelling). As Hinze (2012, p. 14) explains:

‘Politeness’ in Chinese is most often rendered as *keqi* or *limao*. Somewhat loosely, *keqi* is usually associated with polite speech and *limao* is usually associated with polite behaviour.

Gao (2006, p. 11) explains the notion of *keqi* as follows:

... the notion of other is prominent in *keqi*. Respecting others, tolerating others, treating others equally, understanding others, not revealing others’ weaknesses, giving *mianzi* to others, saving *mianzi* for others, amicable to others, polite to others, showing warmth in receiving others, and showing *renqing* (人情 ‘human feeling’) all define *keqi*. *Keqi* also denotes a harmonious and easy-going atmosphere.

Here, the word *mianzi* refers to the extra prestige or status that is held by individuals in virtue of their exceptional actions, networks, positions, accomplishments.³

Similarly, Yu (2003, p. 1700) states:

Basically, to be polite in Chinese spoken interactions is to know how to pay attention to each other’s *mianzi* and *lian*, and to enact speech acts appropriate to, and worthy of, such an image.

Also, when explaining Japanese politeness in speech, Dunn (2012, p. 228) says:

The concept of *teinei* in Japanese is associated with clusters of other concepts including vertical displays of respect (*kei* ‘respect,’ *keigo* ‘honorifics’ or literally ‘respect language,’ *jooge kankei* ‘vertical relations’), appropriate modesty or humility (*hikaeme* ‘modesty,’ *enryo* ‘restraint,’ *kenkyo* ‘modest,’ *herikudaru* ‘humble’), and showing kindness or consideration to others (*shinsetsu* ‘kind,’ *omoyari* ‘considerate’).

She adds:

Speaking ‘kindly’ was distinguished in the training from speaking politely in the sense of using honorific language. In the excerpt quoted above, note how concepts such as kindness (*yasashiku*) and consideration (*omoyari*) are placed in contrast with polite or beautiful language use (*utsukushiku tenei ni iereba; keigo kirei de atte*). (Dunn 2012, p. 237)

² See, https://www.sefaria.org/Chofetz_Chaim.

³ See Hinze 2012, p. 17.

Note that the above survey of various directives concerning speech and conversation that were formulated in religious systems and various codes of conduct indicates that it is not only the speakers' intentions and the semantic content of her utterances that is relevant to proper speech and proper conversation. What matters is also a certain kind of relation between the speaker and the hearer. In other words, what matters to proper conversation is not only the fact that the speaker uses intentionally words with appropriate semantic content, but also the fact that the speaker and the hearer respect each other in various ways.

2.2. Non-religious Directives for Speech

Other than religious thinkers, most notably philosophers and linguists, have put forward many rules or directives concerning proper speech and conversation. As one of the most representative examples, let us briefly look at Paul Grice's idea of conversational implicature. According to Grice, the 'calculation' of conversational implicatures is grounded on common knowledge of what the speaker has said (or better, the fact that he has said it), the linguistic and extra-linguistic context of the utterance, general background information, and the consideration of what Grice dubs the 'Cooperative Principle' (CP). This principle states the following:

Make your conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged. (Grice 1967/1989, p. 26.)

According to Grice, the CP is implemented in the plans of speakers and understanding of hearers by following so-called 'maxims'. They include:

- Quantity: *Make your contribution as informative as is required (for the current purposes of the exchange). Do not make your contribution more informative than is required.*
- Quality. When expressed as a supermaxim, it states the following: *Try to make your contribution one that is true.* It includes as submaxims the following:
 - *Do not say what you believe to be false.*
 - *Do not say that for which you lack adequate evidence.*
- Relation: *Be relevant.*
- Manner (Supermaxim): *Be perspicuous.* (Submaxims): Avoid obscurity of expression. Avoid ambiguity. *Be brief* (avoid unnecessary prolixity). *Be orderly.*

What is striking about Grice's maxims is that they show us that rational talk exchanges does not consist of a mere succession of meaningful sounds, but that such exchanges require suitable conversational moves and cooperative efforts of the participants of a discourse. We see, again, that the requirements for conversational moves cover both linguistic and extra-linguistic aspects of utterances.

