

## Proxy Assertion

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### 1. Introduction

In explaining the timeline of events surrounding Donald Trump's accusation on March 4, 2017, that former President Obama tapped his phones during the 2016 presidential campaign, Jana Heigl, reporting for Politifact, wrote:

Obama ... immediately react[ed] to the accusations in a statement, asserting through his spokesperson Kevin Lewis that "neither Barack Obama nor any White House official under Obama ever ordered surveillance of any U.S. citizen." (Heigl 2017)

This is an example of proxy assertion. In proxy assertion one person or group (the principal), asserts something through another (the proxy) who speaks on the principal's behalf. The paradigmatic example of proxy assertion is making an assertion through a spokesperson. When an individual or a group's spokesperson speaks in her capacity as spokesperson, then the individual or group is credited, it seems, with a speech act, with having asserted, or explained, or questioned or ordered something, and so on. What makes this possible? How is it related to an individual asserting something himself, in his own voice? What is the nature of the speech act that the proxy performs, as opposed to the principal, through the proxy?

Proxy assertion and proxy speech acts more generally are instances of the proxy agency (Copp 1979, 1980; Ludwig 2014).<sup>1</sup> In proxy agency what one agent or group of agents does, in appropriate circumstances, makes it the case that another agent or group, or in many cases a group subsuming that agent or group, has done something. For example, if I give someone a power of attorney to close on the sale of my home while I am out of the country, when she signs the papers at closing, I count as closing the sale of the home. When a corporation's lawyers file bankruptcy papers, the corporation counts as filing for bankruptcy (as opposed to the lawyers). When a manager in a company extends an offer of employment to an applicant, the company offers the applicant employment.

Proxy agency is an essentially social phenomenon. This is not only because it involves minimally two people, one of whom is a proxy for the other, but also because it works by way

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<sup>1</sup> Methodological note: 'Proxy agency' and 'proxy assertion' are terms of art, introduced to help us identify and keep track of a genus and species of a certain type of institution. This chapter explores the conceptual landscape of speaking in someone or some group's name, that is, of proxy assertion, and its relations to speaking in one's own voice. The method is to look at core cases and then at how the institution can be extended to groups and to allow the spokesperson some autonomy in representing her principal. We begin with examples and draw on prior theorizing about the social, particularly work on status functions and we-intentions, and give an explanatory account, one which accords with common sense observations and our understanding the conceptual contours of paradigmatic examples.

of the proxy being authorized to represent, in certain respects, his principal, in social interactions with others, who must themselves be in on the arrangements by which this is accomplished, if it is to be successful. In the following, I develop an account of proxy assertion in the context of a general account of proxy agency. The key to understanding proxy agency is understanding the concepts of a status function and a status role. A status function is a function that something has in a social transaction that it can perform only in virtue of its being, in a sense to be explained, collectively accepted that it has that function (Searle 1995: 41, 2010: 7). A status role is a status function attaching to an agent in which the agent's expression of her agency in the role is crucial to fulfilling the function (Ludwig 2017a: sec. 10.1). The role of spokesperson is a status role. The utterance acts the spokesperson performs in her role have status functions. We understand the function of proxy assertion and how it is achieved when we understand the roles of the spokesperson and the status functions she imposes on utterance acts in that capacity.

In section 2, I provide a deflationary account of constitutive rules and explain how they underwrite a form of constitutive agency. In section 3, I show how constitutive rules governing social transactions that define roles for objects in them without specifying what is to play those roles give rise to coordination problems. I explain status functions as the result of the agents who jointly intend to engage in the relevant social transactions intentionally coordinating on the same things as filling the roles. I then explain status roles as status functions of agents in which the expression of their agency in the role is essential for the function to be expressed. In section 4, I apply this framework to give an account of how, and in what sense, a spokesperson's saying something can count as her principal making an assertion, when she represents an individual. In section 5, I apply the framework to a spokesperson for a group. In section 6, I discuss the complications introduced by spokesperson autonomy, in which the spokesperson is given general directions for representing the principal. Section 7 is a brief summary.

## **2. Constitutive Rules**

Constitutive rules are rules the intentional following of which constitute the activity that they govern and without which there would be no activities of that type. The rules of chess or football are constitutive rules in this sense. The concept of a constitutive rule can be found in Kant and Wittgenstein and has been developed or invoked in one form or another by (Rawls 1955; Anscombe 1958; Hart 1961; Searle 1964, 1969, 1995, 2005), among others. Constitutive rules are contrasted with regulative rules, which govern a type of activity whose existence does not depend on the rules or on their being followed. Traffic laws and Roberts Rules of Order are examples of regulative rules. There would be traffic even if there are no laws governing it, and there would be meetings even if no one had ever thought of Robert's Rules of Order. In contrast there wouldn't be any such thing as chess or football if the rules for them hadn't been invented. What makes a rule constitutive of a type of activity? The answer is that they are constitutive relative to an action type that requires as a matter of the concept that subsumes it that it come about by virtue of one or more people intentionally instantiating it in accordance with the rules (Ludwig 2017a: ch. 7).

