# Speech, Sex, and Social Norms

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# Abstract

This thesis contains five essays about speech, sex, and social norms. In each of the first four essays, I analyse a different communicative phenomenon: discriminatory pejoratives (Chapter 1), cat-calling (Chapter 2), shaming (Chapter 3), and flirting (Chapter 4). In Chapter 5 I reflect on how our models of speech bear on issues of autonomy and power, manifested in differing roles assigned to 'uptake'. Each essay is self-contained, but taken together they present a picture of how speech constructs identities and enforces norms, especially those governing gender and sexuality.

The essays face in two directions. They face outwards from philosophy in so far as they use tools from philosophy of language to make sense of under-analysed communicative phenomena, drawing also on moral psychology, linguistics, and sociology. Discriminatory slurs (especially misogynistic ones), cat-calling, shaming, and flirting have all been neglected by philosophers, despite their social significance. Many of them play a key role in sustaining unjust social practices and structures. By illuminating the nature and function of these phenomena, the essays enhance our understanding and provide resources for political activism.

The essays face inwards to philosophy in so far as they apply philosophical tools to social phenomena in order to reveal the shortcomings of those tools. None of the phenomena I consider are compatible with the standard, idealised model of communication. The essays demonstrate that communication is not as co-operative, transparent, or socially homogeneous as theorists have had us believe, and they make clear that linguistic theorising cannot be divorced from political considerations. Thus the essays show that just as philosophy of language can help further feminist ends, attention to issues of feminist concern can help refine philosophy of language.

# Declaration

This thesis is the result of my own work and includes nothing which is the outcome of work done in collaboration except as declared in the preface and specified in the text. It is not substantially the same as any work that has already been submitted before for any degree or other qualification except as declared in the preface and specified in the text. It does not exceed the prescribed word limit for the Philosophy Degree Committee. Chapter 3 is based on a paper forthcoming in the *Journal of Moral Philosophy*.

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# Contents

Abstract ........ i

Declaration ........ ii

Acknowledgements ........ iii

Contents ........ iv

Introduction ........ 1

Chapter 1: Slurs of Transgression ........ 14

Chapter 2: Cat-Calls, Compliments, and Coercion ........ 40

Chapter 3: Shaming, Blaming, and Responsibility ........ 64

Chapter 4: How to Woo Things with Words ........ 89

Chapter 5: Your Word Against Mine: The Power of Uptake ........ 115

Conclusion ........ 142

Bibliography ........ 148

# Introduction

> *Words can be used to educate, to clarify, to inform, to illuminate. Words can also be used to intimidate, to threaten, to insult, to coerce, to incite hatred, to encourage ignorance. Words can make us better or worse people, more compassionate or more prejudiced, more generous or more cruel. Words matter because words significantly determine what we know and what we do. Words change us or keep us the same. Women, deprived of words, are deprived of life.*
>
> (Andrea Dworkin 1989, 30)

It is hard to think of anything more powerful than language. Language is a repository, a midwife, a medium, and a toolkit, all at once. Language is a repository in that it reflects how we see, understand, and value the world. As J.L. Austin puts it, 'our common stock of words embodies all the distinctions men have found worth drawing, and the connections they have found worth marking, in the lifetime of many generations' (1957, 8). Austin's use of 'men' is telling; language in many ways reflects the world-views of historically dominant social groups, and so it is also a repository of prejudices, which are often preserved within our vocabulary like insects held in amber.

Language is a midwife in that it enables us to process and articulate previously inchoate thoughts and emotions. Language, especially literature and poetry, can also help us navigate the painful and the unknown. Language is a medium in that it makes it possible for us to share ourselves and our experiences with others. The mutual understanding it facilitates can be both good and bad; we can use language to co-ordinate, co-operate, and express our love for one another. Yet we can also use it to express hatred and contempt, for example through hate speech.

Language is a toolkit in that it enables us to construct new forms of reality. It does not create material entities, but it does create concepts and identities, which we can then utilise and inhabit. Thus language both reflects and constructs the world; it tracks our existing concepts

and beliefs, but it also makes possible new ways of thinking, interacting, and being.[1] Sometimes the constructions of language are liberating, but other times they are restrictive and dangerous. Language can place people in ill-fitting social categories, and it can institute systems of oppression, when speakers authoritatively rank others as inferior and legitimise their abuse.

These variegated features of language are thrown into sharp relief when we consider the role language has played in women's lives. In many ways, language has been an emancipatory tool for women. For example, it has facilitated speech acts of protest, like suffragette Emmeline Pankhurst's infamous 1912 call to arms, 'I incite this meeting to rebellion'.[2] Language has also enabled women to communicate their experiences and co-ordinate their resistance, by making possible the articulation of previously unarticulated 'problems with no names'.[3] In addition, it has facilitated new ways of being a woman or non-binary person; the availability of new labels and pronouns enables people of different gender identities, gender expressions, and sexualities to live authentically.

Yet language has also harmed women, and continues to harm them, in profound ways. It is, as Toni Morrison claims in her Nobel Prize lecture, a weapon of 'menace and subjugation', which 'drinks blood' and 'laps vulnerabilities' by bolstering systems of sexism, racism, and imperialism (2019, 104–5). Language gives us 'sluts', 'whores', and 'bitches'. It gives us violent conceptions of heterosexual sex as 'nailing', 'screwing', and 'banging'. It gives us damaging cultural heuristics like 'No means yes', which can make acts of sexual refusal impossible for women. It excludes, violates, and degrades women, and constructs them as submissive sexual objects. It is used to institute oppressive norms and structures, and to harass, shame, and insult.

If we want to understand the world, and in particular if we want to understand what the world is like for women – how they are constructed, how they are governed, how they are valued, and how they are wronged – it is a good idea to start by looking at language. In this thesis I do just that. The thesis consists of five self-contained essays. In each of the first four, I explore a

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[1] John Searle argues that without language we could not have governments, private property, or money, since these are sustained by institutional facts created by language (1995, 2010). For example, only when a person with authority issues a declaration that a particular piece of paper is to count as a five-dollar bill, and only when that assignment is collectively accepted, does it become the case that that piece of paper is a five-dollar bill.

[2] Pankhurst made these remarks in an address to suffragettes shortly after her release from prison (Pankhurst 1912). There followed a dramatic nationwide campaign of bombing, arson, and vandalism.

[3] On the importance of women being able to name and describe their experiences, see Friedan (1965) and Fricker (2007).

different linguistic phenomenon: discriminatory pejoratives (1), cat-calling (2), shaming (3), and flirting (4), respectively. In the fifth, I reflect on what it means to speak and how our understanding of speech bears on issues of autonomy and power (5). Each essay can be read separately, but taken together they develop a picture of the relationship between speech and social norms, especially those governing gender and sexuality.

The thesis makes contributions to three different fields of philosophy. Firstly, it contributes to feminist philosophy by improving our understanding of the mechanisms through which social norms and standards, especially those which are components of misogynistic ideology, are enforced. Secondly, it contributes to moral philosophy by illuminating the complicated relationship between speech, agency, and autonomy.

Thirdly, the thesis contributes to philosophy of language. It demonstrates the blinkeredness of the field, by showing how traditional idealisations obscure important communicative phenomena, and it also demonstrates the potential reach of the field. Philosophers of language need not confine themselves to dry analyses of definite descriptions, demonstratives, or assertions; philosophy of language can also be put to use in explaining some of the most politically significant phenomena there are.

In this introduction I will summarise the content of each chapter (§1), and then explain the primary aims of the thesis and how it relates to existing work in philosophy (§2).

## 1. Chapter Summaries

### Chapter 1: Slurs of Transgression

We typically distinguish between two types of pejorative word: slurs and insults. A paradigmatic slur is the N-word. A paradigmatic insult is ‘jerk’. In this chapter I argue for the existence of a third type of pejorative, *slurs of transgression*, exemplified by the word ‘slut’.

The distinction between slurs and insults is typically drawn on the basis of both the linguistic and the socio-political features of these words. They differ *politically* in so far as slurs, but not insults, target historically oppressed groups, and contribute to the oppression of those groups. There is also broad agreement that uses of slurs are never warranted, whereas a person’s behaviour can sometimes warrant calling them a ‘jerk’. They differ *linguistically* in so far as

slurs have neutral counterparts but insults do not. A neutral counterpart is a non-evaluative word or phrase which has the same referent and application conditions as its correlate slur. 'Black person', for example, has the same referent and application conditions as the N-word, but it is not evaluative. In contrast, 'jerk' has no neutral counterpart; only other insults or evaluative phrases have the same referent and application conditions.

Slurs of transgression, like 'slut', have all of the same non-linguistic features as ordinary slurs, especially the connection with oppression. Yet linguistically speaking, they are more like insults, in so far as they cannot have neutral counterparts. This is because their group designating function is itself normative; they carve up the social world in a normative way, delineating a group on the basis of normative features it is thought to possess. For example, a slut is a woman who does not behave appropriately for a woman; a slut is a *bad* woman. For these reasons, a slur of transgression is neither an insult nor a slur, but rather constitutes its own category. By recognising this category I make our taxonomy of pejoratives more fine-grained and I draw attention to a neglected form of discrimination.

**Chapter 2: Cat-Calls, Compliments, and Coercion**

Imagine that as a woman walks down the street, a man shouts, 'What's up, sexy?'. This is a paradigmatic cat-call. The latter act can be defined, roughly, as an unsolicited remark made by a man to a woman in public, often concerning the woman's appearance. There is widespread debate about whether cat-calling is wrong.

In this chapter I offer a philosophical account of cat-calling which both sheds light on the normative structure of the practice and explains why it wrongs its targets. First, I debunk the apologist's defence that cat-calls are compliments. I establish that some cat-calls are complimenting speech acts, but I show that this does not preclude their being morally defective; compliments can be objectifying, patronising, and derogatory.

Second, I argue that the wrongfulness of cat-calling results from the interaction between cat-calls' pragmatic structure and the context in which they occur. The speech act of cat-calling, which is a kind of 'call', or *vocative*, presupposes that the speaker has the authority to demand acknowledgement from his target. Cat-callers lack this authority, but because their targets fear retaliation, they will likely comply with the cat-callers' demands without resistance. Cat-calling

is therefore exploitative and silencing; women are coerced into obedience and prevented from performing blocking manoeuvres, thereby giving cat-callers an illusory sense of authority.

## Chapter 3: Shaming, Blaming, and Responsibility

Shaming is everywhere, and yet it has been curiously neglected in moral philosophy. This may be because it is equated with blaming. In this chapter, I offer a definition of shaming which distinguishes the practice from blaming and sheds valuable philosophical light on a ubiquitous social phenomenon. This definition also poses a challenge to a dogma of moral philosophy, by pointing out that there are morally significant communicative practices which do not involve ascriptions of moral responsibility.

I distinguish between two kinds of shaming. *Agential shaming* is a form of blaming. It involves blaming an individual for some wrongdoing or flaw by expressing a negative reactive attitude towards her and inviting an audience to join in. For example, when news broke of Monica Lewinsky's relationship with Bill Clinton, many people accused her of being wrongfully 'promiscuous' and invited others to do the same.

*Non-agential shaming* is not a form of blaming. Like agential shaming, it involves negatively evaluating a person and inviting an audience to join in. Yet the negative evaluation does not take the form of blaming, because the shamer does not hold the target responsible for anything. For example, we shame women in this way for having periods or for having certain body shapes. I suggest that this kind of shaming involves the expression of an emotionally toned objective attitude, like disgust. While agential shaming enforces social norms, non-agential shaming enforces social *standards*, many of which are oppressive.

## Chapter 4: How to Woo Things with Words

Flirting has been ignored by philosophers. This is regrettable, since the practice is both philosophically interesting and morally and politically significant. In this chapter I develop a definition of flirting which captures the essence of the practice while serving important moral and political aims.

Flirting, I argue, is not a discrete act, but rather a mutually consensual conversational game, involving presuppositions of intimacy ('push' moves) and playfully insincere blocking manoeuvres ('pull' moves). Flirters seek to create intimacy, so they *presuppose* that such intimacy already exists. They do this by performing acts which would be impolite if intimacy were absent. Through processes of accommodation, such intimacy becomes real.

This chapter makes an important contribution to the philosophical literature on sex, by shining a light on the nuanced and playful ways in which humans express their sexuality. It also undermines a common line of defence offered by sexual harassers; the claim that they were 'only flirting'. The definition of flirting I advance makes clear that flirting is a complex activity requiring mutually consensual active participation by at least two people. Thus the threshold a person's behaviour must meet to qualify as flirting is higher than many harassers assume. Finally, the definition helps us understand why even agents with good intentions can end up harassing others. This can happen when contexts preclude would-be flirters from consenting, and/or when a would-be flirter sees her interlocutor as she wishes them to be rather than how they really are.

**Chapter 5: Your Word Against Mine: The Power of Uptake**

In this chapter I reflect on the act of speaking itself, focusing in particular on how we should understand the role hearers play in this act. In speech act theory, *uptake* is typically understood as the hearer's recognition of the speaker's communicative intention. According to the standard theory of uptake, the hearer is a mere ratifier of a speaker's speech acts. The speaker, by expressing a particular communicative intention, predetermines what kind of illocutionary act she might perform. Her hearer can then render this act a success or a failure. The hearer has no power over *which* act could be performed, but she does have some power over *whether* it is performed. Call this the *ratification* theory of uptake.

Several philosophers have recently endorsed an alternative theory of uptake, according to which the hearer can determine the nature of the act the speaker performs. According to this theory, if hearers regard an utterance as illocutionary act Ψ, then it *is* act Ψ, even if the speaker intended to perform act Φ. Call this the *constitution* theory of uptake. The purported advantage of this theory is that it identifies a common but under-analysed way in which speakers can be silenced.

I argue that despite its initial intuitive pull, the uptake as constitution theory should be rejected. It is incompatible with ordinary intuitions about speech, it rests on a conceptual impossibility (the unintentional exercise of normative powers), and it has unsavoury political implications, entailing that marginalised speakers lack a very basic form of autonomy as a matter of ontological reality.

## 2. Aims and Context

All five essays in this thesis are Janus-faced; they face both out from and into philosophy. They face outwards in so far as they use philosophical tools to understand the world (and sometimes to propose changes to how we think and talk about it). They face inwards in so far as they look at the world in order to better understand the shortcomings of philosophy.

### 2.a Looking Outwards

I will use philosophy of language (with help from moral psychology, linguistics, and sociology) to make sense of socially significant communicative phenomena, especially those which sustain unjust social structures. I hope that my analysis illuminates the nature and function of these phenomena and provides a useful resource for political activism.

I focus on *speech*, understood broadly as the use of language. Language is the set of tools we use for communicating with each other; we mainly use words, but we can also use pictures and gestures, amongst other things. To speak is to put these tools to use; we can do this using our bodies alone, but we can also use documents and technology. We can perform a variety of different acts in this way, and often the boundaries between speech acts and other types of act can be blurry. Catharine MacKinnon argues that in cases of harmful speech, it is impossible to separate speech from action:

> It is not new to observe that while the doctrinal distinction between speech and action is on one level obvious, on another level it makes little sense. In social inequality, it makes almost none. Discrimination does not divide into acts on one side and speech on the other. Speech acts. It makes no sense from the action side either. Acts speak. In the context of social inequality, so-called speech can be an exercise of power which

> constructs the social reality in which people live, from objectification to genocide. The words and images are either direct incidents of such acts, such as making pornography or requiring Jews to wear yellow stars, or are connected to them, whether immediately, linearly, and directly, or in more complicated and extended ways. (1996, 21)

That the line between speech acts and other types of act is so blurry indicates both the scope and the importance of speech act theory. Speech is everywhere, and speech matters. To analyse speech is to analyse society; it is to analyse how we express ourselves; how we give meaning to objects, actions, and events; and how norms are created, reinforced, and challenged. Speech practices play a key role in what Sally Haslanger refers to as 'cultural technēs', the systems of 'social meanings, tools, scripts, schemas, heuristics, principles, and the like, which we draw on in action, and which [give] shape to our practices' (2017, 155).

When a cultural technē is unjust, it becomes an ideology, understood in Haslanger's sense as a social structure which organises us in relations of domination and subordination (2017, 23). When speech act theory turns its attention to unjust communicative practices (or practices which reinforce unjust structures), it therefore becomes a branch of critical theory, in so far as it uncovers some of the mechanisms and scripts of ideology. Analysing these scripts is often the first step in the process of unseating them.

Several chapters in the thesis discuss the enforcement of social norms through speech. I understand social norms, following Christina Bicchieri, as informal behavioural rules constituted by two kinds of expectation (2005, 2017). First, there is an empirical expectation; members of the group believe that sufficiently many other members of the group abide by the norm. Second, there is a normative expectation; members of the group believe that sufficiently many other members of the group expect them to conform to the norm, and in some cases may punish violators.

Such norms can be enforced by material mechanisms like legal, financial, and physical restrictions and penalties. Yet we should not underestimate the power of 'softer' enforcement mechanisms, like speech practices. I will demonstrate the centrality of language and speech in the enforcement of norms; we build norms into our vocabulary, and we use language to sanction violators of norms, warn would-be violators, and praise conformists.

I am particularly interested in the subset of social norms which govern the sexuality of women. These are both norms of gender *and* norms of sexuality, since, as Catharine MacKinnon observes, 'sexuality is gendered as gender is sexualised', such that 'the man/woman difference

and the dominance/submission dynamic define each other' (1989, 113). MacKinnon points out that in heteronormative cultures, every aspect of gender stereotypes for women is sexual:

> Vulnerability means the appearance/reality of easy sexual access; passivity means receptivity and disabled resistance, enforced by trained physical weakness; softness means pregnability by something hard. Incompetence seeks help as vulnerability seeks shelter, inviting the embrace that becomes the invasion, trading exclusive access for protection…from that same access. Domesticity nurtures the consequent progeny, proof of potency, and ideally waits at home dressed in Saran Wrap. Woman's infantilization evokes paedophilia; fixation on dismembered body parts (the breast man, the leg man) evokes fetishism; idolisation of vapidity, necrophilia. Narcissism ensures that woman identifies with the image of herself man holds up: 'Hold still, we are going to do your portrait, so that you can begin looking like it right away'. Masochism means that pleasure in violation becomes her sensuality. (1989, 110)[4]

Thus to enforce a gender norm is to enforce a norm of sexuality and vice versa.[5] These norms interact with and compound other social norms; they often work hand in hand with racism, classism, and ableism, for example. Women of different groups experience gender norms and their policing differently. For example, women are sexually objectified in different ways. Black women have historically been hypersexualised and treated as 'unrapeable' and permanently available to men. White women, in contrast, are expected to be virginally pure and unavailable, making them rapeable and therefore 'corruptible' by sex.

Many of the phenomena I discuss in upcoming chapters affect women in different ways. For example, the word 'slut' enforces problematic gender norms for all women, but it is particularly damaging when used against black women because it reinforces historic racist tropes of black hypersexuality. And cat-calling practices can doubly harm women of colour not just by objectifying them but also by fetishising them.

The norms I consider can manifest in different ways, and they can and do simultaneously bolster different forms of oppression, but they have in common the property of misogyny, as defined by Kate Manne (2018). Manne distinguishes sexism, the branch of patriarchal ideology

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[4] 'Hold still, we are going to do your portrait, so that you can begin looking like it right away' is a quote from "The Laugh of the Medusa" by Hélène Cixous (1976).

[5] These gender/sexuality norms often go hand in hand with homophobia, since they render people who are not heterosexual anomalies or impossibilities.

that 'justifies and rationalises a patriarchal social order', from misogyny, 'the system that polices and enforces its governing norms and expectations' (2018, 78). The patriarchal order she has in mind is a system which positions all or most women as subordinate to men on the basis of their gender (2018, 45). Sexism casts women as inferior, therefore justifying their subordination. Misogyny enforces the norms which keep women in a subordinate position. It does this by punishing 'bad' women and praising 'good' women.

Manne understands patriarchy as a system which is separate (or at least separable) from other oppressive orders. For the purposes of this thesis I understand it merely as a dimension of the social order in which we live, rather than as a discrete social order of its own. We live in a tangled web of oppressive structures, and patriarchy is one thread among many. In forthcoming chapters I consider some of the ways that thread is sustained.[6]

This thesis builds upon two academic fields. Firstly, it builds on feminist linguistics. Inspired by Robin Lakoff's seminal *Language and Woman's Place* (1975), feminist linguists from the 1970s onwards have explored the variety of ways in which language encodes and enforces a patriarchal world view. They have analysed, for example, generic male pronouns, sex marking, marital status marking, androcentrism in dictionary definitions, the language of sexual intercourse, gendered pejoratives, gender norms in conversation, and gendered concepts in science.[7]

Secondly, the thesis builds upon more recent work in feminist philosophy of language, which has used the resources of analytic philosophy of language to explain the relationship between language and gender. Speech act theory has proven a particularly useful tool in this field, as it helps explain how women and other historically oppressed groups can be harmed not only by vocabulary, but also by the act of speaking, even when the vocabulary used is itself innocuous. Much of this work was inspired by Rae Langton and Jennifer Hornsby's use of the Austinian

[6] I will take no stance on the metaphysics of gender. I trace general trends in the way women are treated and, to some extent, socially constructed by that treatment, but I resist claiming outright that to be a woman is, necessarily, to be subject to the patterns of treatment I identify.

[7] For representative work in this field, see Graham (1974); Lakoff (1975, 1990); Schulz (1975); Moulton, Robinson, and Elias (1978); Frye (1983); Spender (1983); Daly (1987); Keller (1985); Tannen (1992); and Eckert and McConnell-Ginet (2013).

notion of an illocutionary act to shed light on Catharine MacKinnon's claim that pornography constitutively harms women (Langton 2009, chap. 1, Hornsby and Langton 1998).[8]

I will seek to build upon the insights of both fields, using the frameworks and tools they have developed to analyse communicative phenomena which have not yet received the attention they deserve.

I do not conceive of analysing the relationship between speech and norms of gender and sexuality as an entirely descriptive process. When carving up logical space into concepts and terms, we are typically guided by concerns about veridicality and fit; we want to carve up the world in a way which reflects ordinary language practices and everyday intuitions, making our communicative and epistemic tools as fine-grained as the world they are supposed to represent. Yet conceptual analysis constructs as well as represents. Concepts and definitions offer us lenses of interpretation, and for any phenomenon there are multiple lenses to choose from. The lens we ultimately settle upon will determine to some extent how we engage with the phenomenon, for example which aspects of it are salient to us, how we value it, and what social function it fulfils. In this way, conceptual analysis affects what is out there in the world. And if, as MacKinnon puts it, 'there is a relationship between how and what a theory sees' (1989, 107), we may as well design theories which make visible the things we want to see. I.e., when faced with a choice between different analyses, we should choose the analysis which best serves our moral and political aims. In Chapter 4 and Chapter 5 I employ such strategies when analysing flirting and uptake, respectively.

### 2.b Looking Inwards

In the process of using philosophical tools to analyse the ways we speak to and about women, we run up against the limitations of our tools. In this way, harnessing philosophy of language to understand issues of feminist concern proves to be beneficial not just to feminism, but also to philosophy of language.

Analytic philosophers have often failed to consider how a philosopher's identity, experiences, and social milieu shape the philosophy she produces, especially when it comes to assumptions

[8] For representative work in this field, see Langton (2009, 2015, 2016, 2017, 2018a, 2018b); McGowan (2003, 2004, 2005, 2009, 2012, 2014); Maitra (2012); Camp (2017, 2018a, 2018b); Saul (2006a, 2006b, 2018); Tirrell (1997, 1999, 2012); Mikkola (2008, 2011); and Haslanger (1995, 2000a, 2000b, 2007, 2011, 2012, 2014).

about what is normal or ideal. In philosophy of language, this neglect is borne out in our standard models of speech, which are highly idealised and do not reflect ordinary conversational dynamics. These models typically assume, for example, that conversation is co-operative, when in reality speakers are often deceptive, prejudiced, and hostile.

In their paper "Toward a Non-Ideal Philosophy of Language" (2018), Jason Stanley and David Beaver list ten typical assumptions in philosophy of language. These assumptions 'naturally suggest themselves when philosophers of language are fed a certain familiar but overly restrictive diet of examples from which the theory of meaning is supposed to generalise' (2018, 532). The assumptions are as follows:

1. Talk occurs between one speaker and one hearer.
2. Speakers and hearers are generally co-operative.
3. Interlocutors are perfectly rational.
4. Communicative intentions are transparent.
5. Conversations have a shared context known by all parties.
6. The basic meanings of words are neutral and a-perspectival.
7. Interlocutors are socially homogeneous.
8. Language and meaning remain constant.
9. Utterances encode single, definite propositions.
10. An utterance has a single, primary illocutionary force.

Even when construed as simplifications, rather than idealisations, these assumptions thwart philosophical analysis, because they can only explain relatively rare forms of interaction.[9] Moreover, by excluding many politically significant communicative interactions from philosophical analysis, they risk implying that those excluded forms of interaction are unusual, unimportant, or uninteresting. It is only by abandoning some of these assumptions that we can make sense of the gamut of communicative phenomena out there in the world, including those of moral and political significance.

[9] Hermen Cappellen and Josh Dever observe that there are two different kinds of idealisation: simplifying idealisations and normative idealisations (2019, chap. 12). A simplifying idealisation abstracts away from messy and complicated features of a phenomenon to make it easier to understand and explain. A normative idealisation offers an account of what that phenomenon might or should look like in an ideal world. It is unclear exactly how to classify the assumptions Beaver and Stanley list. The assumption of cooperativeness (2), for example, could be either.