Of course, Grice's theory is just one of many theories formulating directives for rational conversation. Let us only mention the following as interesting alternatives: (i) Robin Lakoff's Rules of Politeness (Don't impose, Give options, Be friendly), (ii) Geoffrey Leech's Politeness Principles (tact, generosity, approbation, modesty, agreement, and sympathy), Deborah Tannen's Rules of Rapport (distance, deference, camaraderie), (iii) Three Sieves of Socrates (truth, goodness, usefulness/necessity), (iv) Bernardo J. Carducci's The Art of Small Talk (Basic Principle: You Don't Have to Be Brilliant; You Just Have to Be Nice; Basic Guideline: Make It Easier for Others – It's About Them, Not About You; Basic Objective: Finding Common Ground; Basic Rule: Make It Easier for Others – It's About Them, Not You; Basic Format for Making Successful Small Talk: Knowing and Following the Steps for Engaging Others).

2.3. Polish Contemporary Moral Philosophers about the Ethics of Speech

On a somewhat more formal level, the Polish Panel for the Ethics of Word working within The Council for the Polish Language of the Polish Academy of Science (pol. *Polska Akademia Nauk*) has developed eight rules that are essential to the ethics of speech.⁴ These rules have both a negative and positive recommendation. The version "You mustn't" of those rules says: (1) as a sender of the message: you mustn't hurt another person with the hostile, humiliating, and harmful words; you mustn't lie, manipulate people with half-truths, demagoguery, and blackmail; (2) as a receiver of the message: you mustn't break the dialog, close yourself for others' words, you mustn't take the others' words with biases; though simultaneously you mustn't be naïve in receiving information, be aware of the possibility of lie and manipulation. The version "You must" says: (1) as a sender of the message: speak so that the partners feel safe and accepted; say what you think is true, unless silence or even lie is justified for the sake of others' good; say this way so that the hearer understands you and don't make him nervous by lack of correctness and speech snobbery; (2) as a receiver of the message: listen with good will, though without being naïve in trying to understand her reasons/points.

According to Polish speech ethicists, in the light of linguistic data, a good participant of a conversation is a person who: (1) from the interaction perspective, perceives the receiver (the sender) and cares about the partner, respects him, establishes a connection, can listen; (2) from the modal perspective: speaks clearly and with recognizable intention, i.e., her utterances are received as true or as ones that are neither true nor false; (3) from the perspective of the content: conveys meaningful information and pays attention to the intelligibility of the message; (4) from the perspective of the form, speaks carefully and clearly, not

⁴ Cf. Pajdzińska and Puzynina (1996, pp. 35-45).

too loudly and not too fast, with ‘natural voice’; she uses not too many and not too few words.⁵

Thus, it seems that the above rules hinge upon at least the following two ideas: (1) tolerance and openness for various visions, interpretations and scenarios and (2) benevolence towards understanding them, which Roman Ingarden (Ingarden 1987, pp. 172-176) took as a precondition for free discussion:

An accurate and truthful understanding of somebody else’s thought, before you find it eventually refuted or confirmed, is a first condition for an earnest and truly free discussion.⁶

2.4. Summary

Although, in this section, we have made a survey of some directives concerning mainly the rationality of conversation and the proper use of language, our main findings can further our understanding of what aspects of talk exchanges the moral assessment of speech could take into account. As we hope to have shown, what matters in rational talk exchanges and suitable conversational moves are both linguistic and extra-linguistic aspects, i.e., those concerning the semantic content of utterances and those concerning some extra-linguistic relations between the speaker and the hearer. Now, given this, it seems plausible to think that whatever the ultimate theory of moral assessment could be, it should take into account those various aspects of talk exchanges. In the next section, to bolster this claim, we show how Austin’s speech act theory could improve our understanding of various aspects of utterances that appear to be relevant for the moral assessment of speech.

3. Speech Act Theory and the Moral Assessment of Speech

3.1. Using Speech Act Theory in the Moral Assessment of Speech

In his seminal work *How to do Things with Words*, Austin (1962) argued that in speaking we not only utter words, and so perform *locutionary acts*, but we also perform other kinds of acts – *illocutionary* and *perlocutionary* acts – that go far beyond the semantic content of the locution.⁷

⁵ Cf. Pajdzińska and Puzynina (1996, pp. 35-45).

⁶ Transl. Dominika Dziurosz-Serafinowicz.