Some action types, such as breaking a vase or embarrassing a friend, are neutral with respect to whether they are intentional. Some are essentially intentional, such as waiting for a friend or looking for your keys, or firing an employee. Some essentially intentional action types require a specific pattern of activity, such as yoga or solitaire, and some are both essentially intentional and essentially collective, such as an orchestral performance of a symphony, or dancing the tango, or playing chess or football. The relevant pattern of activity can be instantiated without its being intentional. Thus, chess involves a pattern of activity defined by the possible legal games of chess. A pattern of activity conforming to the rules could be instantiated though the participants didn't intend to be playing chess or anything else and had never heard of the game. The pattern of activity can be expressed with a set of propositions describing the actions the participants. These descriptions become rules when they are used jointly by the participants with the intention that they instantiate the activity pattern. Relative to an activity type that requires that the pattern to be instantiated by the participants jointly intentionally, the rules are constitutive rules. Thus, constitutive rules are constitutive relative to an activity type that is defined in terms of an activity pattern described by the rules being intentionally instantiated by those realizing it, either a single agent, if an individual pattern (as in the case of solitaire), or a group of individuals, if it is a collective activity. It follows that for any set of regulative rules governing a (potentially cooperative) activity type that can exist independently of the rules being followed, there is an activity type relative to which they are constitutive rules. Thus, if we define *legal driving* as driving in accordance with traffic laws, traffic laws become constitutive rules of legal driving. If we define a *parliamentary meeting* as one conducting in accordance with Robert's Rules of Order, then Robert's Rules of Order are constitutive rules for the conduct of parliamentary meetings.

Constitutive rules underwrite a form of constitutive agency that is pervasive in the social realm. When you follow a constitutive rule intentionally, you contribute not only causally to the production of an action type but also constitutively, since following the rules in producing it is part of what is required for the concept to subsume the activity. When a judge says, in appropriate circumstances, "I hereby sentence you to life in prison without parole," she brings it about that a defendant is sentenced to life in prison without parole. What she says constitutes sentencing the defendant, and she sentences the defendant by saying what she does as a judge in the circumstances. She does it by following rules constitutive of proper sentencing in a trial.

### **3. Status Functions and Status Roles**

Status functions are agentic functions (Searle 1995: ch. 2). An agentic function is defined in relation to the goals or purposes of agents. Examples are being a hammer, a battleship, a paperweight, a chair, a gun, a crosscut saw, a rowing scull, a \$20 dollar bill, a constitution, a judge. Being a \$20 dollar bill, a constitution, and a judge, are also status functions. Status functions are distinguished among agentic functions in that they can perform their functions only if it is collectively accepted that they have them in the relevant communities. In contrast, a gun's being able to perform its function, to fire a bullet, depends only on its physical construction.

Why are \$20 bills different from guns in not being able to fulfill their function unless they are collectively accepted as having it? To explain this, we begin with a simpler example. To be a rook in chess is to have a status function. Nothing can perform the function of a rook unless it is collectively accepted by the players that it has that function. What explains this? The rules of chess define how a rook is to be moved in playing chess. They use the word 'rook', but they do not say what objects or types of objects in the world count. The rules therefore define a functional role for certain things in a social transaction, without specifying what is to play the role. This presents any pair of people wanting to play chess with a coordination problem. To play chess they have to jointly intentionally coordinate on the same things for the roles of pawn, rook, knight, and so on. In doing so, they impose on certain objects the status roles of pawn, rook, knight, and so on. Of course, there are pieces designed for those roles, but we can press anything into service as pieces as long as they can be distinguished so that we can track what we assigned the roles to.

What does collective acceptance come to on this view? Effective coordination on the same things just comes to the players' intentions to play being directed at the same things for the various roles for pieces, in the joint activity they intend to engage in. Their intentions in this case are directed toward their doing something together (intentionally), and so are we-intentions. A we-intention, in the terminology of Tuomela and Miller (1988), is the sort of intention one has when doing something with others jointly intentionally, e.g., in moving a bench together intentionally, in playing chess, or in shaking hands. This need not involve any explicit agreement, though the coordinated states they are in are of the sort that would result from a sincere explicit agreement on how to solve the problem. Similarly, a \$20 bill plays the role of a unit of monetary exchange in an economic system with money in circulation. What makes something a \$20 bill is that there is a community with generalized conditional we-intentions to treat things of a certain physical type produced at an official mint in the role of \$20 bills whenever they engage in relevant economic transactions. Thus, the reason that collective acceptance is required for something with a status function to perform its function is that the function is a role in a social transaction that those engaging in it must tacitly agree attaches to certain things rather than others that might serve equally well, since success depends on coordinating on the same things in the relevant roles (Ludwig 2017a: ch. 9).

Status roles are a subclass of status functions (Ludwig 2017a: sec. 10.1). A status role is a status function assigned to an agent whose function requires the agent to express her agency intentionally in the role. We can distinguish agent and patient status roles. An agent status role is one in which the person with the role is part of the group that collectively accepts that she has it. Examples are being a judge, or a university professor, or a senator. A patient status role attaches to someone even if she is not part of the group that collective accepts that she has it. Examples are being a POW or a defendant at a trial. Importantly, someone in a status role may be authorized to perform actions in her role that, by virtue of that fact, have a status function that plays a role in other social transactions. A notary public in witnessing an agreement and affixing her stamp determines, other conditions being in place, that it is officially recognized for subsequent transactions. Citizens vote, and in so doing, assign the status role of president to an individual, who then in virtue of that is able to play a particular role in a range of further social transactions, including assigning other status functions and roles. In giving a power of attorney to someone to close on the sale of my house, I determine that her signature on the closing

papers has the status of completing the contract. For further discussion, see (Ludwig 2017a: chs. 8-10).

#### 4. The Spokesperson for an individual

The spokesperson occupies a status role. Her utterances, in her role as spokesperson, have status functions. The function of the spokesperson is to enable another person, or a group, which may subsume the spokesperson, to represent themselves roughly as if they were embodied in the spokesperson making an assertion (or performing another speech act) in their own right. The case is somewhat different for individuals representing themselves through a proxy and for groups. I will take up the case of the individual represented by a spokesperson first, and then turn to the group that represents itself by way of a spokesperson in the next section.