None of the phenomena I analyse in Chapters 1 to 4 are rare or unimportant, yet one can only make sense of them by abandoning at least one of the assumptions Beaver and Stanley list. For example, one can only understand the nature and function of pejoratives, cat-calling, shaming, or flirting if one takes seriously the fact that the social locations of speakers and hearers, especially their genders, shape their interactions in profound ways (contra assumption 7). My analysis of slurs of transgression in Chapter 1 undermines assumption 6, the thought that the basic meanings of words are neutral and a-perspectival. My analysis of shaming in Chapter 3 abandons assumption 1, the thought that all conversations are dyadic. My analysis of flirting in Chapter 4 makes clear that even in positive interactions speakers do not always have transparent communicative intentions (contra assumption 4), nor is there always a shared context known by all parties (contra assumption 5). My analyses of pejoratives, shaming, cat-calling, and sexual harassment all reject assumption 2, the thought that conversations are co-operative; in fact, they make clear that conversations frequently involve aggression, coercion, and exploitation. They also demonstrate that speech acts have a wide variety of non-propositional functions, from derogating people, to expressing attitudes, to enforcing norms and standards, to creating intimacy; they therefore undermine assumption 9, too.

I do not offer a non-ideal *theory o*f language. Indeed, this may not be possible, especially if such a theory would require eschewing all simplifications. Yet the essays at least demonstrate that if philosophy of language is to shed light on how humans communicate, it must loosen its grip on its *traditional* idealisations. These idealisations may make analysing communication easier, but this can come at great cost; in some contexts, simplifying idealisations end up obscuring some of the most interesting, and the most concerning, features of human interaction.

# Chapter 1: Slurs of Transgression

We typically distinguish between two types of pejorative: slurs and insults.[1] A paradigmatic slur is the N-word. A paradigmatic insult is 'jerk'. This distinction is typically drawn on the basis of both the linguistic and non-linguistic features of these words and phrases. Slurs and insults are therefore hybrid socio-linguistic kinds; we call a word a slur or an insult not just because of its semantic features but also because of its history and its social function.

Some of the political differences between slurs and insults are as follows. Slurs typically target historically oppressed groups and contribute to the oppression of those groups. In contrast, insults rarely have an established relationship with systems of oppression. Additionally, when a slur is used, more people than just the target of the slur are derogated; calling a person the N-word derogates her *and* all black people. In contrast, calling someone a 'jerk' does not derogate anyone other than her target. Finally, using slurs is never warranted; it is never appropriate to describe someone using a slur (reclaimed uses aside). Yet it can sometimes be appropriate to describe someone using an insult; most of us agree that some people are appropriately labelled 'jerks'.

There are several linguistic differences between slurs and insults, too. For example, slurs and insults have different projection patterns, and slurs have neutral counterparts but insults do not. A neutral counterpart is a non-evaluative word or phrase which has the same referent and application conditions as its correlate pejorative. 'Black person', for example, has the same referent and application conditions as the N-word, but it is not evaluative. In contrast, there is no non-evaluative word or phrase with the same referent and application conditions as 'jerk'; we can only use other evaluative phrases, like 'rude person'.

In this chapter I argue that this dichotomy of pejoratives is inadequate, and must be replaced with a trichotomy. There are insults, ordinary slurs, and what I will call 'slurs of transgression', exemplified by words like 'slut'. Slurs of transgression have the same non-linguistic features as ordinary slurs. Yet linguistically speaking, they are more like insults, because they do not

[1] For example, Langton, Haslanger, and Anderson claim that slurs 'derogate classes, in contrast to more individualised insults' (2012, 754). Paul Saka distinguishes between a slur, which 'intrinsically signifies contempt for an entire class', and a 'particularistic pejorative' (i.e. an insult), like 'jerk', which conveys contempt or disdain for a particular individual (2007, 150–151). Similarly, Ralph DiFranco distinguishes between 'slurring words' and 'insulting words' (2014) and Ryan Hay distinguishes between 'slurs' and 'general pejorative terms', like 'jerk' (2011).

and cannot have neutral counterparts. Unlike ordinary slurs, their group designating function is itself normative; they carve up the social world in a normative way, delineating a group on the basis of normative features it is thought to possess. For example, a slut is a woman who does not behave appropriately for a woman; a slut is a *bad* woman. For these reasons, a slur of transgression is neither an insult nor a slur, but rather constitutes its own category.

By carving out this new category of pejorative, I not only make our taxonomies of pejorative language more fine-grained, but I also draw attention to an under-analysed form of discrimination. Like ordinary slurs, slurs of transgression discriminate against their targets by imposing penalties on them. Yet the two types of word enact this discrimination in slightly different ways. One inflicts a penalty simply for being a member of a certain group. The other inflicts a penalty for not behaving appropriately for a member of a certain group, which is indirectly a penalty for being a member of that group.

## 1. The Standard Dichotomy

Pejoratives are words or phrases with derogatory or disparaging 'meanings'. Much time has been spent figuring out how these meanings are encoded. Many philosophers and linguists have treated slurs and insults as purely linguistic kinds, using them as what Geoffrey Nunberg calls 'a topical jumping-off point' for addressing issues in semantics (2018, 237).

I share the thought that insults and slurs have semantically distinctive features, but I do not think that slurs and insults are purely linguistic kinds; they are also socio-political kinds. Outside of academia, most people are comfortable using the words 'insult' and 'slur', and though there are ongoing debates about whether some newer epithets count as slurs (like 'TERF'), there is also general consensus on a number of 'paradigm' slurs, like the N-word. This consensus is typically reached not only on the basis of what such words 'mean', but also on the basis of their political history and function. As Nunberg points out, the word 'slur' is itself 'culturally saturated' (2018, 239). It forms part of a general public discourse on prejudice, discrimination, and civic virtue, and it is normatively laden; to call something a slur is both to categorise it but also to evaluate it in some way.

I will now list some general features of insults and slurs which seem to undergird our everyday, ordinary language distinctions between slurs and insults. Some of these features are linguistic, and some are not – I am therefore differentiating two different socio-linguistic kinds.

### 1.a Non-Linguistic Differences

There are several non-linguistic differences between slurs and insults. Firstly, slurs, unlike insults, have established relationships with systems of oppression. They typically target a group which has been historically oppressed, and they are typically used to reinforce the oppression of that group. The N-word, for example, targets black people, a historically oppressed group, and the word has itself been a vehicle of that oppression; Neal A. Lester describes it as having a 'bloodsoaked history' (2011). Other groups typically targeted by slurs include other people of colour, gay people, and disabled people, all of whom have been historically oppressed and whose oppression has involved the use of slurs. Nunberg, similarly, suggests that slurs disparage people on the basis of properties which have 'historically been the focus of discrimination or social antagonisms' (2018, 239).[2]

In contrast, insults typically do not target historically oppressed groups, nor do they contribute to the oppression of such groups. Jerks are not and have not been an oppressed group, nor does calling people 'jerks' contribute to their oppression. The same is true of 'loser', 'asshole', and 'jackass'. Insults typically lack blood-soaked histories.

Secondly, uses of slurs always both directly derogate their targets and indirectly derogate a wider group of people. Yet this is not the case for insults. When a speaker calls a person the N-word, she derogates both that person *and* black people as a group, but if she calls a person a 'jerk' she derogates that person alone. Bystanders could take offence on the target's behalf, but they will not feel targeted by the remark in the same way black people will feel targeted by the N-word. This is because slurs have a more obvious group designating function.

[2] This criterion for slurs was invoked in debates about 'gammon', the British pejorative typically used to refer to middle-aged or older, right-wing, Brexit-voting, white men with angry, flushed faces. In response to accusations that the word was a slur, one commentator remarked, 'There is no cultural, economic, or political disadvantage to being an angry old man with pink cheeks' – see Bienkov, quoted in "Should gammon slur be banned on Twitter?", *BBC News,* September 25, 2018, https://www.bbc.com/news/technology-45633522. The question of whether a word is a slur must be separated from questions about whether it is discriminatory, racist, or prejudiced. A word can presumably be prejudiced but not a slur.

Thirdly, it is never appropriate to use a slur; uses of slurs are never warranted.[3] When we call out a person for using a slur, we often warn them against using the word in *any* context. The motivating thought here is that the features of identity slurs derogate, like race, sexual orientation, or ability, never deserve negative evaluation. In contrast, using an insult is sometimes thought to be warranted, if one needs to draw attention to condemnable characteristics. Mark Richard writes, for example, that 'there is nothing intrinsically misrepresenting about the reaction voiced by 'asshole': the way assholes behave merits contempt' (2008, 34). Similarly, Nunberg writes that we 'demur' from calling words slurs when 'we feel the groups have it coming' (2018, 239).

Fourthly, slurs have a specific scope and cannot be applied to everyone. Racists typically use the N-word to describe only black people, and not white people. They may well dispute any applications to white people on the grounds of inaccuracy. In contrast, some insults could be universal in application. Anyone could be a jerk, for example.

### 1.b Linguistic Differences

Though there is broad agreement that pejoratives are words or phrases which have derogatory or disparaging meanings, there is considerable debate about their precise linguistic structure. In this section I do not take a stance in this debate, but rather point to two linguistic differences between slurs and insults which are generally agreed upon.[4]

Firstly, slurs and insults have different projection behaviours. The offensiveness of slurs projects out of most linguistic operators, including conditionals (1), negations (2), questions (3), imperatives (4), and modal claims (5). It also projects when used in the past (6) and future tense (7).

> **(1) If the speaker is a [N-word], I'll leave.**
> **(2) Amber is not a [N-word].**
> **(3) Is Amber a [N-word]?**
> **(4) Ask that [N-word].**

[3] More specifically, *non-reclaimed* uses of slurs are never warranted.

[4] That pejoratives have some kind of inbuilt derogatoriness means they cannot be simply words which are typically used to offend, or which offend in some contexts, or which name a property which is widely condemned (e.g. 'racist') – see Díaz-Legaspe (2020) on this 'meaning' requirement for pejoratives.

**(5) The next President might be a [N-word].**

**(6) I used to teach a [N-word].**

**(7) I will meet a [N-word] tomorrow.**

In contrast, the offensiveness of 'jerk' does not project in conditionals (8), negations (9), questions (10) or modals (12). It does project in imperatives (11), and in past (13) and future (14) tenses.[5]

**(8) If the speaker is a jerk, I'll leave.**

**(9) Amber is not a jerk.**

**(10) Is Amber a jerk?**

**(11) Ask that jerk.**

**(12) The next President might be a jerk.**

**(13) I used to teach a jerk.**

**(14) I will meet a jerk tomorrow.**

Judging whether offensiveness has projected is a fiddly task dependent on individual intuitions.[6] I am also using as an example a notoriously powerful slur, whose undeniable offensiveness may warp our intuitions regarding slurs in general. Nonetheless, I hope it is clear that the projection behaviour of insults is at least *different* from the projection behaviour of slurs.

Secondly, slurs have neutral counterparts and insults do not.[7] This means that for every slur, but not for every insult, there is or could be a word or phrase available which has the same

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[5] Technically, the offensiveness of 'jerk' only sometimes, but not always, scopes out of tense operators. Its offensiveness does not project in 'He used to be a jerk, but now he's really nice'. Whether projection occurs could depend on whether 'jerk' takes the object position ('I used to teach a jerk') or the predicative position ('He used to be a jerk'). This does not undermine my claim that 'jerk' and the N-word have different projection behaviours, because it remains the case that the offensiveness of the latter (when used in a non-reclaimed way) projects regardless of tense, whilst the offensiveness of 'jerk' may or may not project in past and future tenses, depending on its role in the sentence.

[6] Our intuitions about offensiveness and its projection could be partly determined by neurological factors, in addition to semantics. Jesse Rappaport argues that slurs have a distinctive effect on our emotional processing centres, resulting from both social taboos and associations we make between the words and upsetting events (2019).

[7] Those who think slurs have neutral counterparts include Hornsby (2001); Hom (2008); McCready (2010); Hay (2011); Gutzmann (2011); Hedger (2012); Predelli (2013, chap. 6); Anderson and Lepore (2013a, 2013b); Hom and May (2013); Whiting (2013); Camp (2013); DiFranco (2014); Bianchi (2014); Sennet and Copp (2015); Cepollaro (2015); and Bach (2018). A notable exception is Ashwell (2016).

referent and application conditions as the correlate pejorative, but which has no evaluative dimension.[8]

Application conditions are rules governing correct usage. Even though many pejoratives are abhorrent and should not be used, there are still people to whom they are 'correctly' or 'incorrectly' predicated, and thus they have application conditions. For example, though its usage is morally condemnable either way, using the N-word to describe a black person is thought to be more 'correct' than using it to describe a white person. The application conditions for the N-word are the same as the application conditions for 'black person'.

Most theorists of slurs assume that the neutral counterpart of a slur at the very least determines its application conditions. Some believe neutral counterparts also contribute to the semantic content of the slur, either wholly or partially (more on these theories below). I leave it an open question as to what role neutral counterparts play in slurs' semantics.

What makes a neutral counterpart neutral? Neutral language is non-evaluative language. Evaluative language designates an entity as having some kind of value; as good, desirable, permissible, right, bad, undesirable, impermissible, wrong, et cetera. Neutral, i.e. non-evaluative, language, does not 'encode' any kind of value judgement. It does not have evaluative truth-conditional semantic content, evaluative conventional implicatures, or evaluative semantic presuppositions, nor does it conventionally facilitate the expression of evaluative attitudes.

This account of neutral counterparts guarantees that a neutral counterpart cannot be a slur, at least for many theories of slurs. For example, according to one theory, the derogatory force of a slur lies in its truth-conditional semantic content.[9] Christopher Hom and Robert May think that the semantic content of a slur consists of a 'characteristic counterpart term' combined with

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[8] I use modal language here because for a neutral counterpart to do the work required in most theories of derogation, it suffices that the object language could contain a neutral counterpart, not that it actually does. By this, I mean that for any slur, there exists in the object language vocabulary which when combined could characterise the referent of that slur in a neutral way, even if that vocabulary has not yet been combined as such. I also focus on the possible availability of counterparts in the *object* language (the language of the slurrer), rather than the *meta-language* (the language used by the theorist when analysing the object language). I do this because the linguistic tools available to the slurrer can have a bearing on how responsible we think she is for using derogatory language. Renée Bolinger, for example, argues that 'in choosing to use a slurring term rather than its neutral counterpart, the speaker signals that she endorses the term (and its associations)', and this choice generates offence (2017, 439). Elisabeth Camp advances a similar view, according to which the speaker's choice of slur over counterpart signals that she is committed to a derogatory perspective on the targeted group (2013).

[9] This view is held by Hom (2008), Bach (2018), and Hom and May (2013).

a covert lexical marker of pejoration (2013). The counterpart term, i.e. neutral counterpart, picks out the extension of the slur, and the pejorative function adds something like 'and ought to be the object of negative moral evaluation because of it' (2013). For example, the N-word means something like 'person who is black and ought to be the object of negative moral evaluation because of it'.[10] Neutral counterparts cannot have evaluative semantic content, so they cannot count as a slur on this view.

Another school of thought holds that a slur has the same truth-conditional semantic content as its neutral counterpart and derogates through a non-truth-conditional semantic mechanism, like conventional implicature or semantic presupposition, or an additional expressive component.[11] By specifying that neutral language cannot have attached to it any evaluative conventional implicatures or presuppositions, nor can it be conventionally expressive of any evaluative attitude, a neutral counterpart cannot be a slur on this view.[12]

My definition of neutral counterpart does sit uncomfortably with Luvell Anderson and Ernie Lepore's 'prohibitionist' theory of slurs. They think that slurs and their neutral counterparts are co-referential expressions, and that a slur is derogatory because uses of it are socially taboo (2013a, 2013b). My definition of a neutral counterpart does not require that uses of a neutral counterpart are not taboo. So what counts as a neutral counterpart under my definition could count as a slur for Anderson and Lepore.

However, Anderson and Lepore's theory confuses offensiveness with derogatoriness, which, as Hom (2012, 397) and Hom and May (2013, 310–11) have pointed out, are not the same. A word is offensive if it causes people to feel offended. We can take offence at many things for

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[10] Because they think nobody should be negatively evaluated because of their membership of demographic groups, Hom and May argue that no slur can be truthfully predicated of anybody, so all slurs have null extensions, though they do have referents, which are 'functions that map all arguments to the false' (2013, 296 n.7).

[11] Conventional implicature theories are endorsed by Williamson (2009); Hay (2011); Whiting (2007, 2013); and McCready (2010). Presupposition theories are endorsed by Schlenker (2007) and Cepollaro (2015). Expressive theories are endorsed by Saka (2007); Boisvert (2008); Jeshion (2013a, 2013b, 2018); and Gutzmann (2011).

[12] There are other theories of slurs I lack space to consider. Some locate the derogatory component of a slur in pragmatic aspects of its utterance; Geoffrey Pullum, for example, locates it in a conversational implicature (2018). Renée Bolinger's 'contrastive choice theory' similarly locates slurs' derogatory force in the 'signal' the author sends by choosing to use a slur instead of a 'neutral alternative' (2017; see also Nunberg 2018 for a similar view). Elisabeth Camp argues that slurs 'make two distinct, co-ordinated contributions to a sentence's conventional communicative role; a truth-conditional predication of group membership, and endorsement of a derogating perspective on that group' (2018, 30). Díaz-Legaspe meanwhile, endorses a non-semantic, non-pragmatic theory of slurs which locates their derogatoriness in their register (2020).

many reasons. What one person considers offensive, another may not. A word can be derogatory, in contrast, even if no one considers it derogatory. Its derogatoriness is determined not by people's subjective responses to it but rather by the structure of the word itself. Derogatoriness is 'deeper' than offensiveness in the sense that it is *built into* the word.

Derogatoriness often causes offence, but words can be derogatory even if nobody finds them offensive. For example, there could exist an insular white supremacist community in which everyone uses the N-word and no-one is offended by the word. And yet nearly all theorists of slurs would claim the word is still derogatory. Anderson and Lepore, however, would be forced to say, counterintuitively, that in this community the word is not a slur, because there exist no taboos governing its usage.

Similarly, words can be offensive but not derogatory. Consider dog-whistles, or 'code-words', which are expressions 'imbued, by a mechanism of repeated association, with problematic images or stereotypes' (Stanley 2015, 156). Examples include 'welfare', 'illegal immigrant', and 'inner city'. All of these terms signal certain perspectives, but not through their semantic content (truth-conditional or otherwise). The offensive dimensions of dog-whistles 'vanish as soon as they are made explicit', giving users plausible deniability (Saul 2018, 361). A plausible reason for why we find it easier to challenge someone who uses a slur than we do to challenge someone who uses a dog-whistle is because slurs have negative evaluation built into their structure. In contrast, dog-whistles have contingently accrued some subjective negative associations.

One may doubt whether a distinction between inbuilt evaluativity and associated evaluativity can really be maintained; can we really distinguish between inbuilt features of a word and our psychological associations with that word? We might have similar doubts about other accepted conceptual distinctions in philosophy and beyond. Consider legal attempts to define obscenity in the United States. Justice Potter Stewart famously and unhelpfully remarked of obscenity, 'I know it when I see it'.[13] A later case established three criteria that must be met for something to be obscene: the average person would find that it appeals to 'the prurient interest', it depicts sexual conduct 'in a patently offensive way', and it 'lacks serious literary, artistic, political or scientific value'.[14] Nancy Bauer observes that these criteria are no better than Justice Stewart's

[13] Jacobellis v. Ohio, 378 U.S. 184, 197 (1964).
[14] Miller v. California, 413 U.S. 15 (1973).

initial remark, since 'they consist not of observable marks and features of obscenity but of subjective judgements' (2015, 22).

By confidently making assertions about what is derogatory and what is not, theorists of slurs may be behaving like Justice Stewart. Perhaps we should accept that the meanings of words are fluid and context-sensitive, and that drawing cold, hard distinctions between derogatory and non-derogatory language, or even evaluative and non-evaluative language, is impossible. We might agree with Sally Haslanger that it is impossible to 'draw a sharp line between linguistic meaning and social meaning' (2013, 31).

If we embraced such a view, it would be much harder, if not impossible, to taxonomise words on the basis of their evaluative dimensions, and the distinction between pejoratives and non-pejoratives would be one not of kind, but rather of degree; pejoratives would be words which have more entrenched, or more negative, connotations, for example. This would also mean that some words are pejoratives in some contexts but not in others.

Endorsing this view would require a radical overhaul of how we typically analyse pejoratives. This is not a decisive reason not to do it, but in this chapter I wish to engage with existing theories of slurs and to identify a gap in these theories. To do this, I need to take on some of their theoretical assumptions and terminology. I will thus assume both that the notion of a neutral counterpart is coherent, and that to be neutral, a phrase must lack 'intrinsic' evaluativity.[15]

We have several good reasons to think that slurs have or could have neutral counterparts, and insults do not/cannot. One reason is that it explains why hearers can decipher non-evaluative, truth-conditional content within slurring utterances, but not within insulting utterances. Imagine a person says, 'I used to teach a [N-word]'. A hearer who takes offence at this sentence can nonetheless recover a descriptive claim – that the speaker used to teach a black person – which she can understand even though she rejects other components of the utterance. In contrast, we struggle to recover any non-evaluative, truth-conditional content from the use of insults; if a person says, 'I used to teach a jerk', it is quite hard to deduce any non-evaluative facts about how the person in question behaved. This is because 'jerk' has no neutral counterpart.

[15] See Väyrynen (2013), Kirchin (2013), and Young (2017) for more on intrinsic evaluativity.

The existence (or potential existence) of neutral counterparts for slurs can also explain why we find uses of slurs so offensive in the first place. Sometimes speakers use slurs to make conversational contributions which would otherwise be innocuous (i.e. they are not actively weaponising the slur). Yet their utterance is nonetheless offensive, because by choosing to forego an available neutral counterpart in favour of a slur, a speaker can 'demonstrate a contrastive preference for the slurring term' (Bolinger 2017, 439) or signal a commitment to an overarching derogatory perspective (Camp 2013). If a speaker had no choice and could only use derogatory language, it would be odd to take offense at her language, or to consider her to have acted wrongfully, since accusations of wrongdoing typically presuppose that the actor could have acted differently. In contrast, we do not typically chastise people for using insults on the grounds that they could have used a non-insulting term, because there is no way they could have conveyed their intended message without using an insult.

### 1.c The Dichotomy

**Table 1: A Dichotomy of Pejoratives**

| | Slurs | Insults |
|---|---|---|
| *Linguistic Features* | | |
| Offensiveness projects widely | ✔ | ✗ |
| Have neutral counterparts | ✔ | ✗ |
| *Non-Linguistic Features* | | |
| Target a historically oppressed group | ✔ | ✗ |
| Indirectly derogate a group | ✔ | ✗ |
| Can be warranted | ✗ | ✔ |
| Can have universal scope | ✗ | ✔ |

I have distinguished four non-linguistic differences between slurs and insults, and two linguistic differences, as depicted in Table 1 above. These criteria help us sort pejoratives into one or other of the two categories. This dichotomy reflects both the literature on slurs, and how ordinary speakers typically use and think about pejoratives, at least most of the time.

And yet this dichotomy does not quite carve up the world of pejoratives at its joints. I will argue shortly that there is a kind of pejorative which does not fit neatly into either category. Our taxonomy must therefore be expanded.

## 2. A Counter Example: 'Slut'

I turn now to the word 'slut'. I will show that 'slut' is very similar to slurs when it comes to its non-linguistic features, but very similar to insults when it comes to its linguistic features. I will then argue that 'slut' (and words like it) is neither a slur nor an insult, but rather belongs to a third category of pejorative.[16]

### 2.a Non-Linguistic Features

Firstly, like slurs, 'slut' has a strong relationship with systems of oppression; it targets a historically oppressed group and contributes to their oppression. 'Slut' is a misogynistic word typically used to enforce oppressive sexual norms and double standards for women. It reinforces the ideas that lust is the province of men and purity the province of women, that female corporeality should be oriented only towards procreation, and that morality is held within the female body. There are few male equivalents; those which most closely resemble 'slut' (like 'Casanova', 'Romeo', 'lothario', and 'stud') often have positive valence.

Secondly, 'slut', like slurs, indirectly derogates a whole class of people, though this indirect derogation works in a slightly different way from ordinary slurs. A speaker who uses the N-word implies that being a black person makes one worthy of derogation. This explains why both the target of the slur, and black people as a group, will likely be offended. A speaker who describes a woman as a 'slut' characterises her as someone who has not conformed to sexual norms that apply to her qua woman. This does not indirectly characterise all other women as violators of norms that apply to them qua women. Yet it does presuppose that there are certain

[16] Philosophers disagree about how to classify 'slut'. For Sally McConnell-Ginet (2013), Adam Croom (2014), Geoffrey Pullum (2018), and Pekka Väyrynen (2013), 'slut' is a slur. Keith Allan thinks it can be either an insult or a slur (2016) and Geoffrey Nunberg describes it as a 'hybrid pejorative' (2018), i.e. a word which functions sometimes as insult and sometimes as a slur. For Kent Bach (2018) it is a personal slur, unlike group slurs like the N-word, and for William Lycan it is a 'weaker case' of slur (2015, 5). The fact that there is such disagreement supports my claim that our taxonomy of pejoratives requires expansion.

oppressive sexual norms which apply only to women, such that all women are *potential* violators of those norms. It therefore indirectly derogates all women, by presupposing that purely because of their gender, they ought to be subject to those oppressive norms.[17] I will return to the nature of this derogation in §4.

Thirdly, using 'slut' is never appropriate (reclaimed uses aside). I claimed earlier that using insults can be warranted if one needs to draw attention to condemnable characteristics, while, contrastingly, the features of identity that slurs derogate do not merit negative evaluation. Though the derogation involved in 'slut' is more complex than that involved in ordinary slurs, 'slut' still involves judgements and evaluations which are unwarranted, and thus it should not be used.[18]

Fourthly, like slurs, the scope of 'slut' is constrained. Only a certain type of a person – a woman – can be called a 'slut'. One study showed that for 98% of people, the 'instant image' conjured by the word 'slut' is of a woman (James 1998).[19] The four highest-rated definitions of 'slut' on Urban Dictionary, a crowdsourced online slang dictionary, state that a 'slut' is (among other things) a woman.[20] 'Slut' is standardly used to condemn only women. Thus 'slut' is not like 'jerk', which could be applied to anyone.

It is, however, important to note that for the racist, being black is both necessary and sufficient for being a '[N-word]'. Yet for the misogynist, being a woman is necessary but not sufficient for being a 'slut'. More on this in a moment.