⁷ In Austin’s (1962, p. 121) words: “Thus we distinguished the locutionary act (and within it the phonetic, the phatic, and the rhetic acts) which has a meaning, the illocutionary act which has a certain force in saying something; the perlocutionary act which is the achieving of certain effect by saying something.” According Post (2013, p. 76), “Austin’s tripartite distinction can be referred to in the following way: a speaker utters a sentence with a particular meaning (locutionary act) and with a particular force (illocutionary act), usually achieving in

According to Austin, any actual piece of speech involves at least three kinds of acts. Consider someone saying “Call him.” When one is saying this, one is uttering words that have certain meaning – this is the locutionary act. For example, one could mean by “call” a phone call and by “him” one’s friend. But *in* saying those words, one also performs an action – this is the illocutionary act. So, in saying “Call him” one may *order* another to call, *recommend* a call or *ask for* a call. Further, *by* saying those words, certain other things can be done – this is the perlocutionary act. Continuing with our example, by saying “call him!,” one may show who the boss here is or assert one’s authorisation of making such request.

As Austin’s speech act theory postulates, examination of any utterance can consist in analysing its illocutionary act (roughly, a speaker’s intention) and perlocutionary act (effect). As Austin (1962, p. 101) indicates:

Saying something will often, or even normally, produce certain consequential effects upon the feeling, thoughts, or action of the audience, or of the speaker, or of the other persons ...

In the moral assessment of one’s utterance, thus, we may analyse the feelings, thoughts or actions of a person who hears the words addressed to her. If those feelings or thoughts are destructive or negative, we can suppose that the act which evoked it was morally wrong. To give an example: if you feel bad after hearing “You resemble Hitler,” it can be supposed that this utterance was morally wrong.

Within our ethical analysis, we can also analyse the perlocutions, and hence the effect that the utterance has on us. But not only the effect of an utterance can be an indicator of whether it is morally right, but also what matters is the speaker’s intention which is covered by the illocutionary aspect of speech. We can thus postulate that when our intentions underlying a certain utterance are bad, we are unethical in performing speech acts. If we want to evoke in the hearer some negative emotions, like anger, fear, sadness, disgust, or embarrassment, we are might be regarded as immoral. Especially, illocutionary acts that cover mainly the speakers’ intentions, their attitude to the hearer, and the aim of their speech acts are important in ethical analysis. In moral reflection, a speaker needs to pay special attention to the illocutionary force of her utterances, if she is supposed to order, inform, question, warn somebody, etc. She needs to reflect upon these aspects, if a certain illocutionary act is to be proper, that is, as a speaker I need to know that I am a proper person to perform a certain speech act upon a certain person in a certain situation.

this way (perlocutionary act) a certain response from the hearer.” Post (2013, p. 91) then explains that: “they are: locutionary acts – acts of saying something, that is, the acts of uttering a sentence with a certain meaning; illocutionary acts – acts performed in saying something, that is, the speaker intent, in uttering the sentence, to praise, criticize, warn, etc; and perlocutionary acts – acts performed by saying something, that is, the speaker’s intent to frighten the hearer, to amuse him, to get him to do something, etc. by uttering the sentence.”

Then, in our ethical analysis of speech, we should consider at least the following three aspects: what we are saying, what we are doing in saying it, and what we are achieving by saying it (which also includes the hearer's response).

3.2. Illocutionary vs. Perlocutionary Consequences

While it is rather uncontroversial how to distinguish locutions from both illocutions and perlocutions, it is not evidently clear how one might draw a line between illocutions and perlocutions. Both seem to have something to do with bringing forth consequences, but those consequences appear to have a different nature. As the example of someone uttering "Call him" suggests, while the perlocutionary effects have something to do with changes in the natural or physical course of events (e.g., one evokes the physically observable effect on someone to be called), the illocutionary effects concern only communicative effects (e.g., requesting a call).⁸ Also when we recall the examples of defamation and gossiping discussed at the beginning of this paper, we see that the consequences of defamation go far beyond a normal linguistic exchange between the speaker and the audience, while the consequences of gossiping are only communicative and follow from the nature of linguistic communication itself. Could there be a more principled explanation of the distinction between illocutionary and perlocutionary effects?

Austin himself argued that, contrary to perlocutions, illocutions are subject to certain *felicity conditions*. Typically, these conditions are formal, conventional, and relate to some institutionalized procedure. Thus, what could allow us to draw a line between illocutionary and perlocutionary acts is the fact that the former acts bring about convention-guided consequences, while the latter acts bring about consequences that go far beyond what is prescribed by conventions. For example, Austin thought that *warning* is an illocutionary act and *persuading* a perlocutionary one. But how to explain this difference? Using the criterion of conventional/non-conventional consequences, one may explain this difference by saying that a hearer's state of having been warned is in appropriate circumstances a conventional consequence of warning, while a hearer's coming to be persuaded is a consequence, but not a conventional one.