The spokesperson may simply repeat a message she has been given, as in the case that begins this chapter, in which Kevin Lewis repeated a prepared statement, on behalf of former president Obama. The spokesperson may also have a writ that provides for answering questions about an individual or a group's views, or explaining her principal's position, in her own words. In this section, I focus on the simpler case, and return to proxy agent autonomy in section 6.

The spokesperson enables someone to represent himself to his audience when he is not present. For the spokesperson to perform that role (a) she must be designated as a spokesperson by the principal, that is, be authorized to speak on his behalf and (b) those with whom the principal intends to communicate must (i) be in on the general arrangement by which the principal intends to signal his commitments and (ii) know of the person chosen that she has been authorized to speak in the principal's name. Being in on the general arrangement means, first, understanding the kind of social transaction the audience and principal are to engage in, second, having collectively accepted, with those who operate with spokespersons, these arrangements as the method by which that kind of social transaction is to be carried out, and, third, having collectively accepted, again with those who operate with spokespersons, as a part of the arrangements, a procedure by which the role of spokesperson is assigned.

Proxy assertion aims to enable someone to do something that is at a certain level of abstraction functionally equivalent to asserting something in person. What is that? Assertion is a type of illocutionary act. Its sincerity condition is belief and its direction of fit is word-to-world (Searle 1979). Paradigmatically, assertion is a move in a communicative exchange. One may assert something when no one is around, as when writing in a secret diary. Still, assertions outside of communicative exchanges are understood in relation to the paradigm cases. We understand them as assertions because they are relevantly similar to assertion in communicative contexts. Henceforth, I focus on paradigmatic assertion in a communicative exchange. Plausibly, even the minimal unit in a communicative exchange, in which one person asserts something and another listens, is a move in an essential intentional action type (Clark 1996; Jankovic 2014b, 2014a; Miller 2016; Jankovic 2018). The speaker performs an utterance act on a certain condition, say, that  $p$ , and the auditor listens to what the speaker says with the goal of ascertaining what that condition is, and this is something that they do together intentionally, each understanding the others' role. In this way, the speaker recruits an

utterance act (construed broadly to include signing and writing) as a nonnatural indicator of a state of affairs. On this account, in distinction from Grice's intention-based analysis of utterance meaning (Grice 1957), the speaker does not treat her audience as an instrument of her will, but as someone with whom she is cooperating, at least for a particular purpose. This means that her intention is a we-intention rather than an I-intention.<sup>2</sup>

The direction of fit and sincerity condition for assertion fall out of this account. The sincerity condition is belief because if one is doing one's part one believes that the condition on which the utterance is to be made obtains. That in turn is what the utterance represents as being the case. The direction of fit is word-to-world because when conventional meaning bearers are employed, their proper use in assertion requires using words that represent the condition on which the speaker utters them.<sup>3</sup>

What is the function of assertion? The speaker's role is to perform an overt act on a certain condition where the audience can attend. The audience's role is to attend to the speaker doing so part in their joint action. The further goal of the joint action in the core case is to inform the auditor of the condition on which the speaker performs the speech act, e.g., the function of the Sexton putting one lantern the belfry of the North Church in Boston was to inform Paul Revere that the British are coming by land. I call this the core case because it is, as it were, the "original" function of assertion, that in terms of which we understand extensions of the concept. In core cases, then, the function of assertion is to inform, and it is successful only if it does. This is achieved by the audience attending to the speaker performing her role in conditions in which he is confident of her sincerity and competence. This gives us a factive sense of *communication*, or communication as factive. However, we often think communication as successful even when this does not happen. So we also have a concept of non-factive communication. This requires for success only that the audience recognize the condition on which the speaker represents herself as performing the utterance. This is equivalent to the audience recognizing the speaker as asserting something and what the

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<sup>2</sup> The shift from I-intentions to we-intentions has an important advantage. Grice's original account held that a speaker *S* meant something by an utterance *u* iff for some audience *A*, *S* uttered *u* intending (i) *A* to produce a response *R*, (ii) *A* to recognizing *S* intends (i), and (iii) *A* to produce *R* on the basis of (ii). This fails to be sufficient, however, because if *S* deceives *A* about *S*'s intention in (ii), *S* doesn't mean anything by *u* (see the discussion in Grice (1969)). One can add that *S* intends *A* is to recognize the intention in (ii), but if *S* intends *A* to be deceived about this further intention, again, *S* doesn't mean anything by *u*. In the literature, the intuitive requirement on communication that this illustrates has come to be called the overtness of communicative intention. A benefit of reconceptualizing the speaker's intention as a we-intention is that we-intentions are demonstrably incompatible with intending to deceive someone with whom one does something about the nature of one's intentions directed at the joint task (Jankovic 2014). Thus, the overtness of communicative intention is secured by conceptualizing it as directed at a contribution to a joint intentional action.

<sup>3</sup> In terms of MacFarlane's (MacFarlane 2011) division of theories of assertion into those according to which it is (i) expressing an attitude, (ii) making a move defined by constitutive rules, (iii) proposing to add information to the conversational common ground, or (iv) undertaking a commitment, this account appeals in core cases to constitutive rules for a collective action type, but it is very different from the usual development of the idea, e.g., in (Williamson 1996). It should be clear how the account sketched in the text can explain the features that other accounts have cited as central to understanding assertion.

speaker asserts. In virtue of asserting something, the speaker incurs certain commitments. The speaker commits herself to what she asserts, and gives leave to her audience to rely on it, in the same sense in which whenever one cooperates with others in doing something one gives leave to them to rely on one's doing one's part. Because doing her part involves her believing what she asserts, and she represents herself as doing her part, she represents herself as believing what she asserts. She therefore also gives leave to her audience to rely on her acting in accordance with what she asserts. In virtue of this, the audience, in particular, is in a position to call the speaker to account if she does not believe what she asserts and does not act in accord with it. I will call this communication as representation. In communication as representation, the function of assertion is to get the audience to recognize that the speaker represents herself as doing something on a certain condition—the one expressed by the sentence uttered when using conventional meaning bearers in their conventional roles.