### 2.b Linguistic Features

I turn now to the linguistic features of 'slut'. In one respect, 'slut' resembles a slur and not an

[17] I am using 'presuppose' here in a non-technical, everyday sense, similar to 'to assume'.

[18] I am making here an evaluative judgement about how women ought to be treated. I think anyone committed to basic egalitarian principles should share my view, but I lack space to make a case for it here and henceforth simply take its truth for granted.

[19] Consider also the term 'manwhore'; this shows that 'whore' normally refers to a woman, because the prefix 'man' is being used to defeat this condition. 'Slut' is largely (but not entirely) synonymous with 'whore', so we can assume that a 'slut' is necessarily a woman, at least when the word is used in an ordinary way. In gay communities 'slut' is increasingly been used to describe men, but this is non-standard usage.

[20] *Urban Dictionary,* s.v. "slut", accessed June 17, 2020, https://www.urbandictionary.com/define.php?term=slut.

insult. Like slurs, the offensiveness of 'slut' projects out of most operators. All of (15) to (21) fail to quarantine the offensiveness of 'slut'.

**(15)** **If the speaker is a slut, I'll leave.**

**(16)** **Amber is not a slut.**

**(17)** **Is Amber a slut?**

**(18)** **Ask that slut.**

**(19)** **The next President might be a slut.**

**(20)** **I used to teach a slut.**

**(21)** **I will meet a slut tomorrow.**[21]

However, though 'slut' resembles slurs in this regard, it differs from them, and resembles insults, in one noticeable way; it does not have and cannot have a neutral counterpart. To demonstrate this, I will first consider what the neutral counterpart of 'slut' could be, before showing that all potential candidates for this counterpart fail.

To aid my search for a potential neutral counterpart for 'slut', I will examine how the word is typically used by consulting both personal testimonies and dictionaries. In *Slut! Growing Up Female with a Bad Reputation,* Leora Tanenbaum interviews American women from different backgrounds about their encounters with the word 'slut' (2000). Here are some reasons these women gave for why they had been labelled 'sluts':[22]

- Paula and Linda were both called 'slut' because they went through puberty earlier than their peers (2000, 8, 173).
- Jaclyn was called a 'slut' because she was 'taller and older-looking than the other kids' and 'read books while everyone else went to football games' (2000, 10).
- Tawnya was overweight and noted that 'being fat, especially if you're female, is associated with being "lower class" – and being "lower class" is one manifestation of being "slutty"'(2000, 181).

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[21] See fn.5 where I note that a word's projection is affected not just by operators, but also by whether it is in the object or predicative position. 'Slut' seems more like the N-word than like 'jerk', in this respect, in so far as it projects in both the object position – 'I used to teach a slut' – and the predicative position – 'She used to be a slut; she's changed now'.

[22] Sometimes speakers do not use 'slut' with an intention to make accurate statements. They may describe women as 'sluts' to tarnish their reputation and incite hatred against them, as well as to police the behaviour of other women. I am interested in cases where speakers believe that their targets really are 'sluts', and are not just making what they believe to be false or unfounded claims in the service of some greater aim. At least some of these scenarios should qualify as such.

- Tammy was labelled a 'slut' as a child because she was on welfare (2000, 181).
- Rosalina was gang raped by 14 schoolboys. She reports that upon returning to school 'The whole school knew', and students would come up to her and call her a 'ho' and a 'fucking slut' (2000, 109).
- Theresa explains that 'Sometimes girls look at a girl and are like, 'Oh, she's a slut,' if she's all dressed up in something tight and short' (2000, 89).
- Pamela had an abortion in the 1990s, and was labelled a 'slut' by her peers at school. Lots of other girls in the school had also been pregnant, but Pamela observes that 'a couple of the girls who had babies were part of the group of girls who said I was a slut'. She suggests that 'they probably thought of me as worse because I had had an abortion' (2000, 86).

Now consider the following dictionary definitions of 'slut'.[23]

- 'A person considered to be sexually promiscuous' (American Heritage Dictionary)[24]
- 'A woman who has sexual relationships with a lot of men without any emotional involvement' (Cambridge English Dictionary)[25]
- 'A woman who has a lot of sexual partners' or 'A dirty slatternly woman' or 'An immoral woman' (Collins English Dictionary)[26]
- 'A sexually promiscuous woman, or a woman who behaves or dresses in an overtly sexual way' (Dictionary.com)[27]

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[23] Dictionary definitions must be taken with a pinch of salt, since, as Geoffrey Pullum notes, the ways the same dictionary defines pejorative words can vary wildly (2018, 178–180). In the American Heritage Dictionary, some pejorative words are defined by their semantic content (a 'twit' is a 'foolishly annoying person') but other definitions use phrases like 'considered to be' (a bitch is a 'woman considered to be mean, overbearing, or contemptible') or 'regarded as' (a harridan is 'a woman regarded as critical and scolding'). These are not definitions of truth-conditional semantic content. The semantic content of 'bitch' does not contain claims about its target's social standing. As Pullum notes, to call a woman a 'bitch' is to claim that she *is* mean, overbearing, or contemptible, not to state other people's opinions of her. The American Heritage Dictionary and Macmillan Dictionary definitions of 'slut' are wrong for the same reason.

[24] *American Heritage Dictionary Online,* s.v. "slut (n.)", accessed June 17, 2020, https://ahdictionary.com/word/search.html?q=slut.

[25] *Cambridge English Dictionary Online*, s.v. "slut (n.)", accessed June 17, 2020, https://dictionary.cambridge.org/dictionary/english/slut.

[26] *Collins English Dictionary Online*, s.v. "slut (n.)", accessed June 17, 2020, https://www.collinsdictionary.com/dictionary/english/slut.

[27] *Dictionary.com,* s.v. "slut (n.)", accessed June 17, 2020, https://www.dictionary.com/browse/slut?s=t.

- ‘A promiscuous woman : a woman who has many sexual partners’ (Merriam-Webster)[28]
- ‘A woman who has many casual sexual partners’ (Lexico)[29]
- ‘[A] woman whose sexual behaviour is considered immoral’ (Macmillan Dictionary)[30]
- ‘A sexually promiscuous or lascivious woman; a female prostitute; (in earlier use also) a vulgar, impudent, or disreputable woman’ (Oxford English Dictionary)[31]

These data sets indicate that there are many things a woman can do or be or experience which make others consider her a ‘slut’, but they do point towards several possible candidates for the neutral counterpart of ‘slut’. I will consider these in turn, and show that they all ultimately prove inadequate.

First, we might think that the neutral counterpart for ‘slut’ is ‘promiscuous woman’. After all, the word ‘promiscuous’ features in the definitions of ‘slut’ in the American Heritage Dictionary, Dictionary.com, Merriam-Webster, and the Oxford English Dictionary. However, this fails as a counterpart because ‘promiscuous’, like ‘lewd’ and ‘chaste’, is a thick term, and as such its evaluative dimension is likely to inhere in its semantic content (truth-conditional or non-truth-conditional). I.e. it is non-neutral.

Pekka Väyrynen argues that the evaluative component of a thick term inheres not in the term’s semantic content, but rather in a conversational implicature (2013). He would say that ‘Amber is promiscuous’ conversationally implicates, but does not conceptually entail, ‘Amber is bad in a way’. If this is true, then ‘promiscuous woman’ is technically neutral according to my definition of neutral language. Yet this account of thick terms fails. Conversational implicatures are reinforceable (Sadock 1978), but the evaluative dimension of a thick term does not seem to be reinforceable. An utterance like ‘Amber is promiscuous, {and/but} she is bad

[28] *Merriam Webster Online*, s.v. “slut (n.)”, accessed June 17, 2020, https://www.merriam-webster.com/dictionary/slut.
[29] *Lexico,* s.v. “slut (n.)”, accessed June 17, 2020, https://www.lexico.com/definition/slut.
[30] *Macmillan Dictionary online*, s.v. “slut (n.)”, accessed June 17, 2020, https://www.macmillandictionary.com/dictionary/british/slut.
[31] *Oxford English Dictionary Online,* s.v. “slut (n.)”, accessed June 17, 2020, https://www.oed.com/view/Entry/182346.

in a way' sounds infelicitous. This indicates that the evaluative dimension of 'promiscuous' is not reinforceable and thus not conversationally implicated.[32]

Hence 'promiscuous woman' cannot be a neutral counterpart for 'slut'. The same is true of 'A dirty slatternly woman', '[A] lascivious woman', and 'a vulgar, impudent, or disreputable woman', since 'dirty', 'slatternly', 'lascivious', 'vulgar', 'impudent', and 'disreputable' are all also thick terms. We should reject the counterpart suggested by the Collins English Dictionary, 'an immoral woman', for similar reasons; because 'immoral' is a normatively laden term. 'Immoral' in fact seems to consist *only* of normative evaluation; it is therefore a normative 'thin' term. For this reason, 'immoral woman' clearly is not neutral enough to be a neutral counterpart.[33]

A second neutral counterpart that comes to mind is a long disjunctive, like 'a woman who develops early and/or is overweight and/or has been raped' et cetera. This could certainly explain the variety of reasons why women are labelled 'sluts', as documented by Tanenbaum. However, this is an inadequate counterpart, too, because people who use 'slut' are unlikely to be making elaborate disjunctive claims. They do not flick through a mental filing cabinet of 'slut' characteristics until they find one the target exhibits.

People who use the word 'slut' seem to interpret some characteristic(s) of the woman in question as evidence that she has a particular sexual disposition. A third candidate for the neutral counterpart of 'slut' is therefore a phrase that attributes a specific disposition to the target – something like 'woman who has a disposition to sleep with many people'.

Yet this is not an adequate neutral counterpart either, for at least two reasons. Firstly, it is probably not neutral, because the standard invoked by 'many' is unlikely to be purely non-evaluative. Its use here is very different from calling a person 'tall', where 'tall' means

[32] One might object that 'promiscuous' is sometimes used to describe non-human animals in a neutral way. Yet scientists themselves have criticised this usage, arguing that 'using promiscuity to describe animal mating strategies is anthropomorphic, inaccurate, and potentially misleading' (Elgar, Jones, and McNamara 2013, 1). Elgar et al. claim that scientists whose use this word are normally trying to describe animals who are simply polyandrous, polygynous, or polygynandrous, i.e. have more than one mate. Yet they forego these simple descriptors in favour of a 'titillating', 'emotionally evocative' word, with 'pejorative and androcentric connotations' which tap in to 'latent social taboos' (2013, 5–6).

[33] 'Immoral woman' is a linguistically interesting phrase, because it should not be read to mean 'A woman who is immoral'. After all, not all immoral women are 'sluts'; a woman who murders or tortures is not necessarily a 'slut'. Instead, 'immoral woman' in this context likely means 'a woman who is immoral *for a woman'*. Here the meaning of 'immoral' is dependent on the meaning of the noun, 'woman', which it modifies. This is an example of what Mark Platts calls 'semantic attachment' (1997).

something like 'having above average height in this context'. 'Many' is unlikely to mean 'a higher than average number of people' because people making statements like 'You're a slut!' rarely conceive of themselves as making statistical claims about targets' sexual habits.

Indeed, we cannot make sense of generic claims like 'Modern women are sluts' if a slut is simply a woman who is disposed to sleep with an above average number of people. If this is what Sarah Jane Leslie calls a *characteristic generic* (2007, 2008), it is a claim that it is characteristic of the kind 'modern women' that they are sluts, in the same way it is characteristic of ducks that they lay eggs. Yet a whole social kind cannot be characteristically disposed to have an above average number of sexual partners. If 'Modern women are sluts' is a *majority generic*, it is making a statistical claim that the majority of modern women are sluts. Yet again, this cannot be true if a slut is a woman disposed to have an above average number of partners.[34] The speaker must be making an evaluative claim about how many partners it is appropriate for women to have. 'Many' means, in this context, 'too many'. Describing a woman as 'being disposed to sleep with many people' is like calling her 'greedy'; it is not that she has merely a large appetite, or has lots of sex; she has an *excessive* appetite, or she has *too much* sex.

Secondly, even if we could show that this potential counterpart were neutral, it would still be too narrow. Sluts are women who violate culturally-specific sexual codes, which concern more than just the appropriate number of sexual partners. Consider, for example, the following passage from Margaret Atwood's *The Handmaid's Tale*:

> Some women believed there would be no future, they thought the world would explode. That was the excuse they used, says Aunt Lydia. They said there was no sense in breeding. Aunt Lydia's nostrils narrow: such wickedness. They were lazy women, she says. They were sluts. (1996, 123)

It is unclear what reason Aunt Lydia would give for why these women are 'sluts'. Maybe it is because they do not want children, or because they take the wrong attitude towards sex, valuing it for its pleasure-producing potential rather than its child-producing potential, or because they are just not interested in sex. What is clear is that none of these reasons obviously entail that

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[34] It is possible that 'Modern women are sluts' is used as a *striking property generic*, i.e. a claim that at least some modern women have the dangerous property of being 'sluts'. Yet if a slut is a woman disposed to have sex with an above average number of people, it is unlikely that speakers use the generic in this sense, since it is uninformative; that there is an 'average' number of sexual partners already entails that some people have above average and below average numbers of partners.

the women are disposed to sleep with a certain number of people. ‘Slut’ is used to chastise women for whom they sleep with and how many people they sleep with, but also for how they dress, their relationships, their experience of sexual violence, their confidence, their life goals, et cetera. The neutral counterpart for ‘slut’ would therefore need to be more inclusive than ‘woman who has a disposition to sleep with many people’.

The dispositional counterpart just considered was not sufficiently neutral nor inclusive. A fourth potential neutral counterpart for ‘slut’ is ‘woman who transgresses socio-sexual norms thought to apply to her because she is a woman’. Maybe the person who uses the word ‘slut’ is referring to women who have not behaved as women are socially expected to behave.

Yet this is not how people who use the word ‘slut’ think of their targets. The man who spits out comments like ‘She’s such a slut’ is not an amateur sociologist, alert to all deviations from social norms. He does not notice that a woman has violated a norm, and direct hatred towards her purely because of the descriptive fact that she has violated a norm. Rather, his recognition of her is itself normative. He recognises her as a woman who has *wrongfully* transgressed a *rightful* norm. I.e., he perceives her *as* a ‘bad woman’. She is not just a rule-breaker, she is a breaker of rightful rules, a person who has not behaved as she ought to behave. This is simply how he sees the world; one has to have a particular view of how women ought to behave to even recognise women as having the traits that make calling them ‘sluts’ appropriate.

A neutral counterpart is supposed to have the same referent and application conditions as its correlate slur. Yet no neutral phrase could have the same referent as ‘slut’, because the characteristics possessed by a ‘slut’ are themselves normative. Similarly, the application conditions of ‘slut’ are also normative; the word designates the group of women who wrongfully transgress. To be able to identify which women are ‘sluts’ and which are not, one must think it possible for a woman to be a wrongful transgressor of rightfully discriminatory norms. No neutral phrase could have these intrinsically non-neutral application conditions. Thus since no neutral phrase could have the same referent and application conditions as ‘slut’, ‘slut’ cannot have a neutral counterpart. Paradigmatic slurs target demographic groups which can be defined in purely descriptive terms. Words like ‘slut’ do not. A person who uses ‘slut’ refers to a group which can only be understood in normative terms; the group of ‘bad women’.

Quill R. Kukla (writing as Rebecca Kukla) also notes that ‘slut’ presupposes a very specific social ontology and ideology:

> Broadly, the term both enforces and depends on binaristic and heteronormative gender roles and relations. More specifically, its use reflects and reinforces the idea that having sex devalues women but is at worst neutral for men. The entire concept of a "slut" also feeds essentially off of a commodity exchange model of sexual and gender relations, in which proper women have no sexual desire, but are willing to have sex in exchange for a valuable reward such as financial stability, a baby, or a marriage that will afford social respectability; only "sluts" "give it away." (2018a, 28)

This leads Kukla to reach a very similar conclusion to mine – that 'sluts' are 'defective women' (ibid.).

**2.c Alternative Accounts**

Lauren Ashwell has also argued that 'slut' does not and cannot have a neutral counterpart (2016). However, our arguments differ in so far as she claims that 'slut' is still an ordinary slur, and she expresses doubt that even paradigmatic slurs have neutral counterparts. I.e. the fact that 'slut' lacks a neutral counterpart, she suggests, is reason to doubt the neutral counterpart requirement for all slurs. In contrast, I think there is a distinction to be drawn between ordinary slurs, insults, and words like 'slut'. Ordinary slurs do have neutral counterparts, and the fact that 'slut' does not have a neutral counterpart, but resembles slurs in other respects, is reason to think that 'slut' in fact belongs in a different category all together, more on which shortly.

Justina Díaz-Legaspe has recently proposed that the neutral counterpart for 'slut' is just 'woman' and that many uses of 'slut' are cases of referential restriction (2018). Speakers use 'slut', she argues, to refer to people within the class of women 'that also instantiate stereotypical properties' (2018, 251). Thus not all women are 'sluts', but every woman is a potential 'slut'. This is an intriguing argument, but I think it fails.

Many theorists assume that a neutral counterpart should be substitutable for its correlate slur, such that while derogation will be removed, reference will be preserved.[35] For example, 'Amber is a [N-word]' can be replaced with 'Amber is a black person' and the truth-conditional content of the message will be preserved. Moreover, Camp and Bolinger claim that a hearer's

[35] Theorists who have made this claim include Williamson (2009); Anderson and Lepore (2013a, 2013b); Jeshion (2013a); Whiting (2013); Sennet and Copp (2015); and Pullum (2018).

knowledge that the speaker could have used a counterpart and not a slur partly explains why slurs are so offensive (Camp 2013; Bolinger 2017). Yet 'Amber is a slut' cannot be replaced with 'Amber is a woman'. When we hear the former, we do not feel offended on the grounds that the speaker could have said 'woman' instead, because if she had said 'woman', she would not have communicated the same message.

Moreover, Díaz-Legaspe says very little about the nature of the 'stereotypical properties' that sluts possess, and despite claiming that these properties are 'neutral', fails to provide arguments that this is the case. She describes sluts as exhibiting the opposite of 'the exacerbation of feminine manners' (2018, 247) and as 'sexually promiscuous' (2018, 249), a phrase I have already argued is not neutral. Díaz-Legaspe ultimately does not do enough to establish that these descriptions are neutral and accurate.

## 3. From Dichotomy to Trichotomy

In one sense, slurs, insults, and words like 'slut' are all thick terms, if we understand the latter simply as terms which have both evaluative and non-evaluative components. However, the relationship between the evaluative and descriptive components of a paradigmatic slur is different from the relationship between the evaluative and descriptive components of an insult or a word like 'slut'. The descriptive content of a paradigmatic slur can be disentangled from its evaluative content, because slurs have neutral counterparts. In contrast, it seems impossible to separate the non-evaluative dimension from the evaluative dimension of a word like 'slut' or an insult; this is why these words lack neutral counterparts.

Additionally, the extension of a paradigmatic slur is determined only by its non-evaluative component; the neutral counterpart drives the extension.[36] Yet we cannot identify the extensions of insults or words like 'slut' without taking up their evaluative positions, even if only at 'arm's length'. Just as John McDowell argues that it is sometimes impossible to isolate a feature of a thick concept that is there 'independently of anyone's value experience being as it is' (2002, 200–1), if we examine all possible instances of 'slut', but refuse to take any

[36] This is a widely accepted claim, but Hom and May are notable detractors. They think the evaluative and non-evaluative components of slurs can be disentangled, but both components determine a slur's extension, hence why they say slurs have null extensions (2013).

evaluative position, we fail to see what unites those instances; to identify what such a term applies to we must share its evaluative outlook.

Opinions differ about the nature of thick terms. If one thinks that the extension of a thick term is determined by both its evaluative and non-evaluative components, and that these components cannot be disentangled, then both words like 'slut' and insults are thick terms, and slurs are not.[37] Alternatively, one might think there are different kinds of thick term, some of which can be disentangled and some cannot. In this case, slurs are an example of one kind of thick term, and insults and words like 'slut' are examples of another kind of thick term.[38]

However, that words like 'slut' and insults have this linguistic feature in common does not entail that words like 'slut' *are* insults; the two kinds of word in fact differ in several ways. Recall that my definitions of 'slur' and 'insult' refer not just to the linguistic features of the words, but also to their political and historical features. To be an insult or a slur is to have a particular set of both linguistic and non-linguistic properties. 'Slut' differs from ordinary insults in several non-linguistic ways, as noted in §2.a. Like paradigmatic slurs and not like insults, 'slut' has an established relationship with systems of oppression and indirectly derogates all women even when not applied to them. Like paradigmatic slurs and not like insults, its use cannot be warranted, and it cannot be applied to anyone. Thus despite its linguistic similarity to insults, 'slut' shares all four of the same non-linguistic features as paradigmatic slurs.

'Slut' also differs from insults linguistically; it has different projection patterns, as noted in §2.b. Just like a paradigmatic slur, the offensiveness of a word like 'slut' projects out of most operators, whereas the offensiveness of insults like 'jerk' is more easily quarantined, especially by conditionals, negations, questions, and modals. How might we explain this difference? It may be that these projection patterns are determined by the non-linguistic features of the word; maybe the fact that both 'slut' and paradigmatic slurs have established relationships with systems of oppression, for example, explains why it is harder to contain their offensiveness.

Or it may be that 'slut' and words like it have an additional evaluative component that insults lack. If one subscribes to a truth-conditional semantic theory of slurs, then 'slut' may mean

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[37] On the disentangling debate about thick terms, see Blackburn (2013). On the debate about what drives a thick term's extension, see McDowell (2002), Roberts (2011), and Väyrynen (2013, chap. 8).

[38] Bianca Cepollaro and Isidora Stojanovic propose a unified account of slurs and thick terms. They argue that both types of expression are 'descriptive at the level of truth-conditions, but presuppose an evaluative content' (2016, 459). 'Slut' does not fit their definition of thick terms, since it is not wholly descriptive at the level of truth-conditions.

something like 'woman who wrongfully transgresses socio-sexual norms and is despicable because of it', in which case it is a doubly thick term; one evaluative component cannot be disentangled from the descriptive content, but one component (the 'despicable because of it' component) can be. Or, if one subscribes to a bidimensional or multidimensional semantic theory of slurs, then 'slut' could be a thick term with an added derogatory conventional implicature or presupposition.

**Table 2: A Trichotomy of Pejoratives**

| | Slurs | Insults | Slurs of Transgression |
|---|---|---|---|
| *Linguistic Features* | | | |
| Offensiveness projects widely | ✔ | ✗ | ✔ |
| Have neutral counterparts | ✔ | ✗ | ✗ |
| *Non-Linguistic Features* | | | |
| Target a historically oppressed group | ✔ | ✗ | ✔ |
| Indirectly derogate a group | ✔ | ✗ | ✔ |
| Can be warranted | ✗ | ✔ | ✗ |
| Can have universal scope | ✗ | ✔ | ✗ |

I leave the question of how best to understand the linguistic structure of 'slut' for future work. My goal here is to point out that this word does not fit neatly into either category of pejorative, which indicates that our taxonomy is incomplete. I propose that there are in fact three categories of pejorative; ordinary slurs, insults, and what I call 'slurs of transgression'. I illustrate the similarities and differences between these three categories in Table 2 above.

I use the label 'slur of transgression' because such words target people believed to have wrongfully violated norms that apply to them in virtue of their possessing a certain descriptive characteristic. 'Slut' is a paradigmatic example of a slur of transgression, and words like 'bitch' seem to qualify, too. Some phrases used in racial respectability politics, like 'Uncle Tom' or 'Twinkie', might qualify as slurs of transgression, too (though these are more complicated

cases because they are often used by members of the same group they target). In the next section I explore the nature of the discrimination enacted by slurs of transgression.

## 4. Political Considerations

Slurs of transgression and ordinary slurs both enact discrimination, but in slightly different ways. Discrimination is the act of wrongfully imposing a disadvantage on a person because of her membership of a social group, where that treatment is disadvantageous relative to the treatment of an appropriate comparison group. In many jurisdictions, legally actionable discrimination is discrimination against historically oppressed groups, or groups with 'protected characteristics', in particular.[39]

The most recognisable form of discrimination involves imposing a penalty on and/or withholding resources from members of historically oppressed groups, simply because they are members of the group. This is the kind of discrimination enacted by ordinary slurs; they penalise members of such groups by expressing hostile, offensive attitudes towards them on account of their group membership.

The discrimination enacted by slurs of transgression is different. It involves treating a person badly relative to a relevant comparison class because of a belief about how members of that person's social group ought to behave in virtue of belonging to that group. This kind of discrimination started to receive legal attention only in the late twentieth century. The best examples of it involve the enforcement of gender norms. For example, in 1989 Ann Hopkins sued her former employer, Price Waterhouse, for discrimination. She claimed that she had been overlooked for promotion, despite outperforming her colleagues, because her bosses believed she did not behave appropriately for a woman. Her supervisor had told her to 'walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled, and wear jewellery', whilst a colleague recommended she take a 'course in charm school'. The courts ruled in her favour, stating that 'we are beyond the day when an employer [can] evaluate employees by assuming or insisting that they matched the stereotype associated with their group'.[40]

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[39] See, for example, the Equality Act 2010, s.13.
[40] Price Waterhouse v. Hopkins, 490 U.S. 228, 251 (1989).

Lawrence Blum acknowledges that regarding treatment like this as discrimination is 'a relatively new idea' which has only recently 'come to join older understandings of discrimination that involved unfairness and subordination' (2013, 197). Discussing the Hopkins case, he observes that 'the court regarded this as a form of sex discrimination, although it was clearly different from a more traditional understanding of that wrong in which mere categorial membership (e.g. being a woman) was the basis of unfair treatment' (2013, 198).

On the face of it, Hopkins was discriminated against because she did not abide by norms governing how women should behave. Yet she was also, more obliquely, discriminated against because she was a woman. It is only because Hopkins was a woman that she was liable to this adverse treatment. Calling someone a 'slut' enacts the same kind of discrimination. It directly penalises the target for violating behavioural norms for women, and indirectly penalises her for being a woman.