However, the above explanation cannot be satisfactory. It seems that many cases involving illocutionary consequences of speaking require no specific conventions. It is natural to think that locutions require convention, for arguably it is a matter of speaker's agreement that sounds have certain meanings. But it seems that conventions can hardly determine *what speakers can do* when they use sounds having conventional meanings.⁹ To illustrate this point, consider an example discussed by Hornsby (1994, p. 191):

⁸ Cf. Austin (1962), p. 117.

⁹ Cf. Hornsby (1994), p. 191.

When an English speaker uses the words ‘There’s a bull’, then, arguably at least, she relies on the conventional significance here that those words have in order to get into the thought that a bull is present. But what convention could she rely on in order to warn someone that there’s a bull by expressing that thought? It is obviously wrong to say that there is a convention that one expresses the thought that something F is present to warn of the presence of something that is F. And a convention pertaining to thoughts about bulls in particular can hardly be in operation.

Moreover, it needs to be emphasized that the class of illocutionary acts is not fully specified by conventional and institutionalized procedures simply because, for many cases of utterances, such procedures do not exist, and yet it is evident that we deal with some consequences of speech acts.

As will be apparent in the coming sections, one may think that while perlocutions bring forth some *extra-linguistic* consequences of speaking, locutions bring about only linguistic or purely communicative consequences.

3.3. Illocutions and Conventional Felicity Conditions

Classical Austinian examples of illocutionary acts are tied up with certain conventional and institutionalized felicity conditions. For example, when a speaker says “I do,” she performs an act of marrying someone if she intends to marry and the appropriate ceremony is executed by all participants correctly and completely, e.g. the celebrant is authorized. If some of these conditions are not satisfied, the speaker’s speech act *misfires* in the sense that the illocutionary act fails to be performed. So, for example, a man married in a Christian, Jewish, Indian or similar ceremony to a woman, saying after some shorter or longer time of being married “I do hereby divorce my wife” misfires, because there is no procedure for effecting divorce, and so he fails to perform that illocutionary act.

Now it seems natural to think that the moral assessment of speech is closely tied with the evaluation of whether the speaker pays due attention to the conventional and institutionalized felicity conditions. Here we can distinguish at least two possible cases. The first one is where the speaker *does not follow* the procedure whereby the illocutionary effect can be produced, and so can be morally blamed for not succeeding in bringing about some illocutionary effects. The second one is where the speaker *actually satisfies* some felicity conditions, yet the illocutionary consequences of her act are morally wrong.

Let us look closer at the first possible case. For example, the role of various codes of conduct in economics and business is to ensure a more responsible behaviour of professionals and corporations. In particular, there are various codes that regulate professional oaths for bankers, economists, and managers. Consider for example the so-called Bankers’ oath in the Netherlands.¹⁰ It states that bankers have to promise that (i) they will act with integrity and conscientiously,

¹⁰ For a detailed analysis of ethical oaths in financial institutions, see Blok 2013.

(ii) carefully consider the interests of stakeholders, (iii) prioritise the interests of clients, (iv) operate in compliance with the laws, regulations and codes of conduct, and (v) make a sincere effort to preserve and promote trust in the banking sector. Now, we can understand this code as stating some felicity conditions for bankers' oath (*bankierseed* in Dutch)¹¹ as an instance of their verbal conduct. If a banker's oath does not satisfy these conditions, then we may think that her utterance "I swear ..." ("*Ik zweer ... /ik beloof ...*" in Dutch) does not commit her to take an ethical stance on her actions, e.g., do no harm. The banker thus can be blamed for not satisfying the felicity conditions that constitute ethical oaths, and so for not producing the illocutionary effect concerning her commitment to ethical behaviour in the future.

As an example of the second possible case, consider article 212 §1 of the Polish Penal Code, which penalizes a particular kind of slander. It says that anyone who slanders another person, a group of people, a business entity or an organisational unit without the status of a business entity, about conduct, or characteristics that may discredit them in the face of public opinion, or result in a loss of confidence necessary to perform in a given position, occupation or type of activity is liable to a fine, the restriction of liberty. This legal norm may be understood as formulating certain felicity conditions for a type of slander: a verbal conduct that may discredit some legal subjects in the eyes of public opinion, or result in a loss of confidence necessary to perform in a given position, occupation or type of activity. If these conditions are satisfied, then one's activity can be regarded as slander from the perspective of this criminal code. Hence, some morally wrong consequences of slander can be conventionally characterized.