Proxy assertion is an extension of this basic practice.<sup>4</sup> It looks backwards to, and presupposes an understanding of, what it is for a person to assert something in her own voice. Its point, at least in the most basic case, is to commit the principal with respect to an audience in all the same ways that he would be committed if he had asserted the same thing to the same audience. Thus, the principal and the audience agree that someone can stand in for him when that person is authorized to do so, performing an utterance action of the sort she would perform were she speaking in her own voice, but instead speaking in the assigned role. The utterance act she thereby performs has a status function. Its function is to commit the principal just as if he had asserted in his own voice the content of the utterance. It has that status function because the speaker has the status role of spokesperson, that is, has been authorized by the principal, and is acting in that role, and the community understands and accepts the background practice.

Although we use the term 'assertion' in characterizing what the principal does (an individual in the present case) through a spokesperson, it is an extension of the basic notion. We signal this when we add 'through his spokesperson' to the report that someone asserted something. To indicate this, I will underline 'assertion' and its variants when speaking of proxy assertion with an individual as principal. I will also underline 'assertion' after 'proxy' when I have in mind the individual as principal (proxy assertion), but not when I mean to use the phrase in a more general sense, e.g., to cover both the case of the individual and the group as principal (proxy assertion)—the genus as opposed to the species falling within it.

Why is proxy assertion not just plain assertion? Assertion is something one does, like smiling, without the intervention of another's agency. It is, in core cases, a first person move in an essentially intentional joint action with an audience, in which the speaker acts directly to produce an utterance act on a condition obtaining. The mechanism of proxy assertion is more complex. It involves inserting another agent into the causal chain between principal and audience. It *presupposes* assertion as its model, for it aims to do something analogous, but at one remove. The proxy performs an utterance act in her own right. Its meaning is determined relative to *her context*, not the principal's (more on this below). The principal need not perform

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<sup>4</sup> While I have sketched an account of first person assertion to have something specific to look back to, much of what follows will be theory neutral, and at least many of the features noted about first person assertion will be accepted by most theorists.

any utterance act when asserting something through his proxy. He may be asleep, unconscious, or dead, when his spokesperson speaks. So when he asserts something through a spokesperson he is not thereby asserting anything. But we use the same term for assertion and assertion because the social effect of assertion is intended, and designed, to be analogous to assertion, and in practice it is clear from context what is going on. When it is not we indicate the sense by adding a prepositional phrase such as ‘through his spokesperson’.

Still, if the principal asserts something through the proxy, doesn't that entail that the principal does something? But how does the principal assert something if he is not doing anything? When the principal authorizes someone as a spokesperson, and gives her instructions about how to represent him, he sets in motion a mechanism which results in the production of an utterance act by the spokesperson acting in her role in front of a relevant audience. So the principal asserts something by making arrangements for it, the appointment of a spokesperson, and the direction for conveying a particular message. In this way, his agency is expressed through what the spokesperson does, just as a general's agency is expressed in what the army he commands does.

What kind of speech act is the proxy performing? How do we characterize what she does? Just as we can say that the principal asserts something *through* the spokesperson, we can say that the spokesperson asserts something *on behalf* of the principal. For example:

On behalf of the President, the spokesman asserted that Mr. Nixon had not had “put before him the decision regarding Mr. Fitzgerald.” (Modern Constitutional Law: Cases, Problems and Practice, Lawrence Friedman. *Nixon v. Fitzgerald* 457 U.S. 731 (1982))

However, when a spokesperson asserts something on behalf of her principal, she is not thereby asserting something in her own voice (we come to some complications in a moment). Nixon's spokesperson may very well have believed what he was asserting to be false. But it is Nixon who is responsible for propagating a falsehood knowingly if so, not the spokesperson. The spokesperson is not charged with lying or insincerity; rather, Nixon is. It is not an expectation of the spokesperson that she believe or know or have evidence for what she asserts on behalf of her principal. So here too in the phrase ‘assert on behalf of’ we have a use of ‘assert’ distinct from its use in characterizing an assertion in one's own voice. But since it focuses on the spokesperson's act rather than what the principal does through her, it does not express the same concept as ‘asserts’. The prepositional phrases ‘through ...’ and ‘on behalf of ...’ alter the meaning of what they are attached to, but differently. For convenience, I use ‘*asserts*’ in italics to express what the proxy does. Mr. Nixon did not assert that he had not put before him a decision regarding Fitzgerald, but his spokesperson *asserted* on Nixon's behalf that he had not, and Nixon asserted through his spokesperson that he had not. So in proxy assertion there are two extended notions of assertion in play, one for the principal and one for the proxy.

Does the spokesperson perform an illocutionary act? She performs a locutionary act, in J. L. Austin's sense (Austin 1962), an act that has a certain meaning, for that is a condition on her fulfilling her function. She does not perform an illocutionary act *of the sort* that speakers perform in their own voices. She does not assert anything. But it is not like singing in the shower. It has a point, and there is no reason not to call it an illocutionary point. The illocutionary point is not to herself represent something as being the case, but to represent her



principal as representing something as being the case. And we already have a name for this type of illocutionary act: it is assertion on behalf of another, or in our notation *assertion*. It has word-to-world direction of fit, and for the spokesperson, its sincerity condition is that she believe that she is *asserting* what her principal intends or wants to assert through her, at least in the cases considered so far.