## 5. Difficult cases

Though we have made headway in understanding pejoratives, some still prove hard to classify. I claimed earlier that both ordinary slurs and slurs of transgression target groups which have been historically oppressed and contribute to the oppression of those groups. For example, the N-word targets black people and has an established relationship with the oppression of black people. Similarly, 'slut' is typically applied to women and has an established relationship with the oppression of women. Yet there are some pejoratives which contribute to the oppression of a historically oppressed group, yet do not target the same group they oppress.

When Boris Johnson called Jeremy Corbyn a 'big girl's blouse' in the House of Commons in 2019, he implied that the worst possible thing Corbyn could be was feminine.[41] Men are frequently warned not to be 'wimps', 'pussies', or 'sissies', and not to 'cry like a girl'. Such speech discriminates against men for being men and can cause them considerable harm and suffering, for example by encouraging them to repress their emotions. Yet men are not a historically (or currently) oppressed group, and so speech like this does not contribute to their oppression. It does, however, indirectly contribute to the oppression of *women,* by implying

[41] Martin Belam, "'You Great Big Girl's Blouse" – Johnson Appears to Insult Corbyn during PMQs", *The Guardian*, September 4, 2019, https://www.theguardian.com/politics/2019/sep/04/you-great-big-girls-blouse-boris-johnson-appears-to-insult-corbyn-during-pmqs.

that it is bad to be like a woman. This is why such phrases are often described as misogynistic. This raises an interesting question; must slurs of transgression necessarily oppress the same groups they target? If so, then, 'sissy' and 'big girl's blouse' are insults, not slurs of transgression. If not, they could qualify as slurs of transgression.

To make matters more complicated, phrases like 'big girl's blouse' and 'sissy' are sometimes described not just as misogynistic, but also as homophobic.[42] Words like 'sissy' are typically used to derogate gay men. This word can function either as a simple homophobic slur, if it derogates gay men simply for being gay men, or a homophobic slur of transgression, if it derogates gay men for being too effeminate or camp, i.e. being gay in 'the wrong way'. This homophobia is connected to misogyny; being a gay man or being a man who is 'gay in the wrong way' is often thought to be wrong at least partially because it involves being feminine, i.e. being like a woman.[43]

Thus 'sissy' could be at least three different kinds of pejorative:

1. A standard slur against gay men, which oppresses gay men
2. A standard slur of transgression, which targets gay men who behave inappropriately for gay men, indirectly oppressing gay men
3. An insult, or a non-standard slur of transgression, which targets men (gay or straight) for behaving inappropriately for men, indirectly oppressing women

My expanded pejorative taxonomy therefore helps us better understand why terms like 'sissy' prove hard to classify; depending on how they are used, they can constitute insults, slurs, and/or slurs of transgression.

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[42] Boris Johnson's remark was described as both misogynistic and homophobic. See Alice Evans, "Big Girl's Blouse: Johnson Faces Backlash over Corbyn Jibe", *BBC News*, September 5, 2019, https://www.bbc.co.uk/news/uk-49593110.

[43] Several court cases have grappled with the blurry distinction between discrimination on the basis of gender and discrimination on the basis of sexual orientation. See, for example, Prowel v. Wise Business Forms, Inc., 579 F.3d 285 (3d Cir. 2009); and Hively v. Ivy Tech Cmty. Coll. Of Ind., 853 F.3d 339 (7th Cir. 2017) (en banc). In the latter case, a Chief Judge wrote: 'Our panel described the line between a gender nonconformity claim and one based on sexual orientation as gossamer-thin; we conclude that it does not exist at all' (*Hively,* 853 F.3d at 346). See Ball (2019) for a discussion of such cases.

## 6. Conclusion

In this chapter I have undermined the traditional dichotomous division of pejorative words and phrases into either slurs or insults by arguing for the existence of a third category, slurs of transgression. Slurs of transgression, unlike insults or standard slurs, target people believed to have wrongfully violated norms that apply to them in virtue of their possessing a certain descriptive characteristic. Unlike ordinary slurs, slurs of transgression lack neutral counterparts.

I have focused on one particular slur of transgression, 'slut'. The next challenge will be to identify other slurs of transgression. 'Slut' has many synonyms, like 'hoe', 'whore', and 'thot', all of which qualify. 'Bitch' likely qualifies, too, as do many homophobic slurs (though, as noted, these are a particularly difficult case). Slurs of transgression are often gendered, so they should be of significant interest to feminist philosophers. That said, I am doubtful that slurs of transgression are *necessarily* gendered. Many historically oppressed groups are vulnerable to the enforcement of group-specific discriminatory norms. Racial epithets like 'Uncle Tom', which target black people thought to be wrongfully submissive to white people, might qualify as slurs of transgression, too.

I have left some important questions unanswered. For example, does it matter who uses slurs of transgression? What happens when slurs of transgressions are 'reclaimed'; do they lose their oppressive force? And what should we do to counter uses of these words? I lack space to give answers here. My goal was simply to show that our existing theories of pejorative language were too coarse-grained and had failed to capture a unique and politically significant communicative phenomenon. But if we care not just about analysing pejorative language but also about mitigating its harms, then there remains much more work to be done.

# Chapter 2: Cat-Calls, Compliments, and Coercion

> If I call out your name, I make you stop in your tracks. (If you love me, I make you come running.) Now you cannot proceed as you did before. Oh, you can proceed, all right, but not just as you did before. For now if you walk on, you will be ignoring me and slighting me. It will probably be difficult for you, and you will have to muster a certain active resistance, a sense of rebellion. But why should you have to rebel against me? It is because I am a law to you. By calling out your name, I have obligated you. I have given you a reason to stop.
>
> (Christine Korsgaard 1996, 40)

> It's scary. You're met with limited options. You can smile [or] laugh, which encourages it more. You can tell them to fuck off, which could turn ugly quickly. Or you can ignore it, in which case they normally get more aggressive. It makes me feel really small, like I'm not a whole person but walking real estate, and it fucking sucks.
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> (A Reddit user describes her experiences of cat-calling)[1]

Cat-calls are unsolicited remarks made in public, usually by a man to a woman he does not know and often concerning the woman's appearance. For example, a man might shout, 'What's up, sexy?' to a woman as she passes him in the street.[2] Cat-calling is widespread; in a survey

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[1] heyyl0w, 2017, comment on northshore12, "Women of reddit, what is it like to be cat-called at?", March 28, 2017, https://www.reddit.com/r/AskReddit/comments/620mdv/women_of_reddit_what_is_it_like_to_be_catcalled_at/dfiwr3t/.

[2] This cat-call was documented by @CatCallsofNYC, an Instagram account recording cat-calling in New York. See @CatCallsofNYC, "Swipe for a […]", Instagram photo, February 4, 2019, https://www.instagram.com/p/BteWHr4BeQQ/. This account demonstrates the variety of forms cat-calls can take. In addition to greetings, cat-calls can also take the form of:

- evaluations, like 'Nice tits, big girl' (@CatCallsofNYC, "Things not to […]", Instagram photo, January 6, 2019, https://www.instagram.com/p/BsTlqWjhfjh/)
- requests, like 'Can I smack your ass?' (@CatCallsofNYC, "You already know […]", Instagram photo, April 7, 2019, https://www.instagram.com/p/Bv90pPwBCSE/)
- instructions, like 'Smile for me, honey, that's a good girl' (@CatCallsofNYC, "Smile for me […]", Instagram photo, March 25, 2018, https://www.instagram.com/p/BgwthhbHEuV/)
- invitations, like 'Nice curves, want to put them to use?' (@CatCallsofNYC, "I'm not a […]", Instagram photo, December 10, 2019, https://www.instagram.com/p/B555YochPDM/)
- expressions of desire, like 'I'd like to take you right now, baby girl' (@CatCallsofNYC, "When 2 of […]", Instagram photo, July 23, 2019, https://www.instagram.com/p/B0RSIN6B8SW/)

of 16,000 women across 22 countries, 84% reported experiencing it before they had turned seventeen (Hollaback! and Cornell University 2015).

In recent decades cat-calling has been of increasing interest to activists and academics, who have conducted psychological and sociological investigations into why men cat-call; how women feel about it; how attitudes to cat-calling vary across culture, age, race and class; the demographics of cat-callers; and cat-calling's relationship with gender norms. Yet one question about cat-calling endures: is it wrong? The public is divided. For example, 57% of British people believe that a man commenting on a woman's appearance in the street is always or usually wrong (Phillips et al. 2018). Philosophers, despite being well-placed to analyse and evaluate communicative phenomena, have been curiously silent both on this question, and on cat-calling in general.[3]

In this chapter I use tools from philosophy of language to explain both what cat-calling is and why it is wrong. In Part 1 I evaluate the cat-calling apologist's claim that cat-calls are compliments. In popular culture, those debating the morality of cat-calling often focus on whether cat-calls are compliments, the thought being that if they are, they are morally benign. After reflecting on the essential features of complimenting speech acts, I grant that some (but not all) cat-calls are indeed compliments, since they are intended as compliments, satisfy complimenting conventions, and are interpreted as compliments by their targets. However, I deny the cat-calling apologist's assumption that if a cat-call is a compliment, it cannot be morally defective. Complimentary cat-calls often contain language which is objectifying, patronising, and derogatory. Whether a cat-call is a compliment is no guide to its moral status.

Yet neither, ultimately, is the content of a cat-call. Cat-calls *can* have morally objectionable content, but their content is not ultimately what makes cat-calling wrong. After all, some cat-calls, like those which resemble simple greetings, have entirely benign linguistic content, yet these too can make the hearer 'feel really small' and 'not a whole person' (as the above Reddit user attests), and these too can be morally defective. To understand why, we need to pay more attention to the pragmatic structure of cat-calls.

In Part 2 I argue that cat-calling is wrong because is it exploitative and silencing. My argument draws upon recent work on presupposition accommodation and takes seriously the idea that

- threats, like 'Dressing like that, you're asking to get raped' (@CatCallsofNYC, "R*pe has nothing […]", Instagram photo, October 1, 2019, https://www.instagram.com/p/B3FhuXVBdg9/)

[3] With the exception of Crouch (2009) and Vera-Gray (2017).

cat-calls are *calls*. One needs authority to call out to an unknown person in public, because calls place a normative burden, in the form of a demand for acknowledgement, upon the person called. Korsgaard brings this out clearly in the above passage. The act of calling presupposes that the speaker has the requisite authority to create such burdens. Cat-callers typically lack this authority, so they presuppose something they do not have.

Because women fear verbal and physical retaliation from strangers in public, they feel unable to shout back at cat-callers. Indeed, they likely feel compelled to politely acknowledge the caller to prevent retaliation. A target who a) fails to block the cat-caller's presupposition of authority (due to fear) and b) acknowledges him (due to fear) is thus forced into the demeaning position of acting *as if* she both grants the speaker's presupposition of authority and accepts that he has obligated her to acknowledge him. The cat-call is ultimately infelicitous, but it proves prudential for the target to act *as if* it were felicitous, which gives the cat-caller a false sense of authority.

This account of cat-calling has several advantages. Not only does it explain why cat-calling can be wrong even when the content of the cat-call is benign, but it also offers an explanation of why men cat-call. By uttering infelicitous commands in a context where women are unable to protest, cat-callers can create an illusory but consoling sense of authority over women. In addition, the account points us to an appropriate intervention strategy for bystanders. They can expose the fact that despite his target's apparent compliance, or at least her lack of protest, the cat-caller's authority is illusory.

## 1. Cat-Calls and Compliments

Before advancing my argument for why cat-calling is wrong, I will first consider a claim made by cat-calling apologists – that cat-calls are compliments. I will show that even if cat-calls *are* compliments, this does not necessarily make them morally benign.

Whether cat-calls are compliments is continuously debated in the media, with frequent headlines like "Cat-calling: Creepy or a compliment?", "8 Reasons A Catcall Is Not A Compliment", "Hey, ladies — catcalls are flattering! Deal with it", and "Can we stop

pretending that street harassment is a compliment?".[4] In 2014 a video depicting a woman walking around New York and being cat-called over 100 times went viral, largely because viewers were divided over whether the remarks depicted were compliments.[5]

Many assume that compliments are by definition morally benign, and thus cat-calling apologists are keen to show that cat-calls are compliments, and critics of cat-calling are keen to show cat-calls *are not* compliments. I will show later that we have good reason to reject the claim that a compliment is necessarily morally benign, but first I will attempt to answer the technical question of whether a cat-call really is a compliment.

For an utterance to be a compliment, it must satisfy the conventions for complimenting speech acts. Some of these conventions concern the content of the utterance. A compliment 'explicitly or implicitly attributes credit to someone other than the speaker, usually the person addressed, for some 'good' (possession, characteristic, skill, etc.)' (Holmes 1986, 485). A paradigmatic example is 'Your recent book was marvellous!'. Some cat-calls obviously do not attribute credit to the addressee for some good, and thus cannot be compliments. For example, instructions like 'Smile for me' do not attribute any kind of credit to the woman targeted. Other cat-calls do structurally resemble compliments. Consider 'Nice curves', for example.

In addition, to perform a compliment, the speaker must intend to perform a compliment. This means that a remark by A directed at B is a compliment only if A intends it to be a compliment. Call this 'the intention condition'.[6] In technical terms, a complimenter must express the requisite *communicative intention*. This is a kind of reflexive intention whereby a speaker intends to perform a particular speech act, in this case a compliment, and also intends that her hearer recognise that she wants to perform that particular speech act.

The behaviour of cat-callers often indicates that they do not intend to give compliments, even if their utterances structurally resemble compliments. Compliments are politeness devices; they

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[4] Anna Jane Grossman, "Catcalling: Creepy or a Compliment?", *CNN.Com*, May 14, 2008, http://edition.cnn.com/2008/LIVING/personal/05/14/lw.catcalls/index.html; Doree Lewak, "Hey, ladies — catcalls are flattering! Deal with it.", *New York Post*, August 18, 2014, https://nypost.com/2014/08/18/enough-sanctimony-ladies-catcalls-are-flattering/; Arianna Rebolini, "8 Reasons A Catcall Is Not A Compliment", *Buzzfeed,* January 24, 2014, https://www.buzzfeed.com/ariannarebolini/reasons-a-catcall-is-not-a-compliment; Rebecca Reid, "Can we stop pretending that street harassment is a compliment?", *Metro (Blog),* December 8, 2016, http://metro.co.uk/2016/12/08/can-we-stop-pretending-that-street-harassment-is-a-compliment-6309296/.
[5] "10 Hours of Walking in NYC as a Woman", YouTube video, 1:56, posted by "Rob Bliss Creative", October 28, 2014, https://www.youtube.com/watch?v=b1XGPvbWn0A.
[6] I believe all speech act types have such a condition. Intentionalism about illocutionary force is widely but not universally accepted. I defend the theory in Chapter 5.

are a kind of verbal gift, typically used to preserve face and strengthen interpersonal relationships.[7] Because compliments are politeness devices, a person who intends to compliment will surely be interested in how the complimented person responds. Yet in her well-known study of cat-calling, which included interviews with cat-callers, Carol Gardner found that many cat-callers were not interested in how their targets responded, and their accounts of their cat-calls 'seldom mentioned a woman's reaction, either guessed at or observed' (1989, 187). Unlike a standard complimenter, the cat-callers did not seem interested in actually making their targets feel good about themselves. This suggests that they did not conceive of themselves as complimenting. If when challenged, cat-callers like this profess an intention to compliment, they may be doing so merely to give their behaviour a veneer of permissibility.

Cat-calls which are not intended as compliments cannot be compliments, even if hearers mistakenly interpret them as such. For a speech act to be successful, there must be uptake, which consists of the hearer's accurate recognition of the speaker's communicative intention.[8] When a cat-caller does not intend to compliment, his hearer cannot provide uptake by accurately identifying his intention to compliment, and so there can be no compliment.[9] A hearer's misinterpretation cannot make it the case that a compliment was performed, just as misinterpreting an attempted refusal as consent cannot make it the case that consent was given.

That said, research has established that some cat-callers do report the intention to compliment their targets (Lennox and Jurdi-Hage 2017, 34). If at least some of these reports are truthful, then sometimes the intention condition for complimenting is satisfied. If a cat-caller genuinely intends to compliment his target, his utterance resembles a compliment (i.e. attributes credit to the target for some good), and his target provides uptake, then we must accept that he did in fact perform a compliment. I am happy to grant that some, or even many, cat-calls could satisfy

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[7] On compliments, see Goffman (1955), Wolfson and Manes (1980), Manes and Wolfson (1981), and Brown and Levinson (1987). For an account of face and its role in politeness, see Chapter 4, §3.a.

[8] The necessity of uptake for illocutionary success is widely defended – see Austin (1976), Searle (1969), and Bach and Harnish (1979). William Alston has disputed its necessity – see Alston (2000). For more on the nature and role of uptake, see Chapter 5.

[9] I use here the most dominant conception of uptake as factive recognition of communicative intention, as developed by Peter Strawson (1964). Yet there are alternatives, which have different implications for my argument. Quill R. Kukla, writing as Rebecca Kukla, argues that a hearer's uptake can sometimes make it the case that a speaker performed a different speech act from the one she intended to perform (2014). If this is true, then a cat-caller could succeed in complimenting if his target interpreted him as complimenting, even if he had no intention to do so. I discuss this view of uptake, and advance several arguments for why we should not accept it, in Chapter 5.

this description. Yet we are not required to give these cat-calls a moral free pass. Even an utterance which both the speaker and the hearer agree is a compliment can wrong the hearer, for example by objectifying, patronising, or derogating her. I will explain each of these functions in turn.

Firstly, complimentary cat-calls can be objectifying, due to callers' use of sexually objectifying language. Cat-callers are particularly fond of sexually objectifying metonyms. Metonymy is the act of taking an aspect or part of some entity to refer to that entity as a whole. For example, 'I love Shakespeare' does not mean that I love the writer named William Shakespeare, but rather that I love William Shakespeare's literary oeuvre. I am taking an aspect of the oeuvre (the name of its creator) to refer to it as a whole. Some metonyms reduce people to traits traditionally ranked highly by oppressive ideologies. When a cat-caller shouts, 'Hey, sexy!', or 'What's up, beautiful?', he equates the target as a whole with one particular sexualised feature of her, like her looks or sex appeal.[10] Such metonyms are sexually objectifying, because they treat a person as if she were a mere tool or instrument for the purpose of sexual satisfaction.[11] A participant in Fiona Vera-Gray's research into cat-calling draws attention to this dimension of cat-calling, stating that 'there's no acknowledgement that you're a person that has other things happening rather than just existing for them to look at' (2017, 83).

Secondly, complimentary cat-calls can be patronising, due to callers' use of inappropriately intimate terms of endearment, like 'baby' and 'darling'. These terms are most commonly used either symmetrically by partners in an intimate relationship or asymmetrically by a guardian to a child. Uses of such terms therefore presuppose either a high level of intimacy between interlocutors or the speaker's authority over the addressee. These terms function just like the use of 'tu' and its equivalents in languages with a T-V distinction (a distinction between familiar/informal and unfamiliar/formal pronouns). Psychologists Roger Brown and Albert Gilman note, for example, that while two people's reciprocal use of 'tu' pronouns implies intimacy, one person's non-reciprocal use of a 'tu' pronoun implies an asymmetric authority relation, where she stands in a higher rank than her hearer (1960). The targets of cat-calling are

[10] Linguists have danced around the idea of metonyms being tools for objectification without putting the point explicitly. For example, George Lakoff and Mark Johnson discuss the way 'she's just a pretty face' equates a woman's face with her whole identity (1980, 37). Similarly, Jeannette Littlemore observes that metonyms have 'a strong depersonalising effect as they reduce the person to their most relevant attribute' and are 'prevalent in sexism and other forms of prejudice' (2015, 24).

[11] Opinions differ as to how to define sexual objectification – see Nussbaum (1995) and Langton (2009). If sexual objectification is consensual, it may not be wrongful, but the objectification engaged in by cat-callers is often clearly non-consensual. Indeed, cat-callers rarely show an interest in whether their target consents.

often unable to respond, and so the caller's use of a term of endearment is non-reciprocal. It is hard to know how a given cat-caller is using the term, i.e. whether he is presupposing intimacy, authority, or both. Either usage seems inappropriate – there is no intimacy between the target and cat-caller, and the cat-caller has no legitimate authority over his target. The remark is presumptuous and/or patronising.[12]

Thirdly, complimentary cat-calls can be derogatory, due to callers' use of sexual and racial pejoratives. Some cat-calls contain gendered slurs of transgression, like 'bitch and 'slut'. As I argued in Chapter 1, these words enforce discriminatory gender norms, according to which some behavioural traits (like self-assurance or lack of sexual inhibition) are more undesirable in women than in men, and they derogate women who possess those traits. Other cat-calls contain racial slurs which derogate racial groups; examples include 'You Asian Chinks! Cuties!' and 'I fuck beaners, too'.[13] Sometimes, cat-callers use fetishising language, as in 'I like your colour, chocolate' and 'Hey, baby, I have a thing for exotic girls'.[14] In these cases racism and sexism can work in concert.[15]

When cat-calls contain these kinds of language, their target is wronged. This is so if she recognises and accepts the caller's treatment of her, or if she recognises but rejects it, or if she fails to recognise it at all. In cases where she recognises and objects to the objectifying, patronising, or derogatory dimensions of the call, she may become offended and upset. Even if she does not object to these dimensions, she (and perhaps other women in earshot) could be encouraged to objectify herself and others and to hold herself to oppressive and sometimes impossible standards, leading to psychological harm. And even if none of these things happen, she is likely still a victim of gendered (and or racial) disrespect.

I have undermined the assumption that if a cat-call is a compliment, it is automatically morally benign. Even complimenting cat-calls can still objectify, patronise, and derogate their targets.

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[12] I discuss the role presuppositions of intimacy can play in sexual communication further in Chapter 4.

[13] @CatCallsofNYC, "What would you […]", Instagram photo, January 27, 2019, https://www.instagram.com/p/BtJo_TjBmDl/; @CatCallsofNYC, "Unbelievable and appalling […]", Instagram photo, November 30, 2018, https://www.instagram.com/p/Bq0QMcfhkRh/. Cat-calls can be racist even if they do not contain racist slurs. Consider, for example, 'Sweetheart, maybe you owe us a little something after 9/11' – @CatCallsofNYC, "HELL NO. I've […]", Instagram photo, February 11, 2019, https://www.instagram.com/p/BtwUGYIBBYT.

[14] @CatCallsofNYC, "I like your […]", Instagram photo, October 10, 2018, https://www.instagram.com/p/Bow200VhSlY; @CatCallsofNYC, "Just no. Caption […]", Instagram photo, January 31, 2019, https://www.instagram.com/p/BtT9VTphiKW/.

[15] On fetishisation, see Zheng (2016).

However, showing that some complimentary cat-calls have such functions does not suffice to explain why cat-calling as a practice is wrong.

To see why, consider the following two types of cat-call, neither of which contains oppressive content. Firstly, there are cat-calls which do not involve evaluative judgements. These might take the form of greetings, like ‘Hello’, or questions, like ‘How’s it going?’. These remarks are unlikely to be intended as compliments and they are unlikely to be interpreted as compliments. Content-wise, they seem entirely benign.

Secondly, there are complimentary cat-calls which do not contain any derogatory language or express any obviously prejudicial attitudes. For example, the cat-caller might say something like ‘You look very serious about your career’.[16] A cat-call like this does not obviously objectify, patronise, or derogate the target. In fact, it might subvert sexist stereotypes, complimenting women for traits not usually valorised in women. Thus we cannot critique these remarks on the grounds that they have oppressive content.[17]

Despite their lack of obviously offensive or oppressive content, many people would consider both types of cat-call, at least in some contexts, to be wrongful. Cat-calls are often criticised for their intrusive and intimidating nature, without reference to their actual linguistic content. Consider the following Reddit users’ comments about cat-calling, none of which mention the content of cat-calls:

> What I hate is when men yell things at you from their cars. I usually don’t know what they’re saying but I don’t care to know. They go by so fast it just sounds like someone screaming at you as you walk to your car by yourself. It makes an ordinary situation into a fight-or-flight situation and it usually takes a while for me to calm down.[18]
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> I get this sinking feeling in my stomach every time it happens. […] The rest of the day I think about what I could have said or how I should have reacted to show this person that what they do is not okay, but in reality I don’t think there is much I could do. If

[16] Gardner documents a similar case in which men commend a woman carrying a book for her studiousness (1995, 147).
[17] Some compliments about intelligence may invoke fetishising tropes like the cute bookworm or the sexy geek – these likely *do* have an oppressive dimension.
[18] *Scumbaguette*, 2017, comment on northshore12, “Women of reddit, what is it like to be cat-called at?”, March 28, 2017, https://www.reddit.com/r/AskReddit/comments/620mdv/women_of_reddit_what_is_it_like_to_be_catcalled_at/dfiv5jw/.

> they don't respect me enough to not yell randomly at me, they definitely won't respect anything I say to them to try to get them to stop.[19]
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> It's very invasive. You're just trying to get from point A to point B, doing whatever and then you have to genuinely be aware of your surroundings and other people around you. Especially if you are walking alone, you don't know what a man or a group of men will do. It raises some anxiety in me personally.[20]

What makes cat-calls intrusive and intimidating is arguably not their content but rather the way they make demands of women in a context in which it is dangerous for women to resist. I elaborate on this in the next section.

## 2. Cat-Calls and Authority

To understand how a cat-call can wrong its target even when it has benign semantic content, we must understand the relationship between cat-calling and authority. Many speech acts require that speakers possess authority. Consider an exercitive, like a command. Austin defines such a speech act as 'a decision that something is to be so, as distinct from a judgement that it is so' (1976, 155). To perform such an act felicitously, a speaker needs practical authority.

To have practical authority over someone is to have the ability to give them a special type of reason for acting.[21] If I have such authority over you, I can create reasons for you to act. If you do not act as I command, you are morally responsible for this failure, and answerable to me. Practical authority is created and sustained by agents' mental states and behaviours. It can suffice that if you believe I have authority over you, i.e. if you believe I have the ability to

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[19] *tthrooowwawayyysladk*, 2017, comment on northshore12, "Women of reddit, what is it like to be cat-called at?", March 28, 2017, https://www.reddit.com/r/AskReddit/comments/620mdv/women_of_reddit_what_is_it_like_to_be_catcalled_at/dfiz6zs/.