3.4. Illocutions and Uptake

The consequences of verbal conduct, however, cannot be fully determined by Austin's felicity conditions. There are many situations involving illocutionary acts for which no felicity conditions exist, and so the possible illocutionary effects cannot occur as the result of satisfying such conditions. Recall the case of Alice's gossiping. It is hard to find an institutionalized procedure or conventional rules whose satisfaction would ensure that Alice's utterances count as gossiping. In other words, there seems to be no convention which ensures that expressing Alice's thoughts about Tom gives rise to a conversation in which gossip is being told. Yet, Alice's utterances can be understood as speech acts that bring about consequences of the sort characteristic to gossip. But her utterances cannot be understood as perlocutions if we take perlocutions as bringing about extra-linguistic consequences

¹¹ Officially called "oed of belofte in de financiële sector," see <https://wetten.overheid.nl/BWBR0036152/2015-04-01#Bijlage1> and <https://wetten.overheid.nl/BWBR0036152/2015-04-01#Bijlage2>.

or consequences that are not the repercussions of communicating. How could Austin's speech act theory help us to provide an explanation of this case?

It turns out that Austin's idea of *uptake* provides a useful explanatory mechanism. Uptake can be understood as the appreciation by the hearer, or more generally by an audience, of the intended illocution of the speaker. And if the uptake for a certain locutionary act in certain circumstances cannot be secured, then the illocution intended by the speaker will not occur. To make the idea of uptake clear, let us consider an example given by Hornsby (1994, p. 192):

A person who, in suitable circumstances, expresses the thought that a bull is present may do the less basic thing of warning that a bull is present. There is no convention which ensures that expressing this thought gives rise to a warning; and if we want to speak of a consequence that her action must have had to have been a warning, then the only way is to use the same illocutionary term over again—the audience must have been warned. It seems that the speaker relies only on a certain receptiveness on her audience's part for her utterance to work for her as illocutionarily meant: the audience takes her to have done what she meant to. The audience's being warned appears to depend on nothing more than the audience and the speaker being parties of a normal linguistic exchange.

Searle (1979, p. 47) explains the idea of uptake as follows:

If I am trying to tell someone something ... , as soon as he recognizes [that I am trying to tell it to him], I have succeeded ... Unless he recognizes that I am trying to tell him [it], I do not fully succeed in telling it to him.

That is, securing uptake requires that when a speaker tells someone something, the hearer knows what the speaker was up to. When the speaker fails to secure uptake, then the hearer cannot grasp the speaker's illocutionary act. We may say that such cases give rise to what might be called *illocutionary silencing*. Langton and Hornsby (1998) explain the idea of uptake as follows: people who share a language have not only the capacity to understand one's another words (locutions), but also the capacity to grasp what illocutionary acts others might be trying to make. That is, for an illocution to be performed successfully, it is required that a hearer recognizes a speaker's intention to perform this illocution, and this recognition in turn requires *reciprocity*. And reciprocity between a speaker and a hearer means that the speaker tries to perform an illocution and the hearer recognizes that she is trying to perform that illocution. If reciprocity fails, the speaker is *silenced*: even if the speaker attempts to perform an illocution, she is not recognized as attempting to do, and thus cannot be understood as having done this illocution.

If we use the idea of uptake and reciprocity in the case of Alice and the actor the intending to warn against the fire, it seems what can be regarded as morally wrong in their speech is the fact that they both fail to secure uptake. What happens in these cases is that reciprocity is not at work: Bob fails to recognize Alice as attempting to talk about Tom in a way that does not give rise to gossiping and the audience fails to recognize the actor as attempting to warn against the fire.

The idea uptake and reciprocity should be also supplemented with Austin's distinction between intended and unintended consequences of illocutions:

Since our acts are actions, we must always remember the distinction between producing effects or consequences which are intended or unintended; and (i) when speaker intends to produce an effect it may nevertheless not occur, and (ii) when he does not intend to produce it or intends not to produce it may nevertheless occur. (Austin 1962, p. 106)

To illustrate the importance of this distinction in the moral assessment of speech consider the following example. If I tell you "There is a bee on your head," I might frighten you. The effect, then, seems to be negative – supposedly just few of us relish being frightened (perhaps except from people who enjoy bloody scary horror movies). But does that mean that the whole speech act was morally wrong? Intuitively, we can argue that this utterance was morally right simply by saying that the speaker's intended illocutionary consequence was to warn the hearer against a supposed greater danger – a bite by a bee.

3.5. The Importance of Sequel

Austin (1962, p. 118) emphasizes that:

The perlocutionary act may be either the achievement of a perlocutionary object (convince, persuade) or the production of a perlocutionary sequel.