How is proxy assertion different from someone leaving a written message or making a tape recording? One important difference is the proxy is performing a locutionary act in her own voice. Her utterance act has a content that is determined by her intentions to use the words with a certain meaning, and the context for interpreting the words that she utters is not the principal's but the spokesperson's. When Kevin Lewis *asserted* "neither Barack Obama nor any White House official under Obama ever ordered surveillance of any U.S. citizen," it is the context fixed by Kevin Lewis as speaker and the time of utterance that fixes the interpretation of what he says. If he had asserted "neither I nor any White House official under me ever ordered surveillance of any U.S. citizen," he would have been taken to be talking about himself rather than Obama.

## 5. The Spokesperson for a Group<sup>5</sup>

The spokesperson is one of the primary means by which groups and institutions announce their views. The difference between proxy assertion in the case of an individual and in the case of a group lies not in the basic mechanism and what the spokesperson does but in who she represents and consequently the import of what she says. If we treated groups as on a par with individual agents, then there would be no difference between proxy assertion for an individual and a group. But if we think collective action involves no group agents per se, we must understand the function of the spokesperson differently than in the individual case. In this section, we explore how to think about proxy assertion when we reject the idea that groups that have spokespersons are themselves agents (but still postpone until section 6 discussion of spokesperson autonomy, which applies equally to individuals and groups as the principal).

On the multiple agents account of group action, a group acts when all of its members contribute to bringing something about in some determinate way, and no one who is not a member of the group contributes in that way (Ludwig 2007, 2016). For example, if three people lift a piano, then each of them (and no one else) makes a direct (hands on) contribution to its going up.

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<sup>5</sup> There has been relatively little published on the topic of group speech acts. An important pioneering paper is (Hughes 1984), who appeals to the notion of a group illocutionary intention in the light of which a member speaks, though he does not require authorization, but only that the group not object. In my view, this fails to respect the distinction between speaking in behalf of (in the interests of) and on behalf of (as a representative of) a group. Recent discussions include (Tollefsen 2007; Fricker 2012), on learning from group testimony, (Ludwig 2014, 2017b: ch. 13), in which group assertion is discussed as an instance of proxy agency more generally, (Lackey 2017), which contains a criticism of the status function account and an alternative theory. See note 6 for discussion of Lackey's objections to the present account. Tollefsen's account is based on the account in Hughes and is subject to the same objection. See section 5 of Lackey for criticisms of both Fricker and Tollefsen.

We begin with a simple case, a chess club holding a press conference to announce a new tournament with prize monies. As for an individual represented by a spokesperson, the audience has to be in on the arrangements.<sup>6</sup> The chess club chooses a member to serve as their spokesperson. They authorize the spokesperson jointly, whether they reach a consensus on the appointment or take a vote—for even those who vote against the winning candidate participate and accept the outcome as appropriate. All and only its members participate. Thus, they jointly do what a single person does, except there are multiple agents of the authorization in the case of the chess club.<sup>7</sup>

If we reject the view that the chess club is per se an agent and hold that only its members are agents, then what the spokesperson does on behalf of the club is not something that the club itself could otherwise do.<sup>8</sup> In contrast, in the case of an individual with a spokesperson, the principal could assert in his own voice what he asserts through his spokesperson. And while the point of what the spokesperson does for her principal, when an individual, is to commit the principal as if she had asserted what the spokesperson *asserts*, this can't quite be the aim in the case of the group if the group cannot assert anything in its own voice, not being an agent. But it is supposed to commit the group in ways *analogous* to the way an individual is committed who asserts something. For the group intends to commit itself to acting in conformity with what it asserts through its spokesperson, that is, to treat what it asserts as a fixed point for the purposes of planning about what to do. (Commitment in this sense can of course be insincere, as in the case of individual assertion.) Since what the group does and its significance is not quite what it is in the case of the individual speaking through a spokesperson, I both underline and put in boldface the verb '**assert**' when using it to designate what the group does through its spokesperson. I will continue to designate what the spokesperson does using '*assert*' with italics. The group then asserts what it does through its spokesperson, who *asserts* things on its behalf, and the group thereby represents itself to its

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<sup>6</sup> Lackey objects to this account on two grounds (Lackey 2017). First, she says that the audience can ignore the duly appointed spokesperson for a police department, e.g., because she is a woman and they are sexist, but it doesn't follow that she is not a spokesperson. Second, she says that members of a group, again, a police department, need not collectively accept someone as a spokesperson either, perhaps also because they are sexist. But this ignores that in the institutional setting there is a much larger group than the people who ignore the spokesperson who sustain the arrangements, namely, those who are part of the group that sustains the legal system within which the police chief is authorized to appoint a spokesperson. The important point is that the arrangements are sustained by collective acceptance in a community in which they function. When we are thinking of institutions that are parts of much larger institutional arrangements, like a whole legal system, it is the whole system we should focus on. Laws don't cease to be laws because some people ignore them. But no one behaves in contravention to law, and nothing has a legal status, if there are not enough people who collectively accept a system of laws and their sustaining institutions.

<sup>7</sup> I work through complications to the basic account in (Ludwig 2017a: ch. 13 section 3).