[20] *hellnokitty31,* comment on northshore12, "Women of reddit, what is it like to be cat-called at?", March 28, 2017, https://www.reddit.com/r/AskReddit/comments/620mdv/women_of_reddit_what_is_it_like_to_be_catcalled_at/dfj8osb/.

[21] Practical authority can be contrasted with epistemic authority, which is a kind of expertise needed to tell someone how things are. Verdictive speech acts typically require epistemic authority, while exercitives require practical authority.

place obligations upon you, and if you act accordingly by following my commands (at least in situations where you have no superseding obligations), then I have authority over you.

The authority required to perform an exercitive need not be legitimate. An abusive husband can have practical authority over his wife, if he issues orders that she obeys because she believes those orders place obligations upon her. His authority is not legitimate because he has no genuine moral entitlement to have her act as he commands, but it is real nonetheless. For an exercitive to be successful, the speaker needs merely real, or *descriptive*, authority, which may or may not be legitimate (Langton 2018b, 125).

Some philosophers of language argue that exercitives do not just *require* the authority of the speaker; they *presuppose* it.[22] To explain this idea, I will first explain presupposition simpliciter, then apply the notion to authority.

When a speaker presupposes something, she takes it for granted rather than offering it up directly as something to be added to the common ground of the conversation. The common ground is the set of attitudes and beliefs mutually accepted by all conversational participants (Stalnaker 2002).[23] Acceptance is weaker than belief. A proposition is in the common ground if all conversational participants treat it as true; they need not actually believe that it is true.[24] For a presupposition to be felicitous, either what is presupposed must already be in the common ground, or it must be added to the common ground through accommodation, a process through

[22] See Sbisà (2002), Witek (2013), and Langton (2015a, 2015b, 2017, 2018a, 2018b).

[23] David Lewis prefers to speak of the conversational score, which contains the common ground and also a record of all moves that have been made in the conversation, including unsuccessful ones (1979). These different frameworks are not in tension with each other, and it suffices for my argument to focus on the narrower common ground.

[24] I rely here on Robert Stalnaker's most recent theory of speaker presupposition. In his early work, he defends a dispositional theory of presupposition, according to which a speaker presupposes a proposition if she is disposed to act as if it is true. One can be disposed to act as if a proposition is true even if one does not believe that proposition is true (Stalnaker 1999, chap. 4). A problem with this theory is that the felicity of a presupposition is assumed to depend only on the speaker's internal state, when in reality whether a presupposition is appropriate seems to depend on features of hearers, too. In his later work, Stalnaker defends a common ground theory of presupposition; a speaker presupposes that p if she assumes or believes that p is in the common ground of the conversation. The plausibility of this theory depends on how one defines common ground. If, as Stalnaker initially suggested, common ground consists of common beliefs, then a speaker presupposes that p if she assumes or believes a) that p, b) that her hearer assumes or believes that p, and c) that her hearer recognises she has these assumptions or beliefs. Yet surely one need not believe that p in order to presuppose it. Stalnaker ultimately suggests that the common ground of a conversation is what is commonly *accepted,* where acceptance could involve belief, but could also involve 'presumption, assumption, acceptance for the purposes of argument' (2002, 716).

which the common ground is automatically updated by conversational participants to ensure that what the speaker said is correct play (see Lewis 1979).

For example, if I ask you, 'Do you think Trump is a good president?', I presuppose that you and I both accept that Trump is president, and that we know that the other accepts this. I.e. I presuppose that the claim that Trump is president is already in the common ground. If this is true, i.e. if it is indeed already in the common ground, then my presupposition is felicitous from the off. Now imagine that when I asked my question, you did not know that Trump was president. Because agents are often co-operative in conversations, you will likely automatically update your beliefs, assumptions, and/or presumptions to include the notion that Trump is president, and that he is president is thereby added to the common ground. I.e., my presupposition gets accommodated.

For a presupposition to enter the common ground it might suffice that no conversational participants block it; silence can have a licensing effect. Hearers can block presuppositions, meanwhile, by performing 'Hey, wait a minute!' style manoeuvres (Von Fintel 2004, 2008). For example, after hearing my utterance, you might reply, 'Hey, wait a minute, Trump isn't president!'. In so doing you can prevent the claim that he is president from being added to the common ground.

Some sentences impose constraints on the contexts in which they can be appropriately uttered. Stalnaker uses this thought to explain the relationship between semantic presupposition and pragmatic presupposition (also called 'speaker presupposition'). A sentence presupposes a proposition, he argues, if uttering that sentence would be infelicitous unless *the speaker* presupposed that proposition. So, uttering a sentence with a semantic presupposition will generate a pragmatic (speaker) presupposition. For example, the sentence 'Do you think Trump is a good president?' presupposes that Trump is president, because it would be inappropriate for me to utter that sentence unless I, the speaker, presupposed that the proposition that Trump was president was in the common ground. By uttering this sentence, I generate a pragmatic presupposition that Trump is president.

Speech acts also impose constraints on the contexts in which they can be appropriately performed; these constraints are captured in their felicity conditions. If a constitutive felicity condition is not satisfied, the speech act fails. So we might expect that attempting to perform a speech act is similar to uttering a sentence containing a semantic presupposition. Just as uttering 'Do you think Trump is a good president?' generates a pragmatic presupposition that Trump is

president, attempting to perform a speech act with particular felicity conditions generates a pragmatic presupposition that those felicity conditions are satisfied.

For example, for a command to be successful, the speaker must have authority. When a person attempts to perform a command, she attempts to perform an act that can only be felicitous if her possession of authority is in the common ground. By attempting to perform a command, then, she *presupposes* that she has this authority. And as stated above, for her authority to be in the common ground is for everyone in the conversation to accept, and to accept that others accept, that she has authority.

This presupposition can be liable to processes of accommodation. If the speaker presupposes that she has authority, and no conversational participants block this presupposition, that she has authority may well be added to the common ground. This might equate to her actually having authority in this conversational domain, where such authority depends on the attitudes and behaviours of others.

Rae Langton and Maciej Witek have endorsed this model of authority presupposition and accommodation. They use the following example, which modifies an earlier example by Austin (Langton 2018a, 151; Witek 2013; Austin 1976, 28).[25] A group is stranded on a desert island and they need to act fast if they are to survive. One member of the group, who previously did not have any recognised authority over anyone else, orders the others to 'Go and pick up wood'. The others hear this order and, as instructed, go to pick up wood. Langton and Witek argue that though initially the speaker had no authority over the group, because no one protested and everyone obliged, the speaker succeeded in creating her own authority. For her order to be felicitous, she needed authority, so her hearers supplied that authority. The authority was, as Langton puts it, both a condition of and an outcome of the utterance (2018a, 155).

So what has all this got to do with cat-calls? Cat-calls demand acknowledgement from their targets. They are therefore a kind of exercitive, and hence they too presuppose a kind of practical authority, which is liable to processes of accommodation. To see how this can be the case, note first that cat-calls are calls, or what Quill R. Kukla (writing as Rebecca Kukla) and Mark Lance label 'vocatives', which they define as follows:

[25] Richmond Thomason offers a similar example, in which a person assumes and thereby acquires authority by dictating where a party will go for dinner (1990, 343).

> To utter a vocative is to *call* another person – in calling out "Hello, Eli!" I recognize the fact that that person is Eli, and I do so by calling upon him to recognise that he has been properly recognised. (Kukla and Lance 2009, 138)

Vocative acts demand acknowledgement from their target. The caller demands that the hearer acknowledge she has heard the call, perhaps by looking back, nodding, smiling, or saying something in return. Korsgaard perfectly captures this normative dimension of calls in the epigraph of this chapter; once someone has called you, your options become constrained. Either you acknowledge the call, or you continue on your way in the knowledge that this will count as ignoring the call.

One can only make such demands of a person if one has sufficient authority over her. Kukla and Lance put this point as follows:

> [Vocatives] can only be entitled insofar as their speaker has the proper authority to legitimately make such a demand on the one she is hailing […] The right to hail someone (in a particular fashion, in a particular circumstance) is not a publicly available entitlement but one that attaches to the normative position of the hailer as she is particularly situated within a structure of authority and normative relationships. (2009, 139–40)

A person who performs a vocative therefore presupposes that she has the authority required to make certain demands of others. Kukla and Lance focus on vocatives performed by a speaker to a hearer she knows; they argue that vocatives of this kind require 'an authority weak enough that almost everyone has it' (2009, 140). Thus when I call an acquaintance, I presuppose an authority which I likely already possess; my presupposition is likely to be felicitous.

Cat-callers, however, typically target strangers. The authority required to place a demand on a stranger is harder to acquire than the authority required to place a demand on an acquaintance. Erving Goffman recognised this long ago, observing that 'acquainted persons in a social situation require a reason not to enter into a face engagement with each other, while unacquainted persons require a reason to do so' (1966, 124). Approaching a stranger 'presumes that our thoughts and concerns will have some relevance or interest or weight for others' (Goffman, 1981, 120). We are generally expected to leave strangers alone:

> By and large (and especially among the unacquainted) silence is the norm and talk something for which warrant must be present. Silence, after all, is very often the deference we will owe in a social situation to any and all others present. (1981, 120)

Strangers are therefore recognised as having a basic claim right to be left alone in public.[26] There is ample evidence that we recognise this claim right; after all, when we do approach strangers, for example to ask directions, we often preface our speech with 'Excuse me' or 'I'm sorry to bother you'.[27]

This raises interesting ethical questions about how to balance our rights to be left alone and correlate duties to leave others alone, with our rights to social inclusion and correlate duties to provide adequate social resources to others. Loneliness is a profound hardship involving serious psychological and even physical harm, and we have a duty to prevent it.[28] One way we could fulfil this duty is by conversing with strangers in public. Yet we can accept the existence of a duty to provide social resources to others without granting that calling out to strangers is always permissible. Our duty to make our social resources available to others when required does not require tolerating *any* kind of stranger approaches. A right to social connection is not a right to speak with anyone at any time, but rather a right to have, as Kimberley Brownlee puts it, 'decent contact, inclusion, association, and interdependent care' (2016a, 55). Sometimes a stranger may approach someone because she needs such resources, and in these cases our right to be left alone is trumped by her need, even if the approach is clumsy and intrusive. However, many approaches by strangers are evidently not attempts to build a genuine social connection

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[26] We could parse this claim right as purely negative – the right to be left alone. Yet Goffman goes further and suggests that when in public we are required not only to avoid approaching strangers, but also to positively demonstrate that we recognise others' rights not to be approached, by giving a stranger 'enough visual notice to demonstrate that one appreciates that the other is present […], while at the next moment withdrawing one's attention from him so as to express that he does not constitute a target of special curiosity or design' (1966, 84). One does this by glancing briefly before 'casting the eyes down as the other passes – a kind of dimming of lights' (ibid.).

[27] It is important to note that Goffman was a sociologist, not an anthropologist or philosopher. His goal was to describe politeness norms in historically and culturally specific social contexts (in his case, twentieth century North America). He did not purport to describe a universal politeness norm. It may well be that the background expectation of civil inattention is an artefact of modern, urban, Western culture – I do not claim that it generalises across cultures, nor that my argument for why cat-calling is wrong is universally applicable. Rather, I advance an argument for why, in some cultures, cat-calling is wrong. I am relying on the thought that some socially constructed norms, like norms of etiquette, can generate moral obligations. For a recent defence of this claim on the grounds that obeying such norms is required by our duty to respect others' agency, see Valentini (2019).

[28] On our duty to provide social resources, and how to reconcile it with our right to associative control, i.e. our right to choose with whom we associate, see Brownlee (2013, 2016a, 2016b).

or gain social resources. Cat-callers, in particular, are generally uninterested in how their targets respond, which indicates they are not approaching women out of loneliness. In such cases their desires do not trump a target's right to be left alone.

Speaking to strangers is considered socially acceptable in some situations.[29] It can be acceptable to strike up a conversation with a person engaged in the same activity as you. For example, you might talk with a neighbouring person on a plane or in a queue, or greet a fellow rambler as they pass. In these cases, participation in the same enterprise is regarded as licensing conversation (though cultural norms still vary).[30] Cat-calls do not fit this description, since the cat-caller is usually entirely unconnected to the hearer. In fact, cat-calls are often performed at a distance, and often the caller is stationary and the target in motion, or vice versa. A cat-caller might stand on a street corner and shout at a woman as she passes by, which contributes to her sense of being 'walking real estate'. Other times, the cat-caller is in a moving car and the target stationary and on foot, for example waiting for a bus. In both cases, the caller is intruding upon the target's activity rather than being a fellow participant in it, and is not trying to strike up an ordinary conversation.

Cat-callers are unlikely to be recognised as having the authority to call out to women they do not know. Nonetheless, cat-calls, qua vocatives, structurally presuppose that their speaker has the requisite authority to approach a stranger. So cat-callers are presupposing an authority they do not have. This presupposition is subject to processes of accommodation; it can be made true (i.e. the authority can be granted) and it can be blocked. However, I will show in the next section that the context in which cat-calls occur makes it difficult for targets to block callers' presuppositions. Conversations on the street are not quite as egalitarian as Stalnakerian models of presupposition might have us assume.

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[29] Cat-callers sometimes argue that women's outfits license men to approach them. Such defences typically rely on the claims either that a woman's clothing can constitute an act of consent or that a woman's outfit choice can be negligent, constituting a forfeiture of her right to be left alone. These claims are key components of victim-blaming rape myths and should not be taken seriously.

[30] Goffman identifies certain 'open regions', like sports grounds, bars, parties, and carnivals, where there is an 'assumption of mutual regard and good will' and therefore a 'rationale for discounting the potential nefariousness of contact among the unacquainted' (1966, 132–36). He also points out that we deem it acceptable to approach strangers when we or they need help, or if we need to get permission from them, for example to smoke nearby. We also assume a general entitlement to approach people who are in an 'exposed position', like a shop vendor or a policeman, as well as people who possess a demographic characteristic that makes them an 'open person'. The elderly and the very young are sometimes regarded as such (1966, 126).

## 2.a The Context of Cat-Calls

Women enter public interactions with strangers on more precarious footing than men. This is partly due to historic beliefs about appropriate domains for men and women; public spaces have traditionally been regarded as the domain of men, and women in these spaces are seen as interlopers and intruders, who should really be at home.[31] The prevalence of male violence against women also makes public interactions with male strangers dangerous and scary for women. Women generally report greater fear of crime, especially sexual assault, in public spaces (Mellgren and Ivert 2018; Ferraro 1996).

Because of this, cat-calls have a distinctive resonance for women, which was recognised by a UK government report on sexual harassment:

> While some men and boys experience sexual harassment in public, harassment directed from unknown men to women and girls has a particular meaning given both the prevalence of sexual violence and the routine ways in which responsibility is put on women and girls themselves for preventing it. (House of Commons 2018, 11)

This resonance was also noted by judges in a landmark sexual harassment case in the US:

> Because women are disproportionately victims of rape and sexual assault, women have a stronger incentive to be concerned with sexual behaviour. Women who are victims of mild forms of sexual harassment may understandably worry whether a harasser's conduct is merely a prelude to a violent sexual assault. Men, who are rarely victims of sexual assault, may view sexual conduct in a vacuum without a full appreciation of the underlying threat of violence a woman may perceive. (Ellison v. Brady 1990)[32]

Cat-calls are scary not just because approaches by unknown men are scary, but also because many women experience hostile retaliation by cat-callers when they respond, even when their responses are polite (Davis 1994; Gardner 1995). In a recent case, two women on a bus in London were harassed by fellow passengers. They initially tried to appease the harassers by making jokes, but were ultimately badly beaten by them.[33]

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[31] See Gardner (1989, 1995), Pateman (1983), and MacKinnon (1989).
[32] Ellison v. Brady, 924 F.2d 872, 879 (9th Cir. 1990).
[33] "London bus attack: Arrests after gay couple who refused to kiss beaten", *BBC News*, June 7, 2019, https://www.bbc.co.uk/news/uk-england-london-48555889.

Cases of cat-callers retaliating are well documented in the media; in 2014 a woman in Detroit was shot and killed because she refused to give a man her phone number, and in New York a cat-caller slashed his target's throat when she refused to engage him in conversation.[34] Consider also the following submission to the UK Government report on harassment:

> One woman who was content for her submission to be published described how a group of men sitting behind her on a bus made sexualised comments, asking her to come and sit with them. She said she ignored them and put her headphones in: "Eventually a note landed in my lap which read: 'when you get off this bus we will rape you.' I got off at the busiest stop possible and went into a shop until I was sure they hadn't followed me." (House of Commons 2018, 11).

In summary, many women experience cat-calls as scary and threatening, and this makes it difficult for them to disobey or challenge cat-callers. Not responding at all is dangerous, as the cat-caller may be angered by the 'slighting', and attempting to perform the 'Hey, wait a minute!' manoeuvre required to block cat-callers' presuppositions is even more dangerous, as it could be seen as 'disrespectful'. For these reasons, women targeted by cat-calls often do not challenge cat-callers, even if they want to, and they often feel the safest option is to acknowledge the cat-callers instead of ignoring them.

Langton has already identified several handicaps on blocking presuppositions. She observes that 'asymmetric gender norms about risk-taking, initiative, politeness, and deference, all affect the feasibility and costs of blocking' (2018a, 161). I have provided another example of such handicaps – in this case, women who block risk verbal and physical attack.

## 3. The Wrong of Cat-Calling

Here is a neat story we could tell about cat-calling, which would explain why it is wrong. Many women who are targeted by cat-calls do not believe that men have automatic authority over them, nor that being a woman makes them ineligible for the privileges afforded by what Goffman calls the 'norm of civil inattention' (1971, 385). However, when cat-callers demand

[34] Hank Winchester, "Police: Woman shot, killed by man she rejected at Detroit hall", *Click On Detroit*, October 6, 2014, https://www.clickondetroit.com/news/defenders/police-woman-shot-killed-by-man-she-rejected-at-detroit-hall; Aaron Feis, "Woman's throat slashed after rejecting man's advances", *New York Post*, October 8, 2014, https://nypost.com/2014/10/08/womans-throat-slashed-after-rejecting-mans-advances/.

acknowledgement from their targets, presupposing their own authority in the process, they often get what they want. Many targets of cat-calling do act as cat-callers demand; they will mumble a 'thank you', or at the very least make eye contact. This is because they fear that if they ignore the caller, or worse, challenge him, he may become hostile and retaliate verbally or physically.

It may seem like the cat-caller in this scenario has succeeded in creating his own de facto practical authority. He seems to have manipulated the process of accommodation in the public sphere in such a way that his target is unable to block his presuppositions of authority. The cat-caller leverages his target's fear in such a way as to forcefully transform his authority from an opportunistic presupposition into a reality. This would be a nice explanation of why cat-calling is wrong; it involves creating illegitimate authority through illegitimate means.

Yet this would be moving too fast. It is certainly true that in such a scenario the cat-caller has succeeded in making his target do what he demanded that she do, but this does not prove that he has created authority over her. Getting one's way is not the same as having authority. In fact, advocates of the 'authority accommodation' framework often wrongfully equate the concepts of power and authority.

Let us return to the 'Go and pick up wood' example. Langton and Witek want to say that when the speaker's peers consequently go and pick up wood, the speaker's authority is created. Yet all the speaker has succeeded in doing is getting her own way; she wanted something to happen, and it happened. It is true that her exercitive appeared to be successful, but it may well be that the speaker's peers decided to perform the action that the speaker demanded not because the speaker demanded it, but for *some other reason*. They could have done it because the speaker provided an arbitrary solution to a co-ordination problem. All that was needed in this scenario was for someone to articulate a course of action, which everyone could then follow not because that speaker articulated it, but because acting in such a way would be prudential. The wood-collectors need not believe that the speaker has the ability to place obligations upon them. I.e. they need not grant the speaker authority. Technically speaking, the speaker's exercitive may well have failed.

If a speaker commands a hearer to perform act Φ, and the hearer then performs act Φ, we cannot immediately assume that the speaker has practical authority over the hearer, even if we rule out scenarios in which the hearer's performance of act Φ is entirely coincidental. Sometimes the hearer might perform act Φ because she interprets the speaker's command as a suggestion and

considers it a good one. She might decide that the action the speaker is attempting to prescribe has independent merits, and thus that she has what H.L.A. Hart would call a 'content-dependent' (as opposed to 'content-independent') reason to do it (1982, 254–5). Other times, the hearer may perform act Φ because she is afraid of the speaker. The speaker need not have authority in either scenario; they might have something cruder, like power, i.e. an ability to get the hearer to act as they want her to act. This is not the same as having authority over her. Authority is the ability to give the hearer a particular kind of reason to act. When a person has authority over us, we recognise the fact that they have ordered us to act as a reason in and of itself to act.

Often, when a woman meets the eye of a cat-caller, or mumbles 'thank you', she is not doing so because she grants his presupposition of authority. In fact, she does not grant that presupposition, and if it were safe to do so, she would block it. Rather, she responds to the cat-caller because she fears the repercussions of not doing so. She complies for prudential reasons.

In §2 I claimed that a proposition is in the common ground of a conversation if everyone accepts it, i.e. treats it as if it were true. This is weaker than believing that it is true. In cases where a target does as she has been commanded to do, but not because she considers the caller to have placed a special obligation upon her, it may appear as if she is treating the presupposition of authority by the caller as if it is true. She might seem to 'accept' that he has authority, perhaps for the duration of the interaction, even though she does not believe he really possesses such authority. We end up with a situation in which the cat-caller's authority is, or appears to be, in the common ground, and yet he does not really have authority, but rather some cruder kind of power.

This interpretation of cat-calling can help us understand why men cat-call. When the cat-caller succeeds in forcing his target to interact with him, he may believe he has acquired authority, or cemented his pre-existing authority, over that woman, when in reality he has no such authority. This can be consoling. Masculinity is often equated with, or assumed to require, a general authority over women, and men who lack this can be motivated to create situations in which they at least *feel* authoritative.

Men of all backgrounds cat-call, and women of all backgrounds are targeted by cat-calling. Sometimes, along some axes, a cat-caller may be disadvantaged relative to his target. He might be a person of colour and she might be white, or he might be working class whilst she is middle class. In different circumstances, the target might have or be able to acquire authority over the

cat-caller, on account of individual and structural racism and classism. The cat-caller might also believe (with some warrant) that in ordinary romantic interactions, like on dating apps or during dates, the woman would overlook him due to her own biases.[35] Cat-calls therefore offer a person who feels otherwise disadvantaged, either generally or in romantic contexts, an opportunity to seize some small power and force a woman who might otherwise pay him no heed to interact with him, making him feel authoritative (even if he is not really).

The cat-call is wrongful in this scenario not because it creates authority – it actually creates the mere illusion of authority – but because it both *exploits* the target, forcing her into the debasing predicament of having to act as if she believes the cat-caller has authority over her – and *silences* her. The cat-caller has made an objectionable presupposition, but he does so in a context where it is very difficult for his target to block that presupposition. Being prevented from blocking presuppositions, especially ones which are politically and morally objectionable, is a unique form of silencing, not quite captured by the familiar concept of locutionary silencing.[36] To be locutionarily silenced is to be prevented from speaking. Cat-called women are not prevented from speaking simpliciter, but they are prevented from performing blocking manoeuvres specifically. They cannot challenge cat-callers' presuppositions and so they are forced to act as if those dodgy presuppositions have been added to the common ground, and thus to appear submissive when in a different scenario they would resist.

Women who are cat-called are sometimes forced into speaking when they would rather stay silent. For example, they are made to say 'thank you' to the cat-caller. This is not silencing, but it is still pernicious. Several jurisdictions recognise a phenomenon called 'compelled speech', where an agent is legally required to make a claim with which they fundamentally disagree.[37] In cases of cat-calling there is no legal coercion involved, but targets are put in a similar position of being forced to perform speech acts which are at odds with their ethical and political commitments.

[35] For more on how racism colours romantic and sexual preferences, see Srinivasan (2018). Racial and class-based romantic preferences determine a woman's receptivity to cat-calls, too. Gardner found in her research that 'women often said they could more easily construe a comment, touch, or other instance of public harassment as "complimentary" if it came from a well-dressed, attractive man of their own or a higher social class' (1995, 24).
[36] On locutionary silencing, see Langton (2009, chap. 1).
[37] Compelled speech was a key issue in the famous 'gay cake' case in the UK. A bakery in Northern Ireland was taken to court by a customer after they refused to decorate a cake with a message supporting gay marriage. The bakery alleged that to force them to do so would be compelled speech. The Supreme Court ultimately ruled in the bakery's favour – Lee v Ashers Baking Company Ltd & Ors [2018] UKSC 49.

## 4. Resisting Cat-Calls

I have focused on scenarios in which women comply with cat-callers' demands, not because they consider the cat-caller to have genuine authority over them, but because they fear the repercussions of doing otherwise. Yet some of the women who do not block the cat-caller's presupposition also do not acknowledge the cat-call, but rather continue onwards as if nothing has happened. It is hard to know exactly what is happening in such an interaction, linguistically speaking. The target is silenced in some way, yet she is also partially non-compliant. In this case, has the call been successful, i.e. has it successfully placed an obligation upon the target?[38]

There might be some circumstances in which women do accept cat-callers' presuppositions of authority, but do not acknowledge the callers, because they decide that other obligations trump the obligation of acknowledgement placed upon them by the cat-caller. A target might recognise that the cat-caller is trying to perform a call and wants to be recognised as so doing, and she might grant, via her silence, the authority needed to make his call correct play. Recognising that he has successfully performed a particular speech act (at least on many accounts of speech acts) also entails recognising the normative burdens and entitlements such a speech act creates. Thus the target also accepts that she has incurred an obligation to acknowledge the cat-caller. However, she might decide to sidestep this obligation, perhaps because she has some other commitment which trumps it.