Thus, a perlocutionary act can be an achievement of what was intended by the speech act or some hearer's sequel which can be understood as the hearer's verbal or non-verbal response to the speakers' act. Now, the question arises: Can the speaker be morally responsible for both of these?

Following Austin, we need to notice at this point that:

We have said that many illocutionary acts invite by convention a response or sequel. Thus an order invites the response of obedience and a promise that of fulfilment ... If this response is accorded, or the sequel implemented, that requires a second act by the speaker or another person. (Austin 1962, p. 117)

This means that, in a way, illocutionary acts are connected with perlocutionary acts – they invite a response or sequel. When a speaker, by performing an illocutionary act, incites somebody to kill someone else (she orders: "Kill him"), she is morally responsible for the alleged response. The premise of such an argument is that speech acts aspire to be successful and they are meant to be serious. When we ask, we want to have an answer, when we offer, we want to have the response to our, etc. Then, we are morally responsible for perlocutionary consequences which were intended. There are some illocutionary acts which are treated as unethical, such as: blackmail, threat, order in which we want to force somebody to do something immoral. When the alleged response to illocutionary act is unethical, we can argue that this act also was unethical. Nevertheless, there are situations when the response is unpredictable. I can have no intention to hurt

somebody by saying something, though that person can feel hurt by hearing that thing. Am I morally responsible for your feeling bad? The effect of my words on you has some margin of unpredictability because of my not entirely knowing your inner life – your sensitivity, worldview, attitude towards certain topics, etc.

But there is one more problem here. It happens that we can be aware of the effect of some utterance (that we are contemplating) on the hearer, as in case of delivering bad news – we can be nearly sure that the effect will be negative. Given this, are we supposed to tell the truth? For example, am I supposed to tell you that your husband is cheating on you? I can assume that your alleged emotional response would be negative. Nevertheless not telling you this can also be treated as morally wrong. You can resent that I didn't tell you what I had known. It seems that we face here a dilemma – choice between telling the truth and avoiding making other people feel bad by our telling them the truth.

4. Conclusions

It seems a platitude to say that language and communication can bring about harmful consequences.¹² This gives us a reason to think that speech should be a subject of moral assessment. In the first part of this paper we have shown, by examining various directives concerning speech and conversation, that both linguistic aspects of speech and extra-linguistic context of conversation should play important roles in the moral assessment of speech. Still, one of the most fundamental questions in the ethics of speech remains to be tackled: What should we share with other people in talk exchanges? Should we express our state of mind, share our world view, should we advise people on something, convince them to do something, or request them for something?

Although Austin's speech act theory does not give us answers to those questions, the tools it gives us can be very helpful in providing us with a model for the moral assessment of speech. Most specifically, it encourages us to think not only about what we want to say, but also what we want to achieve by saying something, and how it could influence the hearer. This squares well with some recent approaches to the ethics of speech that emphasize the fact that we can talk about the ethics of speech both from the viewpoint of the morality of intentions and from that of the morality of act as well as that of the morality of consequences, or the ethics of effects.¹³ This in turn is of great importance for ethics, since thinking about others is a crucial feature of moral reflection.

¹² For example, Andrzejewski (2016, p. 284) writes: "The diagnosis that verbal communication can give joy, unify, lessen suffering, heal, introduce peaceful atmosphere, but from the other side can hurt, socially diversify, evoke civil disturbance, be the spark of war, and in special situation even kill, is banal." (Transl. D. Dziuirosz-Serafinowicz)

¹³ See Czapiński (1993).

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Assessing Speech Morally

Abstract

It seems that much like non-verbal conduct, speech acts may be harmful, and so could be morally assessed. Within religious, ethical and philosophical systems, one can find many directives concerning the proper use of speech and conversation that could serve as a basis of such moral assessment. In this paper, we first examine some of these directives, and show that they cover not only speakers' intentions and the semantic content of utterances, but also emphasize the importance of some extra-linguistic aspects of our speech. Secondly, we argue that John L. Austin's speech act theory can give us a useful model for identifying various aspects of speech that, at least, should be taken into account when we assess one's speech morally. Thirdly, we show that the perspective of speech act theory allows us to explain some cases where intuitively speakers can be morally blamed for what they do with their words, yet it seems that neither their intentions nor the extra-linguistic consequences of their speech acts provide a reason for assessing their verbal conduct as morally wrong.

Keywords: speech, conversation, John L. Austin's speech act theory, moral assessment.