<sup>8</sup> I don't mean that there couldn't be other arrangements for carrying out the transaction, e.g., by each member of the club speaking one of the sentences in an announcement at a press conference, but only that the group per se cannot be the agent of what the group achieves by the device of spokesperson, not being an agent at all.

audience as being committed to acting in accordance with what it **asserts**. When I have in mind a group as principal, I will write ‘proxy **assertion**’.

The sincerity condition for **assertion** cannot be that the group per se believes (in the sense in which individuals might believe) what it **asserts**, if it is not itself an agent. Nor can it be that every member of the group believe what is **asserted**. For just as the group may vote on who to appoint as its spokesperson, it may vote on its policies or principles, and not everyone may in their own person accept what the group thereby comes officially to accept. In principle, as the discursive dilemma shows (Schmitt 1994; Pettit 2001, 2003, 2007; List and Pettit 2011; Schmitt 2018), the group could adopt a position officially that none of its members endorse. Suppose that the chess club votes on whether to meet in the library on Friday nights. They agree that if it is centrally located, the time is convenient, and the facilities are adequate, they will meeting in the library on Friday nights. They vote on each question individually with a majority vote determining their position; the decision is determined by the votes on the three questions relevant to it. The voting goes as shown in Table 1.

	1/3rd of voters	1/3rd of voters	1/3rd of voters	Chess Club
Location Central	No	Yes	Yes	YES
Time Convenient	Yes	No	Yes	YES
Facilities Adequate	Yes	Yes	No	YES
	NO	NO	NO	<b>YES</b>

Table 1: The Discursive Dilemma

On each issue, there is a 2/3<sup>rd</sup>s majority in favor of the proposition. The club officially accepts that all of the conditions are met for holding meetings on Fridays at the library. But in fact *none* of its members think that all conditions are met, even if they do not all agree on why. Yet, when the club **announces** that meeting on Friday nights at the library satisfies all its criteria for a meeting time and location, it does so sincerely.

What is the sincerity condition for group proxy **assertion** then? The group is sincere provided simply that its members are jointly committed to acting in accordance with what it **asserts**. We may, if we wish, say that the group is sincere if it believes or perhaps, accepts (indicating by underlining a shifted sense for the verbs) what it **asserts**, but this is merely shorthand for what we have just said. See (Ludwig 2017a: ch. 14, sec. 5) for further discussion.

In sum, group proxy **assertion** and individual proxy **assertion** use the same mechanism for similar though not exactly the same ends. For an individual, proxy **assertion** is a way of signaling commitment of the sorts undertaken in first person assertion. Its sincerity condition is the same as assertion, and it signals the same commitments, though it does not involve the principal performing a speech act himself. Group proxy **assertion**, in contrast, is not a substitute for something the group can do as an agent in its own voice. Group proxy **assertion** is a socially constructed act whose purpose is to enable a group to make its joint commitments known to

others and to commit it publically in a way analogous to the way that an individual is committed in asserting something.

It is similar to the device of a legal fiction, in which a body of law is brought to bear on a one area by employing vocabulary from another in relation to things to which it does not literally apply (Fuller 1967). The effect is to reinterpret systematically the relevant discourse in light of the empirical criteria for its application. An example of a legal fiction is the issuance (in some jurisdictions) of a new birth certificate for a child when it is adopted with the names of its adoptive parents entered as its birth parents. This subsumes the relation of the child to the parents under the legal rules governing the relations of children to their birth parents without having to extensively rewrite the law. The force that presentation of the birth certification has for birth parents is transferred intact to adoptive parents.

We can summarize the distinctions of the last two sections in Table 2.

Notation	Act Type	Example	Report
Assertion	An individual agent speaking in his own voice.	Barack Obama: Neither I nor any White House official under me ever ordered surveillance of any U.S. citizen.	Obama asserted that neither he nor any White House official under him ever ordered surveillance of any U.S. citizen.
<i>Assertion</i>	A spokesperson's asserting on behalf of another but not in her own voice.	Kevin Lewis (as spokesperson) on behalf of Obama: Neither Barack Obama nor any White House official under Obama ever ordered surveillance of any U.S. citizen.	Kevin Lewis asserted on behalf of Obama that neither he (Obama) nor any official under him ever ordered surveillance of any U.S. citizen.
<u>Assertion</u>	An individual agent, the principal, representing himself assertorically through a spokesperson.	Obama, through Kevin Lewis (as spokesperson): Neither Barack Obama nor any White House official under Obama ever ordered surveillance of any U.S. citizen.	Obama asserted, through his spokesperson Kevin Lewis, that neither he (Obama) nor any official under him ever ordered surveillance of any U.S. citizen.
<b>Assertion</b>	A group representing itself assertorically through a spokesperson.	The Trump administration, through a spokesperson: This package is a strong step to fulfilling the President's promise to put the safety of the American people first.	The Trump administration asserted through a spokesperson that the package was a strong step to fulfilling the President's promise to put the safety of the American people first.

Table 2: Varieties of Assertion

## 6. Spokesperson Autonomy

We have so far considered only the case of a spokesperson who is given an explicit message to convey and conveys it in the same words. But the role of a spokesperson is not limited to repeating a message that the principal has explicitly supplied. The spokesperson, as for proxy agents in general, may be authorized within broad guidelines to represent her principal. This is a fruitful extension of the basic idea but introduces some complications.