However, it seems more likely that a target who stays silent *does not* accept the cat-caller's presupposition of authority. In fact, by staying silent, the target is likely deliberately rendering the call a misfire. Kukla and Lance describe a scenario of this kind:

> Failure to respond to a vocative with an acknowledgement is not merely rude: it is a pragmatic subversion – the hail has not succeeded in carrying out its function if it is ignored. And ignoring a hail on purpose can constitute a shunning tantamount to acting as if the hailer did not have the authority to issue that hail in the first place. (2009, 147)

[38] This confusing situation is rarely acknowledged in the speech act literature, though N.P. Adams notes that sometimes 'the audience may refuse to accommodate but also not block', and suggests that this results in 'a defective context where the speaker and the audience do not share an understanding' (2019, 12, fn.18). Yet this is not always the case; sometimes it will be obvious to the target what the cat-caller was trying to do, and it will be obvious to the cat-caller that the target has understood what he was trying to do but has spurned him nonetheless.

Kukla and Lance do not work within a presupposition accommodation framework, but we can translate their stance as follows: if a speaker ignores an attempted vocative by an unauthoritative speaker, she thereby refuses to grant the speaker's presupposition of authority and renders the attempted vocative a failure.

In the cat-calling interaction under consideration, the target has still been wrongfully silenced; she is unable to verbally block the cat-caller's presupposition due to fear, and thus is made to appear more submissive than she would be in other contexts. Yet because her silence is not accompanied by compliance with the cat-caller's demand, she has rendered the cat-call a failure.

Langton sometimes writes as if silence is all that is needed for presuppositions of authority to be accommodated. For example, she writes that the felicitous performance of authoritative speech acts 'depends on a presupposed authority that becomes real, when passive hearers let it through' (2018a, 155). This is not always true; when a speech act presupposes the practical authority of the speaker and attempts to place an obligation upon the target, the hearer's silence is not always a sign of complicity. In fact, it can be a resistant blocking manoeuvre, when active retaliation is too dangerous, but full compliance is too demeaning, involving what may feel like an objectionable abnegation of self-respect. Silence can still be dangerous, but it might be just safe enough in some contexts. Silence is, after all, ambiguous; if a target is accused by her cat-caller of ignoring him, she could pretend she had not heard him. This resistance strategy is pleasingly subversive, too, since silence is after all a standard way in which women are subordinated. In this context, silence offers a way for women to reject men's claims upon them.

Regardless of whether the target acknowledges the cat-call, the account of cat-calling I have developed points us towards a clear strategy for bystander resistance. Presuppositions are prevented from entering the common ground, or *appearing* to enter the common ground, by blocking manoeuvres. Targets of cat-calls may feel unable to perform these manoeuvres due to fear, yet bystanders may occupy a less vulnerable position relative to the cat-caller and may therefore have the ability to block the presupposition on the target's behalf. It is arguably easier for a man or an official with institutional authority to question the cat-caller's presupposition by saying something like 'How dare you?' or 'Who do you think you are?'.

If bystanders say nothing, their silence might have a licensing effect, as Ishani Maitra has pointed out in her analyses of hate speech in public places (2012). The cat-caller and his target will come to believe that no one objects to his presupposition, and thus silent bystanders can

contribute to the cat-caller's belief that he has socially sanctioned authority over his target. The target's silence may be a kind of resistance, but a bystander's silence is not; he is under no pressure to intervene, and thus cannot be said to be resisting anything with his silence.

In cases where a target has complied, i.e. has acknowledged her cat-caller, blocking manoeuvres by bystanders might seem useless, since the target already seems to have granted the cat-caller's presupposition of authority over her. The bystander cannot undo this on her behalf. Yet the bystander can still play an important role; he can draw attention to the fact that the target had very few options, and that her apparent compliance and interest were extorted and likely insincere. This can diminish the self-confidence the cat-caller derives from the scenario. After all, some cat-callers are unaware that they are exploiting women's fear in public places and might genuinely believe that women respond to them out of genuine interest, or genuine recognition of their authority. This does not make their actions morally permissible; they are denying women a right to be left alone, and they are wrongfully ignorant of the way fear colours women's interactions with unknown men in public. Exploitation and silencing are wrongful even when they are unintentional.

## 5. Conclusion

Lynne Tirrell draws a distinction between three different kinds of sexist speech:

> Sometimes what is deemed sexist is (a) *what* is said, in the sense of the content of the remark; or (b) the *saying* of it, that is, the speech act of saying it; or (c) the *sayer*, the agent. (1997, 144)

The debate surrounding whether cat-calls are compliments focuses on whether *what is said* by a cat-caller is impermissible. It is true that cat-callers often say sexist things, and I have pointed to three kinds of oppressive content often present in cat-calls.

However, I have also shown that to truly understand why cat-calling is wrong, we should focus not just on what cat-callers say, but also on the context in which a cat-call is performed and the identity of the speaker. I have argued that when a man cat-calls, he demands acknowledgement from his target and in doing so presupposes an authority he likely does not possess. In many contexts, his target would challenge the dubious presupposition and refuse to comply with his demand. Yet in the street, challenging a cat-caller is dangerous, because women (with

reasonable warrant) fear violence from unknown men. The cat-caller exploits this fear; his target will not feel able to block his presupposition, and may well acknowledge him politely. By responding in this way, she gives him and any bystanders the impression that she regards him as having authority over her. This is demeaning for her, and gives her target a false sense of authority. It is these exploitative and silencing functions of cat-calling that make it morally problematic, even when the content of the cat-call is benign.

A single cat-call could have several features which make it wrongful; it could have oppressive content, or it could be annoying, or it could cause offence, or it could add up to a form of cumulative wrong, akin to that committed by Derek Parfit's harmless torturers (1986). However, these features are not always present. Sometimes cat-calls have benign content, sometimes they are not seen as offensive or annoying by the target, and sometimes the target might never have been cat-called before, meaning there is no cumulative wrong involved. I have offered an argument for why *any* cat-call, provided it occurs in a context in which a) there is a general norm of 'civil inattention' and b) women fear hostile reactions from male strangers, is wrongful.

# Chapter 3: Shaming, Blaming, and Responsibility

Shaming is in vogue. It is the subject of several best-selling books, and every day we encounter news stories and social media posts about 'slut-shaming', 'body-shaming', and 'mom-shaming'.[1] Sometimes shaming is subjected to hand-wringing over its dangerous consequences, and other times it is encouraged, with demands that perpetrators of wrongdoing be 'named and shamed'. The word 'shaming' appeared in English-language books twice as often in 2008 than in 1988 and was a CollinsDictionary.com word of the year in 2015.[2]

Despite our current cultural preoccupation with it, shaming has been neglected in moral philosophy. This might be because of an assumption that shaming, as a kind of negative personal evaluation, is roughly equivalent to blaming, a phenomenon we have already analysed in depth. Alternatively, philosophers might assume that to shame is simply to produce shame, and shame itself has already received considerable philosophical attention.

My goal in this chapter is to offer an overdue definition of shaming. My definition will show that shaming is not the same as blaming, nor is it simply the production of shame. Working from a set of paradigmatic cases of shaming, I argue that shaming can take two forms. The first, *agential shaming*, is a form of blaming. It consists of blaming an individual for some wrongdoing or flaw by expressing a negative reactive attitude towards her, and inviting an audience to do the same (in cases of private shaming, one 'invokes' an audience rather than actually inviting them). This is the kind of shaming experienced by Monica Lewinsky in the 1990s. It is a key way of enforcing social norms.

The second form of shaming, *non-agential shaming*, is not a form of blaming. Like agential shaming, it involves negatively evaluating a person and inviting an audience to join in this evaluation. Yet the evaluation in question is not a form of blaming, because the shamer is not holding the target morally responsible for anything. Rather, it is a cruder form of evaluation; non-agential shamers typically express not reactive attitudes, but rather *objective* attitudes like disgust, and invite others to do the same. People are often non-agentially shamed for having periods, for having certain body shapes, for being 'ugly', and for being victims of rape. Non-

[1] See Jon Ronson's *So You've Been Publicly Shamed* (2015) and Jennifer Jacquet's *Is Shame Necessary?: New Uses for an Old Tool* (2016).

[2] Google,"Google Books Ngram Viewer: 'Shaming'", Accessed Jun 27, 2020, https://books.google.com/ngrams/graph?content=shaming&year_start=1988&year_end=2008.

agential shaming functions to enforce social standards and values, many of which are oppressive.

Objective attitudes have received less attention in moral philosophy than reactive attitudes, perhaps because of an assumption that we rarely experience or express them. My account of shaming places objective attitudes in the spotlight and demonstrates that they in fact play a significant role in our interpersonal lives.

## 1. Blaming

Shaming and blaming appear to be similar, so before theorising the former, we should remind ourselves of the nature of the latter. Blaming, in short, is the act of communicatively holding a person morally responsible for some flaw or wrongdoing.

*Holding* a person morally responsible for something is different from *judging* a person to be morally responsible for something. To judge a person to be morally responsible for something is to judge that her conduct and her relation to that conduct are such that she is liable to praise or blame. I.e. it is to judge that she is praiseworthy or blameworthy. This is a cognitive appraisal which need not have an affective dimension. Judgements of moral responsibility can be both aretaic and deontic; one can be praiseworthy or blameworthy not just for actions, but also for dispositions, beliefs, and attitudes. Our judgements of moral responsibility are typically guided by what we know about the agent's control over her conduct, and her epistemic relation to it. We usually judge a person to be morally responsible for some wrongdoing if she was in sufficient control of herself and the conduct in question and possessed the requisite knowledge, beliefs, and intentions.[3]

*Holding* a person morally responsible, meanwhile, involves not only a judgement of moral responsibility, but also an affective engagement with the target. It involves taking up what Peter Strawson calls a *reactive attitude* towards her. Reactive attitudes are 'essentially natural human reactions to the good or ill will or indifference of others towards us, displayed in their attitudes and actions' (2008, 10–11). A reactive attitude is an affective recognition that someone we believe to be a moral agent, i.e. someone we are disposed to regard as capable of moral

[3] On the control condition, see Fischer and Ravizza (1999). On the epistemic condition, see Robichaud and Wieland (2017).

responsibility and with whom we exchange reasons, has engaged in conduct which displays either good will, ill will, or indifference to others.

Reactive attitudes can take many different forms, including gratitude, resentment, indignation, guilt, forgiveness, love, and anger (Strawson 2008, 10). It is possible to have a reactive attitude but not express it; I can resent someone without expressing my resentment. Yet I will focus specifically on the *expression* of reactive attitudes, and of negative reactive attitudes in particular.

To blame someone is to communicatively hold them responsible for some wrongdoing or flaw by expressing a negative reactive attitude. The specific reactive attitude we express in blaming depends on who we are blaming and why. If I am blaming a person for showing ill-will to me specifically, I likely experience a reactive attitude like resentment. This is for Strawson a 'personal' or 'participant' reactive attitude (2008, 10–11). I could express this attitude either directly towards the person who has wronged me, in which case this would be second-personal blaming, or in conversation with someone else, in which case this would be third-personal blaming.[4]

If I am blaming a person for showing ill-will or indifference to others, the reactive attitude I express is not resentment, because it is not personal. Rather it is a 'vicarious analogue of resentment', which Strawson thinks is something like indignance or disapprobation (2008, 15). I feel this reactive attitude on someone else's behalf; I am reacting to the quality of my target's will towards someone else, not to me. Again, this blaming could be second-personal, if I directly confront the person who has wronged others, or third-personal, if I blame her in conversation with someone else.

Sometimes our blaming acts are inappropriate. For example, we blame people for things they are not morally responsible for, or we blame them too severely or not severely enough, or we blame them in the wrong way or at the wrong time. Henceforth I will use 'blaming' to refer to a communicative act made by one person to another which holds a person (who may or may not also be the addressee) morally responsible for something. One does this by expressing a negative reactive attitude. This blaming may or may not be appropriate.

[4] I set aside cases of blame in which the object of the blame and/or the addressee of the blame is oneself. These may be possible, but I am interested primarily in the blaming of others, directed at others.

## 2. Analysing Shaming

I move now from the familiar concept of blaming to the less familiar concept of shaming.[5] I aim to answer two questions: what exactly is shaming, and how does it relate to blaming?

There are several ways one could go about answering these questions. One would be to look for a definition of shaming in the legal literature on shaming penalties for people who break the law. An example of such a penalty would be forcing drunk drivers to wear signs informing others of their crimes.[6] However, this literature focuses on a very specific kind of institutional shaming, with a specific shamer – the legal system – and a particular kind of target – a person who has broken the law. I am interested in shaming *in general*, and so this literature is too specific to use as a starting point.

Alternatively, I could assume that the nature of shaming is parasitic on the nature of shame, and try to deduce a definition of shaming from a definition of shame. I am happy to grant that there is probably some relationship between shaming and shame. Being shamed is often a cause of shame, so we can assume that the act of shaming likely has features which make it well-suited to the production of shame.

However, I resist starting my analysis of shaming with an analysis of shame for several reasons. Firstly, as Julien A. Deonna, Raffaele Rodogno, and Fabrice Teroni have pointed out, 'the process of shaming is not essential to shame' (2011, 158). We can feel shame for a variety of reasons. Sometimes shame results from shaming, but sometimes it results from other interactions and experiences. So we may not get far with the observation that shaming is good at producing shame, since many things are good at producing shame.

Secondly, the precise nature of the relationship between shaming and shame is unclear; it cannot be causal, since shaming sometimes fails to produce shame. It cannot be a matter of the shamer's intention, either, since some shamers are not interested in making their targets feel

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[5] I have found two other definitions of shaming. The first is in Krista Thomason's *Naked: The Dark Side of Shame and Moral Life* (2018). Thomason argues that shaming involves the 'marshalling of communal attention' and occurs 'when others try to make prominent some feature of the shamed person sometimes for her own self-awareness but mostly for others to see' (2018, 181). This account is promising but underdeveloped, in so far as it fails to explain how shaming relates to blaming. Paul Billingham and Tom Parr offer an account of public shaming, which they define as 'a practice of public moral criticism in response to violations of social norms' (2020, 2). I am interested in shaming simpliciter, which need not be public, so this is not quite the definition I am looking for.

[6] For legal work on shaming, see Braithwaite (1989), Massaro (1991), Kahan (1996), and Garvey (1998).

shame. In fact, Deonna et al. go as far as to claim that shaming 'fails to exhibit any privileged connection with shame' (2011, 158).

Thirdly, starting my analysis with a definition of shame would require taking a stance on something about which there is no philosophical consensus. I am happy to grant some uncontroversial claims about shame; that it is negative and that we can feel shame about both things we are morally responsible for and things we are not morally responsible for. Yet I am loathe to assume more than this, given the other features of shame are much more contested. For example, some argue that shame involves an audience, real or imagined.[7] Others argue that shame involves a belief that we have fallen short of our ideals (Rawls 1999, 388) or a sense that some aspect of our identity has come to define us (Thomason 2014). It may be that there are different kinds of shame, and only one of them is typically produced by shaming. Assuming a particular definition of shame risks unnecessarily constraining my analysis, and unnecessarily alienating proponents of alternative definitions.

My analysis of shaming will instead proceed as follows. I will attempt to unpack what 'shaming' means for ordinary language speakers. I will do this by examining six 'paradigm' cases of shaming, all of which are chosen because they have been widely described as 'shaming' in the media, academia, and beyond. I will attempt to identify common features of these examples, focusing in particular on the attitudes the shamers express, the objects of their shaming, and how these compare to the typical attitudes of blamers and the typical objects of blaming.

Here are the six cases:

> **Hester:** Hester, the main character in Nathaniel Hawthorne's *The Scarlet Letter* (2013), is estranged from her husband and has a child with another man. She is made to stand on a public platform for several hours, carrying her baby and wearing an embroidered letter 'A', representing her status as an 'adulteress'.
>
> **Shorn Women:** After WW2, over 20,000 French women accused of collaboration with the Nazis were subjected to forcible public head shavings. Some of them were also

[7] For arguments that shame involves an audience, see Deigh (1983), Gibbard (1990), Williams (1992), Wollheim (1999), and Maibom (2010). For arguments that an audience is inessential, see Taylor (1985), Wallace (1994), Mason (2010), Deonna et al. (2011), and Thomason (2018). One can debate the nature of an audience; we might think it can be imagined and need not be real, for example. Cheshire Calhoun argues that shame involves a 'representative other' (2004). I return to this issue in §3.a.

'stripped half-naked, smeared with tar, paraded through towns and taunted, stoned, kicked, beaten, spat upon and sometimes even killed'.[8] Some of these women had collaborated (though often out of desperate need to provide for their families). Yet some had been raped by Nazi soldiers and/or coerced by them into offering lodgings.

**Monica:** Monica, a White House intern in the 1990s, had a sexual relationship with the married President, Bill Clinton. She observes that when news of this relationship broke, she 'went from being a completely private figure to a publicly humiliated one worldwide', and was branded a 'tramp', 'tart' and 'slut' in the media.[9] She calls herself the 'patient zero' of internet shaming.[10]

**Justine**: Justine, a PR executive, tweeted the following joke before getting on a plane: 'Going to Africa. Hope I don't get AIDS. Just kidding. I'm white!'. Over 100,000 tweets then condemned Justine and called for her to lose her job, many using the hashtag #HasJustineLandedYet and some threatening abuse and murder. Justine was fired and forced to move house after the shamers shared her address (Ronson 2015).

**Stacey:** Stacey is a reality TV star. *The Sun* newspaper posted a photo of her in a bikini at the beach, with the caption 'Top flop: X Factor singer Stacey gets that sinking feeling', referring to her breasts.[11] This was widely described as 'body-shaming'.[12] Women are often body-shamed for their weight; the shape and size of their breasts, stomachs and buttocks; their body hair; and their skin. Men experience body-shaming, too; Stormy Daniels publicly apologised in 2018 for body-shaming Donald Trump after making comments about his genitalia.[13]

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[8] Ann Mah, "This Picture Tells a Tragic Story of What Happened to Women After D-Day", *Time,* June 6, 2018, http://time.com/5303229/women-after-d-day/.

[9] Monica Lewinsky, "Monica Lewinsky: 'The shame sticks to you like tar'", interview by Jon Ronson, *The Guardian*, April 22, 2016, https://www.theguardian.com/technology/2016/apr/16/monica-lewinsky-shame-sticks-like-tar-jon-ronson.

[10] Monica Lewinsky, "The Price of Shame", *TED Talk,* March 2015, 22:25, https://www.ted.com/talks/monica_lewinsky_the_price_of_shame/.

[11] Kim Carr, "XFactor to Sun Factor", *The Sun*, August 21, 2016.

[12] Rachel Moss, "Stacey Solomon Hits Back At Body-Shaming Article In The Sun", *Huffington Post UK*, August 25, 2016, https://www.huffingtonpost.co.uk/entry/stacey-solomon-hits-back-at-body-shaming-article-in-the-sun_uk_57baae5fe4b042aee74c5115.

[13] David Barden, "Stormy Daniels Regrets 'Body Shaming' Trump", *Huffington Post UK,* October 8, 2018, https://www.huffingtonpost.co.uk/entry/stormy-daniels-60-minutes-australia_n_5bba9d30e4b028e1fe3ea8e5?ri18n=true.

**Carrie:** Carrie, a character in the eponymous novel by Stephen King, gets her first period at school whilst showering after a sports lesson. Her fellow students torment her verbally and physically; 'The laughter, disgusted, contemptuous, horrified, seemed to rise and bloom into something jagged and ugly, and the girls were bombarding her with tampons and sanitary napkins' (King 1974, 13). This scene is often used as an example of 'period shaming', something half of American women and 1 in 3 British women report experiencing.[14]

One might wonder whether these examples could be alternatively or additionally classified as acts of embarrassing, humiliating, or mocking. These phenomena can certainly overlap, but there are some subtle differences between them. To embarrass someone is to cause her to feel embarrassment. This is why a sentence like 'She embarrassed him, but he was not embarrassed' does not make sense. While 'to embarrass' is a causal verb, 'to shame' is not; we can and do say things like 'She was shamed, but she was not ashamed'. One can shame a person without causing her shame.

Humiliation, like embarrassment, also seems to be a causal act; it is much easier to imagine shaming someone without causing them to feel shame than it is to imagine humiliating someone without causing them to feel humiliated. Relatedly, it seems easier to humiliate a person unintentionally. We sometimes speak of 'humiliating' defeats in sports or elections; these can occur even when no particular actors sought to 'humiliate' the loser. In contrast, though we might call a defeat 'shameful', i.e. worthy of shame, we do not typically speak of 'shaming' defeats.

Mockery, meanwhile, admits of more benevolence than shaming. Though mockery can be very cruel, one can also mock someone light-heartedly and gently. In contrast, shaming is rarely light-hearted or benevolent. Mockery, more so than shaming, also has an element of humour. To mock someone is to 'make fun' of them, which explains why those who engage in it often do so with a smile. The same is not true of shaming. Additionally, person A can mock person B in conversation with person C without B ever knowing, whereas the targets of shaming are

[14] Action Aid, "More than One in Three UK Women Face Period Stigma", *Actionaid.org.uk*, May 25, 2018. https://www.actionaid.org.uk/latest-news/more-than-one-in-three-uk-women-face-period-stigma; Valerie Siebert, "Nearly Half of Women Have Experienced "Period Shaming"", *New York Post* (blog), January 3, 2018, https://nypost.com/2018/01/03/nearly-half-of-women-have-experienced-period-shaming/.

usually involved in the act of shaming. I could secretly mock you, but it is less clear that I could secretly shame you.

None of these distinctions are particularly stark. In what follows I concentrate on shaming because it has received the most public attention in recent years. I leave the question of how exactly how this phenomenon relates to embarrassment, humiliation, and mockery to future work.

## 3. Shaming and Audience Involvement

The six acts of shaming under consideration have several features in common. Firstly, they all involve the communication of a negative evaluation of a person. In some cases, the shamer clearly expresses a negative reactive attitude towards the target and is therefore holding that target responsible. For example, those shaming Justine are likely expressing indignation or resentment about her racism. This makes some of these cases look a lot like blaming – I return to this fact in §4.

Secondly, in all six cases the shamers deliberately provide a third party (henceforth 'the audience') with information about the target and her alleged transgression or flaw, in order to encourage that audience to also engage in negative evaluation of the target. Hester is made to wear the scarlet letter so that everyone can learn of her transgression, and she is exhibited on a raised platform so that a large assembled mob can see her. The shorn women were shaved in town squares so people could watch. They often had swastikas painted on their faces, and after the shavings they were paraded through the streets to maximise exposure. Monica's shamers used catchy newspaper headlines to maximise their readership. Justine's shamers used the hashtag#HasJustineLandedYet to inform followers about Justine and to co-operate with other shamers. The Sun released a zoomed-in photo of Stacey's breasts in a national newspaper. Carrie's shamers co-ordinate their shaming by pointing at Carrie and throwing things at her, while chanting phrases in unison.

All of these shaming acts are what speech act theorists call 'ostensive acts'; they involve ostending, or pointing, towards an entity (in this case a person) and calling upon other agents to observe, acknowledge, and respond to that entity. These shaming acts hold up the target and her failings for public view and invite others to recognise them. Shaming a person is not

equivalent to saying, 'That person has a flaw', or 'You have a flaw'; instead, it is equivalent to saying, 'Look, everyone, recognise this person and her flaw!'[15] The recognition involved in shaming is normative; the shamer takes herself to have identified some 'bad' feature of the target and invites others to recognise it with her.[16]

Thirdly, the shamers all involve the targets of their shaming in the act of shaming. For this reason, shaming often blurs the line between the second-personal and the third-personal. Sometimes, shaming is addressed to the person being shamed, but in the knowledge that others are looking on. For example, some of Carrie's shamers address her directly, but with the intention that others hear what they are saying. The audience is not, to use Erving Goffman's terminology, a mere 'bystander' to the shaming, i.e. an unintended hearer who could become an inadvertent 'overhearer' or a deliberate 'eavesdropper' (1981, 132). Rather, the audience is a 'ratified' hearer; they are an intended participant in the exchange. Even if the speech is not directly addressed to them, the speaker intends that they hear it.

Other times, shaming is addressed to the audience, but in the knowledge that the person being shamed is looking on, in which case the shamed person is a non-addressed but nonetheless ratified hearer. For example, those using #HasJustineLandedYet were technically addressing *each other*, not Justine. Yet they spoke to each other in the knowledge and with the intention that Justine would eventually read their tweets. Thus even if a shamer does not address the person being shamed, she wants her to know what is happening. In either case, shaming involves a set of ratified participants, comprising the target of the shaming as well as other hearers.

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[15] Shamers are sometimes accused of *moral grandstanding*. Justin Tosi and Brandom Warmke define this an act where one 'makes a contribution to public moral discourse that aims to convince others that one is 'morally respectable' (2016, 199). If a shamer does this, then her act of shaming actually involves two kinds of ostension; she draws attention to the shamed person and her wrongdoing or flaw, but in doing so she also draws attention to herself and her perceptiveness. She points out that she has already recognised the wrongdoing; i.e. that she has what Tosi and Warmke call 'a highly tuned moral sensibility' (2016, 199).

[16] The audience need not actually take up the invitation and recognise the target's flaw for the act to qualify as shaming; it suffices that the shamer merely invites them (or at least invokes their judgement – more on that shortly). This is borne out in the fact that we often shame people for shaming others, even if their shaming acts had no purchase on their intended audiences. For example, in 2019 a teacher in North Carolina uploaded a video to social media complaining about a disabled student (who was visible in the video). This teacher was widely criticised for 'shaming' her student, even though no one took up her invitation to join in her criticism of the student. See Elsa Gillis, "Mooresville Teacher Resigns after Video Shows Her Shaming Student in Wheelchair", *WSOCTV*, August 30, 2019, https://www.wsoctv.com/news/local/mooresville-teacher-resigns-after-video-shows-her-shaming-student-in-wheelchair/980896048/.