When the spokesperson is given some autonomy, she is responsible for representing the views of her principal on a certain matter. Thus the principal is responsible for explaining those

views to the spokesperson, while leaving it open how exactly to convey them. The spokesperson is in this respect like a ghostwriter. The spokesperson interprets her principal to his audience. This has several advantages. First, the spokesperson is in a position to respond to questions about her principal's views without having had to anticipate all of them beforehand. Second, the spokesperson, if aptly chosen, like a ghostwriter, often has better skills than the principal in explaining things on the fly and putting them in a way that is persuasive and compelling. Third, the spokesperson can make decisions about how much and what to say about any particular topic, with her principal's interests in mind. Fourth, the spokesperson, acting with authorization, but also with autonomy, distances the principal to some extent from what the spokesperson says and does.

Spokesperson autonomy raises three important complications in the theory of proxy assertion.<sup>9</sup> First, what do we say the principal is doing when the spokesperson formulates things in her own words. Is it still true that the principal is asserting what the spokesperson *asserts*? To what extent or in what sense is the principal intentionally conveying what the spokesperson *says*? Second, what is the spokesperson doing? To what extent is she now speaking in her own voice? Third, and connected with this, when the White House spokesperson, e.g., refers to reporters by name, and engages in banter and interaction as an agent in her own right, what is the relation of that to her job as representing the principal?

With respect to the first, while the spokesperson in speaking still intends to be representing her principal, it is clear that the principal, being unaware of the specific details of what his spokesperson says, cannot be credited with intending that she say those specific things. If the principal's spokesperson says, in response to a question, for example, "That's not what he said," referring to her principal, we would not say that the principal intended to assert that, because he could not have anticipated the question. How is this related to how we report what the principal asserted? Does the principal have to intend the specific content of what his spokesperson says to assert it?

When we report on press conferences in which a spokesperson is exercising autonomy in responding to questions, typically we speak about what the spokesperson says in her role rather than the principal saying or asserting various things. This plausibly reflects a desire to avoid a misleading impression. Often when a principal is reported as asserting something through a spokesperson, mixed indirect discourse is used, in which the words that were used are themselves quoted in the content clause, as in our opening example. These reports the actual authorized text or content of the message being conveyed, and the use of quotation marks helps to signal that the specific content of spokesperson's message has been authorized and so lies in the content of the principal's intention.

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<sup>9</sup> An additional complication which I do not have space to discuss in detail is the case in which the spokesperson is granted at the same time the authority to make policy for a group that she represents. In this case, she may *assert* something on behalf of the group that the group did not intend though they can be credited with asserting it because she has the authority to commit them to it. There is an analog in the individual case, e.g., in legal representation. The key to this is the possibility of the principal giving the authority to another to commit the principal to something by asserting it in her role. A general power of attorney provides a model for this.

This suggests that we link asserting that  $p$  with intending to represent that  $p$  (or something from which *that p* follows straightforwardly) through one's spokesperson. The principal does intend, of course, to represent his views to his audience through his spokesperson, even when it is left up to the spokesperson how to formulate the details. But when the degree of definiteness of the principal's intention does not reach the details of what the spokesperson says, we do not say that the principal intended to assert those things specifically. However, under a more general description we may say that the principal responded to or denied charges or explained his position, etc., through his spokesperson. For example, in this report in the Washington Examiner (Feb. 17, 2015), of an interview given by Marie Harf of the State Department on MSNBC, in the first instance, Harf is reported to have *explained*, in her role as spokesperson, the Obama administration's policies for dealing with ISIS.

U.S. State Department spokeswoman Marie Harf explained Monday that the Islamic State of Iraq and Syria, which has marauded through much of the Middle East, leaving thousands dead, won't be defeated through military force but through responsible governance and better job opportunities. Harf's explanation of the Obama administration's plan for dealing with the deadly ISIS threat came in response to a question from MSNBC's Chris Matthews.

We can also say that the Obama administration explained its policies for dealing with ISIS through a spokesperson. Furthermore, when it is clear that the content is something that is reasonably close to the official message or follows straightforwardly from it, we will generally accept reports of the principal having claimed or announced, as appropriate, roughly what the spokesperson conveys, though often abstracting from the details of its presentation. For example, when Harf responds, in the same interview, to a question about how ISIS can be defeated through better job opportunities, she says,

Well, I think there's a few stages here. Right now what we're doing is trying to take their leaders and their fighters off the battlefield in Iraq and Syria. That's really where they flourish.

It would be appropriate to report that the administration asserted, through a spokesperson, that they had a multistage plan for defeating ISIS, the first stage of which is to get their leaders and fighters off the battlefield in Iraq and Syria. In this case, it is gist of what is said that is attributed to the principal (in this case the administration rather than just the President). We would not say, however, that the administration claimed that *Harf* thought that there are a few stages here, though that is the content of one of her utterances. Thus, we can distinguish two levels of content: a more general level attributed to the administration, and a more specific level that is an expression of the choices of the spokesperson about how to convey it.

With respect to the second complication, what we have just said shows what to say about this. When representing her principal, even when choosing her own words to do it, she is representing herself as representing her principal, not with respect to the particular words

and phrase, but rather with respect to the gist of what is conveyed, the more general level that can be attributed to the administration.

Turning to the third complication, a spokesperson who is holding a press conference will often interact with reporters or the audience in her own voice, calling reporters by name, making jokes, and so on. She is interacting with them in the role of spokesperson, but in these interactions she is not speaking on behalf of her principal. The spokesperson may move back and forth in the course of a press conference between representing herself in her role in interacting with members of the audience in their roles, and representing her principal. When she represents herself, she speaks in the ordinary way in her own voice. When she represents her principal, she speaks on the principal's behalf. She is responsible for what she says in her own voice. Her principal is responsible for what she says in representing him, as long as she does not stray from her writ—does not go rogue, to use Lackey's term (2017).