In contrast, a blamer need not involve an audience who is not her target in her act of blaming. In both second-personal and third-personal blaming, it suffices that the blamer has just one hearer; the person she addresses. She need not call upon anyone else to join the interaction, and she need not engage in any kind of ostensive act. She also need not have an interest in others coming to share her attitudes. In cases of third personal blame, there may be an element of reporting; she may need to explain to her interlocutor why she is blaming someone, but she need not call upon the hearer to join in the blaming. The target of a blaming act need not be involved in the act, either. She is necessarily involved in second-person blaming, as she is addressed directly by the blamer. Yet in cases of third-person blaming, she need not be involved at all. A could blame B in conversation with C without B ever knowing; indeed, sometimes A may desire that B never know about it.

That shaming at least *often* involves an audience could explain why interest in shaming has increased since the 1990s. This is the same decade the masses gained access to the internet, which has enabled us to communicate with thousands of people quickly, easily, and freely. We have always been able to engage in shaming, but the advent of the internet has made (at least certain forms of) shaming much easier, by giving us immediate access to massive audiences.

That shaming involves an audience could also explain why shaming typically produces shame, at least according to some theories of shame. Studies show firstly that shame is often experienced in the presence of others (Tangney and Dearing 2002; Tangney et al. 1996). Secondly, it is more intense the greater the public exposure involved (Smith et al. 2002). Thirdly, it is disproportionately triggered by external factors, relative to other emotions (Wallbott and Scherer 1995). If, as these studies suggest, shame is a social emotion, we should expect that a process which often produces shame – the act of shaming – is also social in some way.

### 3.a Private Shaming

It is tempting, then, to conclude that shaming necessarily involves an audience. If this is true, then private shaming is impossible. Yet this is counter-intuitive; it certainly seems possible for a mother to privately period-shame her daughter, or for a man to privately slut-shame his girlfriend. Indeed, the fact that we use the phrase ‘public shaming’ suggests that shaming is not necessarily public.

We could try to argue away the potential counterexamples of private shaming. Imagine a mother tells her daughter that her periods are disgusting, and that she should hide all evidence of them. This interaction may well involve shame in some way, but we should resist the temptation to classify all acts that involve shame as shaming acts. Perhaps an act like this is not shaming, but rather what Krista Thomason calls an 'invitation to shame'. She defines this as an intentional action, 'usually done face-to-face or at least on a small scale', which prompts targets to re-think their actions or behaviours (2018, 180). Such invitations 'unseat or shake our own view of ourselves' (2018, 179). In contrast, Thomason thinks a shaming act has a public dimension: 'it holds up flaws or misdeeds for public view' (2018, 180).

While Thomason is right that shaming someone and encouraging her to feel shame are distinct, this distinction alone does not eliminate worries about private shaming. Even if one accepts that not all actions involving shame are shaming acts, one may nonetheless maintain that a mother can privately period-shame her daughter, *in addition to* inviting her to feel shame. Moreover, to deny that shaming can occur in private would be to dismiss people's actual usage and understanding of the concept of shaming.

I propose instead that we maintain that an audience plays a role in shaming, but we modify our understanding of what an audience is and what role they must play. Shaming acts need not *involve* an actual audience, i.e. they need not actually invite them to pass judgement, but they must at least *invoke* the judgement of an audience, real or imagined. This meshes well with accounts of shame as an emotion that requires the ashamed person to consider the judgement of an other – the judgement and the other can be real, or they can be merely hypothetical or imagined (see fn. 7). Shaming, similarly, invokes the judgement of the other, and perhaps that other need not be real or present.

When a mother privately period-shames her daughter, she likely tells her that periods should be hidden from others; she thereby invokes the hypothetical negative evaluation of the other (where that evaluation could take the form of a reactive attitude, or some other kind of evaluative attitude). The girl learns that her community would be disgusted if they encountered evidence of her periods. Similarly, when a man slut-shames his wife in private, he likely invokes the hypothetical judgement of the community, and tells her that in society's eyes, she is 'lesser' on account of her sexual experiences. In cases of shaming with a real audience, the shamer tells the target that she recognises her flaw, and she calls on others to also recognise it.

In cases of shaming with a hypothetical audience, the shamer tells the target that she recognises her flaw, and she calls on the target to imagine what other people would think of the flaw.

Thus we can have public and non-public shaming; public shaming involves a real audience, non-public shaming involves a hypothetical audience. Both forms of shaming are social, since they invoke the judgement of an other, even if that other is not physically present. This distinguishes them from ordinary blaming; when I blame you for letting me down, I need not invoke the hypothetical negative evaluation of anyone but me. If there were, and had only ever been, two people on earth, and they had no conception of other agents, it seems possible that one could blame the other. Whether they could shame each other is more doubtful.

## 4. Shaming and Responsibility

The six cases of shaming under consideration are all acts of negative personal evaluation involving audiences. Yet there is also disunity among them. They can be separated into two groups; call the shaming typified by the first group *agential shaming*, and the shaming typified by the second group *non-agential shaming.*

In the agential shaming group are *Hester, Shorn Women, Monica,* and *Justine.* All four are examples of blaming, because the shamers all communicatively hold their targets morally responsible for some wrongdoing (adultery, treachery, 'promiscuity', and racism, respectively) by expressing negative reactive attitudes. Hence agential shaming is just a social (often public) form of blaming. Not all blaming counts as agential shaming, but all agential shaming counts as blaming. Agential shaming involves blaming a target and calling on others to blame her, too.

In the non-agential shaming group are *Stacey* and *Carrie,* and some but not all of the shorn women – those who were shamed not for treachery but rather for being victims of rape by the Nazis. These cases are not acts of holding people morally responsible. Stacey is shamed for something her shamers know she cannot be responsible for; the shape of her breasts. The same is true of Carrie's period-shaming; she cannot help menstruating, and the girls shaming her know this (especially since most of them menstruate, too). Some cases of *Shorn Women* involved agential shaming, in so far as the victims were believed to be traitors, but some of the victims were known to be victims of rape by Nazi soldiers. The latter women were shamed for

something the shamers knew they were not responsible for. Because these are not acts of holding responsible, they cannot be acts of blaming.[17]

Before I explore the nature of these cases further, I will pre-empt two objections. The first is that Stacey, Carrie, and this subset of shorn women were ultimately being held responsible for *something,* just not any of the characteristics I list. Perhaps Stacey was shamed not for the shape of her body, but rather for daring to wear an outfit that revealed her body; maybe in doing so, she demonstrated that she was not sufficiently ashamed of her body, or she inflicted the 'harm' of seeing her body upon others. Alternatively, *The Sun* might be shaming Stacey for her failure to 'rectify' her body, i.e. her failure to have surgery to make her body better resemble the 'ideal' woman's body. In either case, there could be an allegation of moral wrongdoing after all.[18]

However, though we might be able to explain Stacey's body-shaming in this way, we cannot explain all body-shaming in this way. Often people are body-shamed when the shamers know quite well that the target has no moral responsibility for the appearance of her body, and when the target has done nothing to provoke the thought that she is not sufficiently ashamed or that she is acting 'above her station'. Consider the ways in which women are shamed for being tall, broad, or 'manly'. Shamers know that women are not responsible for these characteristics and cannot change them. Genitalia shaming offers another example of body-shaming where the shamer cannot be holding the target responsible for anything; when Stormy Daniels shamed Trump for his genitalia, she knew he was not responsible for his body, and she was not accusing him of inappropriately drawing attention to it. She was shaming him simply for possessing a particular characteristic.

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[17] The words 'shameful' and 'shameless' are more pertinent to agential shaming than to non-agential shaming. We typically call a person or her behaviour 'shameful' if she has done something very wrong. It is often a way of expressing a negative reactive attitude towards a person, holding her responsible for some wrongdoing. We typically call a person 'shameless', meanwhile, if she has done something wrong, but failed to be ashamed of it. Being shameless can itself be shameful; some think absence of shame is something for which one should be ashamed. We can conceive of any of Hester, the Shorn Women, Monica, or Justine being described as either shameful or shameless. It is harder to imagine Stacey or Carrie being described as 'shameful' or 'shameless'; these words are means of holding someone responsible, and Stacey and Carrie cannot be and are not held responsible for their bodies.

[18] If Stacey is being shamed for her failure to 'rectify' her body, then she is in a double bind, since she would most likely be shamed if she did rectify her body, for her 'shallowness' in pursuing cosmetic surgery and her failure to stay 'natural'. Here we find evidence of Marilyn Frye's claim that 'One of the most characteristic and ubiquitous features of the world as experienced by oppressed people is the double bind situations in which options are reduced to a very few and all of them expose one to penalty, censure or deprivation' (Frye 1983, 2–3). Put simply, oppressive gender norms are such that Stacey is damned if she does and damned if she does not.

In the same vein, one might wager that Carrie, meanwhile, is being shamed not for menstruating, but rather for her failure to hide her menstruation. After all, in the scene in question, the girls shout, 'Plug it up!', and 'Clean yourself up!' It is conceivable that one could agentially shame a girl for a period stain on the grounds that she was wrongfully negligent, but since this was Carrie's first period, she cannot have been expected to prevent others seeing her blood by wearing a tampon. The shamers knew this was her first period, as they are described as finding her naivety amusing. Thus they can only be shaming her for the very fact of her menstruation (or perhaps her naivety, but this is not something she can be held responsible for, either).

As for the rape victim example, I acknowledge that rape victims are frequently held morally responsible for their assaults, i.e. they are blamed, even though they in fact bear no moral responsibility for what happened.[19] Victims are often accused of 'leading on' the perpetrators or acting recklessly in ways that made them morally responsible for what happened next.[20] Yet victim-blaming and victim-shaming can come apart. Sometimes the shamer believes that the victim was not responsible and does not pretend otherwise. Shaming of this kind is especially prevalent among cultures which value honour and purity. Shamers might think that the rape victim has acquired a characteristic that dishonours or disvalues her, making her 'damaged goods'. It is her mere possession of the characteristic that makes her worthy of shaming, regardless of how she acquired it or what she could do about it.

Implicit in this kind of thinking is an idea of contamination, a concept I will explore in more detail shortly. As a tribal leader (and advocate of honour killings) in Jordan puts it; 'a woman is like an olive tree. When its branch catches a woodworm, it has to be chopped off so that society stays clean and pure'.[21] It is not the branch's 'fault' that it gets woodworm, but it must still be condemned and eliminated. Likewise the thought is that though the victim is not responsible for her rape, she is still unclean and impure as a result. Similarly, Similarly, Tamler

[19] Much blaming and agential shaming (a subset of blaming) is inappropriate in this way. For example, the poor are often (inappropriately) held responsible for their poverty due to alleged laziness and poor choices.
[20] Psychologists argue that we blame rape victims because our cognitive biases are such that we interpret the world as just. We want to believe that people's actions bring about fair consequences, and that good is rewarded and evil punished. Because rape is so disquieting, we reframe it as just. We tell ourselves that it was not spontaneous evil, but rather something deserved. See Janoff-Bulman, Timko, and Carli (1985), and Montada and Lerner (1998).
[21] Quoted in Clare Murphy, "Jordan's Dilemma over "Honour Killings"', *BBC News*, September 10, 2003, http://news.bbc.co.uk/1/hi/world/middle_east/3094736.stm.

Sommers observes that rape victims murdered in honour killings are often viewed as possessing 'some kind of terminal and contagious disease' (2012, 52).

The second objection I pre-empt is the claim that Stacey, Carrie and some of the shorn women are being held morally responsible, and thus blamed, for the characteristics I originally identified, but the notion of responsibility invoked in these cases does not have the same epistemic or control conditions we are used to.

Sommers, in an exploration of honour killings, takes seriously the possibility that understandings of moral responsibility vary across cultures, and suggests that this can help us make sense of the phenomenon of killing a family member because she is a victim of rape:

> Imagine that the cultures supporting this behaviour do not regard intention or control as a necessary condition for moral responsibility. If that is the case, it becomes almost irrelevant that the victim did not choose, or intend, to have extramarital sex. All that matters is that the act occurred. The idea that it is unjust to punish someone for unintended acts would not resonate as much to members of these cultures. (Sommers 2012, 52)

Elsewhere, he observes that:

> Honour cultures have a diminished notion of deservingness, and what appears to be a vastly stripped down control condition, which institutionalised cultures consider to be the very essence of moral responsibility. (Sommers 2009, 48)

Sommers notes that this way of thinking was common in Greek cultures, citing the example of Agamemnon being held morally responsible by those around him for a murder he was forced to carry out. He observes that 'in the Greek honour culture, one could be responsible and justly punished for fated, constrained, or manipulated actions, whether one identified with the action or not' (2012, 52).

It is certainly important to remain open-minded about differing conceptions of moral responsibility. Yet all of the examples of non-agential shaming I am considering occurred in Western cultures, and as Sommers himself asks, 'what principle could be more fundamental to Western notions of moral responsibility than the claim that only the culpable, only those who had control over their actions, deserve blame and punishment?' (2009, 48). These shamers do not possess an alien concept of moral responsibility. They likely possess a very familiar concept of moral responsibility, but are simply not utilising it when they engage in non-agential shaming.[22]

Thus the shamers involved in *Stacey, Carrie,* and some of the *Shorn Women* cases are not holding their targets morally responsible for misdeeds like negligence or recklessness, nor are they incorrectly ascribing moral responsibility where there is none (though I grant that this can happen, especially when shamers believe rape myths), nor are they invoking a non-standard notion of moral responsibility. Rather, they are not holding their targets morally responsible at all.

## 5. Shaming and Objective Attitudes

That some forms of shaming do not involve holding the target morally responsible is an interesting result in its own right. However, I will now consider what non-agential shaming might involve, if it is not the act of holding responsible. I.e., I will move from showing what non-agential shaming is not to considering what it might be.

### 5.a Objective Attitudes

Given non-agential shamers do not hold their targets responsible, they cannot be expressing Strawsonian reactive attitudes, qua natural human reactions to the wills of others. The attitudes

[22] None of this is to say that Western moral sensibilities are homogeneous; they are far from it, as recent work in social psychology has demonstrated. Jonathan Haidt argues that there are six different moral modules, akin to the set of different taste receptors on the tongue, which are care/harm, fairness/cheating, loyalty/betrayal, authority/subversion, sanctity/degradation, and liberty/oppression (Haidt and Joseph 2004; Haidt 2013). Empirical research shows that self-identifying 'liberals' value care and fairness most, whereas self-identifying conservatives care equally about care, fairness, authority, sanctity, and loyalty (Graham et al. 2011).

they are expressing might therefore take the form of an *objective* attitude instead. Strawson says of the latter:

> To adopt the objective attitude to another human being is to see him, perhaps, as an object of social policy; as a subject for what, in a wide range of sense, might be called treatment; as something certainly to be taken account, perhaps precautionary account, of; to be managed or handled or cured or trained; perhaps simply to be avoided […] The objective attitude may be emotionally toned in many ways, but not in all ways; it may include repulsion or fear, it may include pity or even love, though not all kinds of love. (Strawson 2008, 9–10)

Strawson lists several circumstances in which we might take up an objective attitude; when we encounter someone who is 'warped or deranged, neurotic or just a child'; when we seek refuge from the 'strains of involvement'; when we require an 'aid to policy'; and when we want to examine human behaviour 'out of intellectual curiosity' (ibid.). Taking up the objective attitude is often a barrier to meaningful interpersonal interaction. It can involve seeing others as 'posing problems simply of intellectual understanding, management, treatment, and control' (2008, 18). Strawson attributes this attitude to the 'one-eyed' utilitarian (2008, 25), who sees people at worst as obstacles or pawns and at best as bearers of utility, and not as agents who demand inter-personal regard. When this utilitarian makes evaluative judgements of other people, these judgements are not responses to others' humanity, but rather methods of social control.

Philosophers often speak of 'the' objective attitude as if it were relatively impassive, and as if it takes only one form. Neither of these is the case. Strawson makes clear that the objective attitude can be 'emotionally toned', and it can take on many forms, with both positive and negative valence. He suggests that even love can sometimes be a form of objective attitude; after all, we can love a person for traits for which we know she is not responsible. Negative objective attitudes, meanwhile, can take the form of hatred, disgust, contempt, fear, annoyance, disdain, and pity. We often take up negative objective attitudes when we see people as irritants, nuisances, and obstacles, i.e. when they are displeasing in ways which have nothing to do with their good will, ill will, or indifference towards us and others. Hate speakers often seem to take

up objective attitudes towards minority groups, viewing and characterising them as vermin or pests which must be controlled or eliminated.[23]

Strawson suggests that usually we can only take up objective attitudes temporarily; 'being human, we cannot, in the normal case, do this for long' (2008, 10). We might question his optimism here; after all, throughout history many social groups have been regarded by others as entities 'to be managed or handled or cured or trained' and for long periods of time; this attitude has played a key role in practices like slavery and genocide, for example. Yet Strawson is right that it is possible to take up an objective attitude towards a person one moment, and then resume the 'participant attitude', i.e. the general disposition to regard the person as an agent and react to her as such, the next.

When we engage in non-agential shaming, I suggest, we express a localised objective attitude; we focus on one particular feature of a person which displeases us not because it manifests her ill will but simply because it presents some kind of obstacle to us; it might disgust us, scare us, or frustrate our desires. We hold up this flaw to others and invite them to share in our distaste, i.e. to express the same negative objective attitude towards the target. We need not do this all the time; we could non-agentially shame the agent one moment, and then return to regarding her as a moral agent the next. Or, our objective attitude might be more totalising; that the non-agential shaming of rape victims often leads to honour killings indicates that these shamers sometimes decide that the target has entirely ceased to be worthy of any moral respect.

### 5.b Disgust

My claim that non-agential shaming involves expressing an objective attitude could be made more persuasive if I also identified a particular form of objective attitude expressed in the cases under consideration. I propose that in many of these cases, the shamers express the objective attitude of disgust. Disgust is similar to repulsion, which is one of the forms of objective attitude Strawson lists. William Miller defines disgust as 'a strong sense of aversion to something

[23] The boundaries between hate speech and non-agential shaming are blurry, but there are some differences. For example, non-agential shaming is generally more localised. It also need not invoke any recognised demographic category; I can non-agentially shame a person for something very specific, like a scar. Hate speech, meanwhile, targets people for their membership of recognised demographic groups. Additionally, unlike non-agential shaming, hate speech does not necessarily involve an audience. The hate speaker need not involve another appraiser, either by inviting them to join in or alluding to their potential negative appraisal.

perceived as dangerous because of its powers to contaminate, infect, or pollute by proximity, contact or ingestion' (1997, 2). Paul Rozin et al. have developed a four-part taxonomy of disgust. Core disgust is elicited by physical objects like food, animals, and bodily fluids; animal-nature disgust is elicited by things that remind us we are mortal animals, like corpses and sex; agential disgust is elicited by strangers and people who are different from us; and moral disgust is elicited by perceived moral violations (Rozin et al. 2008). I set aside cases of moral disgust, as this is likely a form of reactive attitude, which would be involved in agential shaming. The other forms of disgust, in contrast, are likely to be involved in non-agential shaming.

That non-agential shaming can involve expressions of disgust explains why such shaming often focuses on bodily characteristics, and women's bodily characteristics in particular. Stacey, Carrie, and the raped shorn women are all shamed for some feature of their bodies, and disgust is often associated with physicality.[24] Miller writes, for example, that disgust operates 'in a kind of miasmic gloom, in the realm of horror, in regions of dark unbelievability, and never too far away from the body's and, by extension, the self's interiors' (1997, 36). Women have long been regarded as more corporeal or 'bodily' than men, and thus their bodies more frequently elicit disgust; the proliferation of menstruation taboos around the world make this plain, as do (typically Western) taboos surrounding public breastfeeding.

All three examples of non-agential shaming involve the evaluation of a bodily property historically considered disgusting. Stacey elicits disgust because of how her breasts look after having two children; her breasts are evidence of her reproductive function and thus likely elicit 'animal-nature disgust' because they remind the shamers of her animality and mortality. Breasts are typically the most sexualised part of a woman's body, but they are only seen as attractive if they meet strict social standards and are separated from their reproductive function. Stacey is shamed because her body fails to live up to these standards.

Menstruation, for which Carrie is shamed, has historically been considered particularly disgusting. Miller describes menstrual blood as a 'universal disgust substance' (1997, 15) and Elizabeth Grosz writes that 'women's menstrual flow is regarded not only with shame and embarrassment but with disgust and the powers of contaminating' (1994, 206). Rozin et al. note that menstrual blood is considered more disgusting than other blood (2008).

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[24] I do not mean to imply that to be a victim of rape is to acquire a new bodily feature. Rather, those who shame rape victims act as if rape victims acquire such a feature (typically thought to be some kind of impurity).

Women who have been raped also elicit disgust. Sometimes this is because of valorisations of virginity, which lead many to believe that a previously 'virginal' woman who is raped becomes ruined, desecrated, or impure in some way. General sexual contact with a man is thought to sully a woman; Miller writes of beliefs in the 'defiling power of male sexual contact' and the 'general rule in Western folk beliefs [that] the vagina is more contaminated by ejaculant than the penis is by having penetrated to ejaculate' (Miller 1997, 104). This is borne out in the analogies used to teach young women about abstinence; a woman who has sex before marriage and/or with more than one person is likened to a stick of gum that has been chewed by lots of different people, or a plaster placed on many different people's skin.[25] Sometimes rape victims elicit disgust because they are reminders of the vulnerability and mortality of human bodies, and of the fact that our bodily integrity can be compromised.

Thus it is plausible than in all three cases of non-agential shaming, the shamer expresses an emotionally toned objective attitude which takes the form of disgust. I am not claiming that disgust is always the objective attitude involved in non-agential shaming. Contempt is another plausible candidate. However, that disgust plausibly plays a key role in these acts of shaming bolsters the thought that shaming involves the expression of some kind of objective attitude.

## 6. The Function(s) of Shaming

Agential shaming and non-agential shaming have some features in common, but they are also very different. Agential shaming involves expressing a negative reactive attitude towards a person and inviting others to join in. Non-agential shaming involves expressing a negative objective attitude towards a person and inviting others to join in. Could these practices serve similar social functions?[26]

There are some functions which only agential shaming, and not non-agential shaming, could serve. For example, agential shaming could have a sanctioning function; the shamer punishes

[25] Jill Filipovic, "“Purity” Culture: Bad for Women, Worse for Survivors of Sexual Assault", *The Guardian*, May 9, 2013, https://www.theguardian.com/commentisfree/2013/may/09/elizabeth-smart-purity-culture-shames-survivors-sexual-assault.

[26] When I speak of a 'function', I have in mind the general constitutive aim, or 'illocutionary point' of a practice. Practices can have these general functions even if individual agents do not always have the intention that their actions fulfil these functions when partaking in the practice.

her target for her wrongdoing with the weight of both the shamer's own reproach and the (real or imagined) reproach of the masses. Thus agential shaming might be an attempt to harness the power of the audience to augment the sanctioning function of ordinary second-personal blaming. Agential shaming could also have a deterrent function; by publicly punishing the target, the shamer warns the audience not to act as the target acted (at least in cases where the audience is real).[27]

In contrast, non-agential shaming cannot have a sanctioning function. It is certainly a form of adverse treatment, but the target of such shaming is not seen to 'deserve' sanctioning or punishment. Nor can it have a deterrent function, because the kinds of things one is non-agentially shamed for are typically not under one's control. A person watching a peer being non-agentially shamed for a genetic characteristic of her body will not think, 'I better avoid having that characteristic'.

The two forms of shaming seem to have at least two functions in common, however. Firstly, in cases where there is a real audience in involved, both can function to warn the audience about the target. This is particularly pertinent in cases of non-agential shaming involving disgust. Disgust is often regarded as a way we recognise contaminating entities (Rozin et al. 2008; Miller 1997). Recall Miller's claim that to be disgusted by something is to consider it dangerous because of 'its powers to contaminate, infect, or pollute by proximity, contact or ingestion' (1997, 2). This contamination need not be physical – it can also take on spiritual and psychological forms. Martha Nussbaum notes our tendency to assume we can be contaminated just by being around disgusting entities; somehow proximity to animal secretions can make us more animal like, and proximity to the mortal and decaying can make us mortal and decaying (Nussbaum 2004, 89). When one encounters a contaminant, one exposes it and calls attention to it in the hope that others can avoid it. This might be what non-agential shamers are doing; calling on others to recognise the target's contamination. This might also be a function of agential shaming; targets who have transgressed might be seen as morally disgusting, and therefore morally contaminating and to be avoided.

[27] Agential shaming's deterrent function was put to use in 'Corona-shaming'. As social distancing measures were enforced globally during the Covid-19 crisis, many encouraged the shaming (using this word specifically) of those who did not social distance. The goal of this shaming was not so much to punish the rulebreakers but rather to make an example of them, thereby discouraging others from breaking the rules. See Nosheen Iqbal and Mark Townsend, "Duty or score-settling? Rights and wrongs of corona-shaming", *The Guardian,* April 18, 2020, https://www.theguardian.com/society/2020/apr/18/duty-or-score-settling-rights-and-wrongs-of-corona-shaming.

Secondly, both forms of shaming can function to reinforce social meanings. Agential shaming reinforces society's commitment to social and moral norms, and non-agential shaming reinforces society's commitment to social standards. Consider agential shaming first. When we engage in this practice, we typically want to make the target and the audience recognise that the target has done wrong. Agential shaming is thus an effective vehicle for reinforcing norms; the shamer calls on society to recognise the norm the target has violated, and in turn the weight of the majority's condemnation will make the target realise her wrongdoing in a way a single person pointing out that wrongdoing might not.[28]

This idea has motivated the use of legal shaming penalties. Thom Brooks, discussing such penalties, argues that shaming can sometimes be the only way to make a person realise they committed wrongdoing (2008). He discusses a case in which a person was publicly shamed for stealing mail; the court judged that shaming the defendant was necessary to facilitate a 'wake-up call', i.e. to make him realise the gravity of what he had done.[29] Agential shaming, for both the shamer, the audience and the target, can be a way of reinforcing a commitment to a social norm; everyone comes together to confirm that what the target did was wrong.