There are additional complications illustrated by the last quotation. For in representing her principal Harf inserts herself into the narrative. She says, "I think there are stages here." Is she speaking in her own voice or is she representing her principal? This is a common phenomenon. Indeed, sometimes a spokesperson who appears to represent someone or an organization will speak almost entirely in her own voice, and even deny that she is speaking for her principal. For example, in an appearance on ABC news, Trump spokesperson Sarah Huckabee Sanders was asked by Martha Raddatz whether Trump did not believe Obama's denial that he ordered any surveillance on him. She replied: "I think they don't have the best track record... to pretend this is a clean and credible source, coming from — I'm sorry I'm just not buying that." She also said that she "could not speak for the president" on whether Trump believes that Obama ordered the alleged phone tap. Is she or is she not representing President Trump?

The two cases, Harf and Sanders, appear to be different because Sanders aims to be making propaganda in or on behalf of the Trump administration while maintaining the appearance of speaking in her own voice, whereas Harf is clearly representing herself as representing the plans of the State Department. But they share some things in common. Harf's shift to speaking in her own voice serves at least two aims. First, it contributes to the informality of the exchange, treating it as an ordinary conversation. This makes it more engaging. Second, it provides some distance between what Harf says and those she represents. It allows them (and her) to attribute anything to which they do not want to be committed, *ex post facto*, to their spokesperson speaking in her own voice or choosing, perhaps inaptly, her own words to convey her principal's views. Sanders engages in the same game but takes it further. She is asked, as spokesperson for Trump, whether Trump believed Obama's denial that he had ordered Trump's phones wiretapped. One expects the response to reflect the administration's position. But instead of responding directly, she says that *she* doesn't think that Obama is a credible source. She thereby invites viewers to accept that and accept it as the view of the administration or of Trump. After it has had a moment to take root, she then denies that she can speak for Trump on whether he believes Obama ordered Trump's phones tapped. This provides then the basis for later denying that the first thing she said represents Trump's views or the administration's views either. Thus, in actual practice, the interleaving of the spokesperson speaking in her own voice and as representative of her principal is exploited to

generate ambiguity about what parts of what the spokesperson says represent the views of her principal.

This brings us to a final topic: when can the principal legitimately disavow something that the spokesperson says on the principal's behalf? The general answer is that when the spokesperson exceeds the authority given to her to represent the principal, the principal can disavow what the spokesperson says. The clearest case is in one in which the spokesperson is given a specific message and goes off script. Everything off script can be disavowed. When the spokesperson's authority allows her to choose how to convey the principal's views, if she represents her principal's views in a way that clearly is contrary to what she has been told to convey, then the principal can legitimately disavow what she says. As we have seen above, the principal cannot be held to have intended the particular ways that the spokesperson expresses her views. Thus, the principal can disavow anything in the details of what the spokesperson says below the level of definiteness of intention of the principal in expressing the principal's views. For example, the Trump administration was not taken to be committed to Sean Spicer's claim on April 11, 2017, that "you had someone as despicable as Hitler who didn't even sink to using chemical weapons," and that "when you come to sarin gas, he was not using the gas on his own people the same way that Assad is doing." Inevitably, there will be some vagueness about what a spokesperson is authorized to convey, and in these cases there will be no clear answer to the question. This has its own utility for a group or person speaking through a spokesperson, for it allows the possibility of ex post facto editing of the official record to serve the principal's interests.

Finally, while the principal *can* disavow anything that his spokesperson says that goes beyond her writ or which is below the level of definiteness of his intention, he need not. He may endorse ex post facto what his spokesperson says beyond her writ and he may likewise endorse various, perhaps inspired ways, of explaining his views or representing them that were below the level of definiteness of his intention. This is to stand behind them as if they had been specifically intended, though it is of course not to rewrite history so that they were intended all along. In many contexts, it may be that the default in the absence of explicit disavowal is endorsement, even when the spokesperson goes beyond her writ, provided that it is clear that the principal is aware of what his spokesperson has said on his behalf and has had an opportunity to disavow it.

## 7. Summary

Proxy assertion is assertion by proxy. How does it work? The proxy has a status role. The status role enables her to perform utterance acts that count as committing her principal in the same way or a way analogous to assertion in the first person case. A status role is a status function assigned to an agent that requires her to exercise her agency in fulfilling the function. A status function is a role assigned to something in a social transaction by collective acceptance, which is at bottom a matter of a group's being prepared to treat it, when circumstances are appropriate, as having the role, where the role is defined by constitutive rules for the action type without specifying the role filler. The status role for proxy assertion is that of spokesperson. Her function in the basic case is to perform locutionary acts within her authorization that represent her principal, if an individual, as committed just as if he had asserted it himself, or, if a group, as



committed to treating what the spokesperson says as a fixed point in planning about what to do. This constitutes the spokesperson's utterance having a status function in a transaction between her principal and the audience. Paradigmatically, the spokesperson is chosen by the principal, and given the message to convey, or instructions about the views of the principal. This requires that the audience be in on the arrangements and to be prepared to do its part in attending to the spokesperson acting in her role. A spokesperson does not assert in her own voice, but *asserts* on behalf of her principal, and the principal asserts, if an individual, or **asserts**, if a group, through the spokesperson. If the spokesperson is given autonomy in representing her principal, attributions to the principal may, and frequently must, abstract from the details of what the spokesperson says. The principal may repudiate anything that the spokesperson says that goes beyond her writ or any details below the degree of definiteness of the principal's intention.

SEE ALSO:

Constitutive Norm View, Commitment View, Assertion Among the Speech Acts, Assertion Meets Speech Act Theory, Norms of Assertion and Action, Group Assertion, Assertion and Joint Intentional Agency

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