Non-agential shaming might, similarly, remind or inform the target and the audience that a trait the target has is bad or disgusting.[30] Instead of enforcing a social norm, it enforces a social standard. This distinction between norms and standards loosely maps on to Wilfrid Sellars's distinction between ought-to-dos and ought-to-bes (1969, 509). Ought-to-dos are rules of action, i.e. norms. Agential shaming targets transgressors of ought-to-dos. Ought-to-bes, in contrast, are rules of criticism, and assign values to certain states of affairs. The kinds of standards invoked by non-agential shaming look like ought-to-bes; for example, we shame women for menstruating because their bodies ought to be different from how they are; their bodies ought to be less disgusting. When someone engages in non-agential shaming, they make the target and the audience recognise that some particular standard has not been met.[31]

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[28] In some cases, the shamers only care about the audience's adherence to the norm, and thus may agentially shame those known to be innocent; in these cases, the victim's suffering is mere collateral damage wrought in service of enforcing a social norm. This is an accurate description of much of the forcible head shaving at the end of WW2.

[29] United States v. Gementera, 379 F.3d 596, 604 (9th Cir. 2004).

[30] In the case of 'private' shaming, the standard is enforced only for the target, and not for any audience.

[31] Depending on one's preferred view of shame, the target's recognition that she has failed to meet some social norm or standard (even when her doing so is not something she could be morally responsible for) could take the form of shame, qua a pained recognition that one has fallen short of social ideals.

Thus agential shaming and non-agential shaming, despite their differences, can both function to reinforce social meanings; agential shaming reinforces norms of behaviour, and non-agential shaming reinforces social standards, i.e. general beliefs as to what is disgusting, what is ugly, et cetera. One might not think that social standards are the kinds of things that need enforcing; maybe they simply reflect natural responses to things that are genuinely disgusting or ugly. Yet social practices not only shape how we interact with each other, but also what we value and what we see as valuable. Often we are unaware of the ways in which social meanings infect our perceptual capacities; because we see things as valuable or non-valuable, we are inclined to believe that social meanings reflect the world as it really is, rather than making it the way it is. Yet social meanings are not permanent; they need to be maintained. Agential shaming functions to cement dominant conceptions of what is morally right and wrong, good and bad. Non-agential shaming, I suggest, functions to cement dominant conceptions of what is good and bad in less obviously moral senses; like what is ugly or what is disgusting. Both kinds of shaming function to tell the target and the audience either 'these actions are wrong' or 'these properties are bad'. That is to say, they reinforce our commitment to social meanings.

Sometimes the social meanings enforced by shaming are oppressive; this seems particularly true of non-agential shaming. Non-agential shaming can function to mark out certain demographic groups as inherently inferior to others, and in so doing it can render members of those groups more submissive, by making them feel powerless and hopeless. For example, period shaming enforces society's commitment to the disgustingness of periods and in so doing it ostracises and subjugates the group of people who have periods. It marks out this group as inferior, and it also renders its members more submissive by encouraging them to feel ashamed about a natural feature of their bodies. In these ways, period shaming helps maintain gendered hierarchies. That said, that shaming can be oppressive is not the only reason why we might have reservations about the practice. We might agree with Nussbaum that shame, even in response to genuine wrongdoing, and even when experienced by privileged agents, is generally so paralysing and dignity-undermining that shaming of any kind and of any person is always impermissible (Nussbaum 2004). I leave the important question of shaming's permissibility to future work.

## 7. Conclusion

I have argued that shaming takes two forms. Agential shaming involves holding the target morally responsible for some act or characteristic (i.e. blaming her) and inviting an audience to do so, too. Non-agential shaming is not a form of blaming, because it does not involve holding the target morally responsible. Rather, it likely involves the expression of an objective attitude like disgust towards the target, combined with an invitation to others to express similar attitudes.

This is a complicated picture, but it reflects the multifaceted nature of our evaluative interactions with each other. I have shown that shaming can be an enforcement tool for both norms and standards. Norms prescribe and proscribe behaviour, and standards allocate values to different individuals, groups, and bodies. We are held to norms like 'do not steal', but we are also held to standards according to which certain characteristics, like having a particular body type, are considered better than others. Shaming can enforce both social norms and social standards.

That shaming has these two forms differentiates it from blaming, but it does not make it anomalous in the sphere of communicative practices. Praising can be similarly bifurcated. Praising is regarded by moral philosophers as a positive way of holding someone morally responsible, yet outside of philosophy we might describe the act of complimenting someone on her looks or natural talents as a kind of praising. These are characteristics for which she cannot claim moral responsibility, and we know this when we compliment her. Thus praising, at least in the ordinary language sense, can have both agential and non-agential dimensions. I propose we think of shaming as having a similar nature.

My account of shaming makes contributions both outside and inside philosophy. Outside of philosophy, I have shed some overdue light on a phenomenon which has been and continues to be subject to much discussion in popular culture. If we are to take a stance in debates on whether shaming should be encouraged, we must first be clear on the exact nature of the practice.

As for the account's philosophical implications, it calls on moral philosophers to recognise the important role objective attitudes play in social life. Since Strawson's *Freedom and Resentment*, moral philosophy has often been conducted in a reactive attitude framework, and the affective practices which do not involve responsibility ascription but which nonetheless

evaluate people have been largely ignored. I have shown that it is time to pay these practices attention. Practices like shaming can sometimes involve reactive attitudes (and therefore ascriptions of moral responsibility), but sometimes they do not. Yet both kinds of shaming play an important role in reinforcing social meanings, and both can therefore play a key role in reinforcing oppressive social structures. In *Freedom and Resentment,* Strawson asks his reader to bear in mind 'what it is like to be involved in ordinary inter-personal relationships' (2008, 7). To do this properly we must take shaming, in both its agential and non-agential forms, more seriously.

# Chapter 4: How to Woo Things with Words

**Miss Moneypenny:** James! Where have you been? I've been searching all over London for you. (To M) 007 is here, sir.

**James Bond:** Moneypenny! What gives?

**Miss Moneypenny:** Me, given an ounce of encouragement. You've never taken me to dinner looking like this. You've never taken me to dinner...

**James Bond:** I would, you know. Only M would have me court-martialled for... illegal use of government property.

**Miss Moneypenny:** Flattery will get you nowhere…but don't stop trying.

(A scene from *Dr. No*, 1962)[1]

In almost every Bond film, James Bond and Miss Moneypenny (personal assistant to Bond's boss, M.), engage in obvious flirting. But what exactly makes it obvious? Though we are pretty good at recognising flirting, when asked to identify the defining characteristics of this phenomenon we struggle. We might use synonyms or neighbouring concepts; maybe it involves coming on to, hitting on, chatting up, or wooing someone. Or we might refer to the frequent goals of the practice, characterising it as trying to sleep with or seduce someone. Yet when it comes to listing the practice's key features, we find ourselves tongue-tied.

That a definition of flirting is elusive might strike romantics as entirely appropriate. Perhaps flirting cannot be defined, at least in a conventional way. In this respect, it might be like love, the most resonant definitions of which often seem to take the form of metaphors. Love is defined as heat, light, a journey, or the finding of a missing puzzle piece.

Yet flirting is, after all, a conversational practice, and we have already defined a wide variety of such practices using tools from philosophy of language. It is hard to see why flirting would be uniquely undefinable. Moreover, flirting is not just something we could define, but arguably something we *should* define, given the concept's complicated relationship with victim-blaming and sexual harassment apologism.

[1] Young (2016).

In this chapter I develop a definition of flirting which not only reflects our general intuitions about the practice, but also serves important moral and political aims. Flirting, I argue, is not a particular kind of act, but rather a mutually consensual conversational game, involving presuppositions of intimacy ('push' moves) and playful or insincere blocking manoeuvres ('pull' moves) by at least two agents. Flirters seek to create intimacy, so they act as if, i.e. *presuppose* that, such intimacy already exists. They do this by performing acts which would be impolite if intimacy were absent. Through processes of accommodation, such intimacy becomes real.

This definition makes an important contribution to the philosophical literature on sex and sexual communication, which has hitherto subscribed to a simplistic contractual view of sex, and which has focused mostly on ways sexual interactions can go wrong. I shine a light on the subtler and more playful ways in which humans express their sexuality.

The definition also helps undermine a common line of defence offered by sexual harassers; that they were 'only flirting'. Since flirting is a complex activity requiring mutually consensual active participation by at least two people, the threshold behaviour must meet to qualify as flirting is much higher than many harassers assume.

In addition, the definition helps us understand why even agents with the best of intentions can end up harassing others. This can happen when the would-be flirter sees an interlocutor as they wish them to be rather than how they really are, and therefore fails to recognise genuine blocking manoeuvres. Patriarchal cultural conditioning makes such misinterpretation common.

## 1. Motivations and Caveats

One reason to define flirting, qua communicative practice, is simply that it is interesting and has not yet been analysed by philosophers. According to Robert Stalnaker, one of the central tasks of pragmatics is 'to define interesting types of speech acts and speech products' (1970, 275).

A definition of flirting could also make an important contribution to the philosophy of sex. Until recently, sexual interactions have received scant attention in philosophy, despite their prevalence and significance in our lives. The tide has now turned, with growing literatures on consent and objectification. Yet there is still room for improvement in our accounts of sexual

interaction, as Quill R Kukla (writing as Rebecca Kukla) points out. They note that these accounts are often simplistic, treating sex as a series of contractual exchanges involving one party making requests and the other granting or denying those requests. In reality, Kukla argues, sexual interactions are more complex, involving negotiation, invitations, and offers (2018b). Kukla also observes that the literature on sex has been largely negative, focusing on how sexual interaction can go awry. They therefore call for more attention to 'how sexual negotiation can enable sexual agency, pleasure, and possibilities' (2018b, 71). A definition of flirting is desirable on both counts; it would make our accounts of sexual interaction more fine-grained, and it would draw attention to the positive sides of such interactions. Flirting can be fun, after all, and it can be a prelude to similarly fun sexual interactions.

In addition, a better understanding of flirting could make tackling sexual harassment easier, for at least two reasons. Firstly, it could destablise a key form of harassment apologism; the claim that harassers are merely flirting. We already have a robust definition of sexual harassment which helps us incriminate a sexual harasser. If a person's behaviour satisfies the accepted criteria for sexual harassment, then she engaged in sexual harassment. Yet we could still benefit from a definition of flirting, because this would clarify exactly why the harasser's behaviour did not qualify as flirting. With a definition of flirting in hand, we can show that the harasser is wrong on two counts; she is wrong when she claims she *was not* harassing, and she is wrong when she claims she *was* flirting.

Secondly, a definition of flirting could help us understand the slippery slope between flirting and harassment. Some sexual harassers intend to harass, but some harass unwittingly; they have benevolent intentions and conceive of their actions as only flirting, yet nonetheless end up harassing. A definition of flirting could help us understand how and why this can happen. Just as a mechanic can explain why an engine is malfunctioning only because he knows how it is *supposed to* function, we can understand how and why flirting can become harassment only if we first know what flirting ordinarily involves. We can then pinpoint the exact processes and mechanisms which are malfunctioning in cases of unwitting harassment.

A few caveats are in order before I start. Firstly, though I focus on the verbal dimensions of flirting, I stress that the non-verbal components of the practice are just as important. These include physical behaviours, like lightly touching one's interlocutor, fluttering one's eyelashes, maintaining close proximity, tilting one's head, holding eye contact, and fiddling with one's clothes, as well as paralinguistic behaviours, involving pitch, volume, intonation, tone, stress,

and rhythm.[2] Flirting is as much about 'body language' as it is about ordinary language; we communicate with our bodies as much as we do with our words. I am open to the thought that the two characteristic flirting moves I identify later in the chapter can be performed both verbally and physically. Bodily cues must be taken seriously by all parties, especially when verbal contributions are ambiguous.[3]

The second caveat concerns the scope of the project. I do not take myself to be analysing flirting as a practice divorced from culture. Flirting practices vary across cultures, and my frame of reference is flirting in Anglo-American cultures. Even within cultures, flirting styles vary; one study suggests that there at least five different approaches to flirting among heterosexual Americans alone (Hall et al. 2010). My goal is to identify the underlying features which unite these different flirting styles.

The third caveat concerns the nature of the project. I am to explicate our ordinary concept of flirting, specifying the meaning of 'flirting' roughly as it is used by ordinary speakers and enhancing our understanding of the precise acts and activities that make up a flirting interaction. In this sense, the project is descriptive. We all possess a working concept of flirting, but it has fuzzy edges and a coarse-grained texture, features which have played into the hands of sexual harassers and apologists. I will refine the concept, improving our understanding of it and making it less amenable to exploitation.

That said, this is not a wholly descriptive enterprise. Sometimes when contemplating different definitions of a concept we encounter ethical issues; a particular definition might pose an uncomfortable challenge to our ethical and political intuitions, for example. This is particularly likely to happen when thinking about the concept of flirting, which has historically been used to exculpate perpetrators of sexual harassment and misrepresent their wrongdoing, as well as to bolster rape myths and victim-blaming. Such concerns may motivate us to engage in a kind of conceptual re-engineering, where instead of simply refining a concept, we shift its

[2] On the non-verbal aspects of flirting, see Givens (1978), Muehlenhard et al. (1986), Grammer et al. (2000), Moore (2010), and Hall and Xing (2015).

[3] Speech act theory has failed to take seriously the embodied nature of speech. For example, Nancy Bauer points out a tendency in Langtonian analyses of sexual refusal to assume that refusal consists only of saying certain words, and illocutionary disablement involves making it impossible for women to use their words in certain ways. Yet there is clearly more to refusal than just words. As Bauer asks, 'Can we imagine an instance in which the only way a woman is attempting to refuse a predatory man is by saying "no" (simply, flatly, with no note of fear or desperation or rage in her voice, with no accompanying body language)?' (2015, 84).

boundaries, thereby making it better accommodate certain moral and political intuitions and aims.

My definition of flirting will not ignore how people think and talk about flirting, but nor will it cleave to these usage patterns fastidiously. In cases where a concept is morally dysfunctional, we can engineer it such that we do not end up with a new concept, per se, but rather a *better* concept, one which carves up logical space in a way which reflects and realises our values.[4] One of the ways I do this is by defining flirting as mutually consensual; all parties must be acting consensually, and each party must consent to the others' actions (but that one consents to flirting does not entail that one consents to any kind of subsequent sexual activity; the two types of consent are completely distinct). One's decision to flirt cannot be a result of coercion, manipulation, or exploitation, and this must be true of all parties in a flirting interaction. This entails that my resulting definition of flirting will not be compatible with some ordinary uses of the concept, for example uses by speakers who subscribe to rape myths, but this is a price worth paying. I discuss the intentionality of flirting and the moral issues it raises in more detail in §2.b.

## 2. Possible Definitions

Etymology cannot get us far when trying to define flirting. In 1600s English, the verb 'to flirt' meant 'to move in short, quick flights'. In Old French, 'fleureter' meant 'to talk sweet nonsense' and conjured up the idea of bees hopping from flower to flower, while in contemporary French 'conter fleurette' means 'to talk about small flowers', i.e. to share sweet nothings.[5] These roots tell us little about the precise nature of flirting, but they hint that it is a light-hearted and quick-footed practice.

A better place to start is to ask ourselves what *kind of thing* flirting might be. In the following subsections I use Austin's speech act framework to consider whether flirting could be individuated by its locutionary content, perlocutionary effects, or illocutionary force.

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[4] On the role of normative theorising in conceptual analysis, see Burgess and Plunkett (2013a, 2013b) and Cappelen (2018).

[5] *Online Etymology Dictionary,* s.v. "flirt (v.)", accessed June 17, 2020, https://www.etymonline.com/word/flirt#etymonline_v_8895.

### 2.a Flirting as Locutionary Content

Perhaps to flirt is to *say* particular things, or to say things in a particular way. Flirting could thus be individuated by what J.L. Austin would call its *locutionary content* (1976), i.e. its sense and reference.

Flirting might involve talking about sex, or using sexual euphemisms, innuendos, and double entendres. Bond does this when he speaks of being court-martialled for ‘illegal use of government property’. We find such language in many Bond films; in *Die Another Day* Bond is told he can handle his weapon well, to which he responds, ‘I have been known to keep my tip up’ (Tamahori 2002). And in the most famous exchange of all, in *Tomorrow Never Dies*, Bond tells Moneypenny, ‘I always enjoyed learning a new tongue’, to which Moneypenny replies, ‘You always were a cunning linguist, James’ (Spottiswoode 1997). Flirting via thinly veiled sexual language like this is also a hallmark of British *Carry On* films.

Yet it proves impossible to identify subject matter or vocabulary common to all flirting. Not all flirting involves talking about sex, nor the use of innuendo. In fact, the flirting found in *Carry On* films is infamous for being caricatured and excessively forthright; in reality, we can flirt while talking about anything, and indeed ‘subtle’ flirting is often preferred. For example, in a famous scene in *Casino Royale*, Bond and Vesper Lynd flirt by offering incisive psychoanalytic profiles of one another, focusing on their status as orphans (Campbell 2020). This is not a conversation *about* sex, nor does either speaker use sexualised vocabulary. The locutionary content of Bond and Vesper’s utterances is unique. And yet the scene involves flirting. Thus flirting cannot be a matter of what we say or how we say it.

### 2.b Flirting as a Perlocutionary Act

Maybe flirting is a perlocutionary act, i.e. an act of speech individuated by its effect on the psychology or behaviour of the hearer (Austin 1976). For example, to perform the perlocutionary act of offending someone is to say something which causes someone to feel offended. Flirting, similarly, might be the act of causing someone to have particular mental states, for example causing them to believe that you are sexually attracted to them and/or that you want to have sex with them. Carrie Jenkins defines flirting as acting in a way which raises romance or sex to salience (2006). This could be cashed out in terms of perlocutionary effects;

flirting could involve making your hearer think about sex/romance, or at least have it in the back of her mind.

This account captures the plasticity of flirting; we can flirt in different ways, and similarly a perlocutionary act can be performed in different ways. Yet we have several good reasons to reject this interpretation of flirting. Firstly, it has the worrying entailment that one can flirt even if one does not believe one is doing so and has no intention to do so. This can happen if the hearer is disposed to interpret non-sexual communication as sexual. Psychologist Antonia Abbey famously showed that men often interpret a woman's behaviour as flirtatious even when she did not intend to flirt (Abbey 1982, 1987; Abbey and Melby 1986). Thus if we adopt this perlocutionary account of flirting, women end up flirting much more often than they realise. We know that male perpetrators of harassment and assault often allege that their female victims 'flirted' with them, in an attempt either to show that the interaction that followed was consensual or to excuse their wrongdoing. This account of flirting plays into their hands.

I intend for my definition of flirting to largely track ordinary uses of the term, but it will also be normatively paramaterised; flirting must necessarily be intentional and consensual, to avoid the concept's weaponisation as a rape apologist tool. Perhaps we can therefore refine the definition of flirting under consideration, such that flirting consists only of the *intentional* production of certain perlocutionary effects. This would make speakers, especially women, less hostage to the reactions of libidinous hearers.

Yet there are still problems with this interpretation. Let us consider which perlocutionary effects are most likely to be produced by flirting. The most plausible candidates are making the hearer believe you are attracted to her, making her believe you want to have sex, or making sex salient. Even if we do settle upon one of these effects as constitutive of flirting, it seems one could easily produce these effects *without* flirting. For example, one could simply tell one's interlocutor, 'I am attracted to you', 'I want to have sex with you', or 'Think about sex'. These utterances are too forthright to count as flirting.

When A flirts with B, she will likely cause B to believe that she is attracted to her and/or wants to have sex with her, or she will make sex salient. Yet this is not solely constitutive of flirting. It may be a common downstream effect of flirting, or it may be a necessary component of flirting, but the mere intentional production of these effects is not sufficient for flirting.

### 2.c Flirting as an Illocutionary Act

If flirting is not something we say or an effect we produce, maybe it is instead an illocutionary act, akin to asserting or promising. Perhaps to flirt is to perform a conventional act which constitutively alters the normative statuses of both speaker and hearer.

However, we have many good reasons to think flirting is not an illocutionary act. Firstly, any given flirting interaction seems to involve several different kinds of illocutionary act. For example, in the Bond/Moneypenny scene, the interlocutors perform hails ('Moneypenny!'), assertions ('I've been searching all over London for you'), questions ('What gives?'), and orders ('Don't stop trying'). The diversity of these acts indicates that flirting cannot be reduced to a singular illocutionary act, nor a set or category of illocutionary acts.

Secondly, flirters fail to express the kind of intention needed to make what they are doing qualify as an illocutionary act. To perform an illocutionary act, one must express a communicative intention. This is a reflexive intention that the hearer recognise the particular illocutionary act one is intending to perform (Searle 1969, 47). For example, to promise I must express the intention that you recognise that I am attempting to make a promise.[6] Illocutionary acts therefore need to be reasonably transparent. The speaker must make it clear to the hearer what she intends to do.

Though the flirting in the Bond/Moneypenny interaction is obvious, flirting can often be subtle. Indeed, the most masterful flirting seems to involve quite opaque intentions, which leave a hearer guessing whether the speaker intends to flirt. Speech act theorists have long stressed that speech of this kind cannot count as an illocutionary act. For example, Peter Strawson claims that insinuation cannot be an illocutionary act because 'the whole point of insinuating is that the audience is to suspect but not more than suspect, the intention, for example to induce or disclose a certain belief' (1964, 33–34). The insinuator's intention is not transparent enough to count as properly communicative. The intentions involved in flirting are similar; flirting is a playful practice, and flirters often try to keep each other guessing. They therefore typically do not express the right kinds of intentions for flirting to count as an illocutionary act.

Thirdly (but relatedly), flirters often do not take responsibility for their speech in the same way as those performing illocutionary acts. When we perform an illocutionary act, we take

[6] This intention can be broken down into three components; I intend to promise, I intend that you recognise I intend to promise, and I intend to promise by way of your recognition of my intention to promise.

responsibility for what we have done. For example, when we make an assertion, we take responsibility for the truth of what we assert (Searle 1969; Brandom 2000). Yet when we flirt, we often want to give our hearer a certain impression while maintaining a degree of plausible deniability, partly for fun, because 'keeping them guessing' is part of the fun of flirting, but partly because flirting can be socially risky. We never know how well our interlocutor will respond, so probative flirting is often subtle and tentative, such that if our interlocutor is uninterested or hostile, we can deny that we ever tried to flirt.

Fourthly, there are some linguistic aspects of the verb 'to flirt' which suggest it is not a singular act at all. For example, we can say 'He flirted with her', or 'Flirting took place', or 'They were flirting with each other', but we cannot say 'A flirt took place'.[7] Illocutionary act gerunds often have associated countable noun phrases ('promising'/'promise', 'asserting'/'assertion', 'complimenting'/'compliment'), but 'flirting' does not. This indicates that to flirt is likely not to perform an action or act in the sense of 'a completed unit, a whole, a countable thing' (Hornsby 2013, 2), but rather to engage in an *activity.*[8] Note also that flirting is not something we do *to* one another, but rather something we do *with* one another. This suggests that flirting is not a single act performed by a single agent but rather an activity shared between several agents.

## 3. Flirting as a Game

I have argued that flirting does not consist of saying particular things, nor producing particular psychological effects, nor performing particular illocutionary acts. It seems flirting cannot be reduced to a single *act* at all. Rather, it is a temporally extended interaction involving two or more speakers and a developing relationship between them.

Flirting, then, is like tennis. Imagine you are strolling in the park and a person nearby picks up a ball and a racket and hits the ball towards you. If you do not react, then it is not appropriate to describe this person as playing tennis. This is so even if they hit the ball towards you upwards of twenty times. They may be attempting to play tennis with you, but they are not actually playing tennis, and nor are you. Tennis is a game involving the active participation of two agents. The moment you pick up a racket and attempt to hit the ball back in the right way, i.e.

[7] In fact, 'flirt', when used as a noun, typically refers to a person who engages in flirting.
[8] For more on this distinction see Mourelatos (1978) and Hornsby (2012).

in accordance with the rules of tennis, we can say that a game of tennis is occurring, and the two of you are playing tennis. Whether person A is playing tennis depends on what person B is doing, and vice versa. Flirting is similar; it must involve the active participation of at least two people, and whether A counts as flirting with B depends on what B is doing.

So what is the nature of the 'game' of flirting? I propose it involves interlocutors playfully negotiating the level of sexual intimacy between them. Flirters typically make two kinds of moves. First, they presuppose a level of sexual intimacy that is not yet in the common ground, in the hope that this presupposition will be accommodated. Call this a 'push' move. Second, they pretend to block one another's presuppositions, for example by feigning offence or disinterest. Call this a 'pull' move. These two moves give flirting its characteristic 'push and pull' phenomenology. As the flirters perform these moves, a common ground develops between them, containing increasing levels of sexual intimacy. Flirting is thus not a singular act but rather an interaction involving an evolving relationship between two or more interlocutors.

### 3.a Push Moves

I will now elaborate on 'push' moves, which involve presupposing sexual intimacy. I will define presupposition and intimacy in turn, and then put the two concepts together.

To presuppose something is to take it for granted, rather than offer it as something to be added to the common ground.[9] The common ground of a conversation is the set of attitudes and propositions mutually accepted by all conversational participants (Stalnaker 2002). One can accept attitudes and propositions without necessarily believing them; acceptance for Stalnaker could involve belief, but it could also involve 'presumption, assumption, acceptance for the purposes of argument' (2002, 716). Thus a proposition is in the common ground if we all treat it as true, but we need not actually believe that it is true.

Sometimes we presuppose things that are already in the common ground, but other times our presuppositions are subject to accommodation. This is the process through which the common ground is automatically updated by conversational participants to ensure that what the speaker says is correct play (Lewis 1979). For example, when I tell you that my brother got a new dog,

[9] For a more detailed account of presupposition, see Chapter 2 §2.

I presuppose that I have a brother. If you did not know this, you will likely update your beliefs to include the belief that I have a brother; hearers do this because they are generally co-operative. Sometimes hearers prevent accommodation from occurring by blocking a speaker's presupposition. One way of doing this is by making the presupposition explicit. Kai Von Fintel describes this as a 'Hey, wait a minute' manoeuvre (2004, 2008). For example, after hearing my utterance, you might reply, 'Hey, wait a minute, you don't have a brother!'. In so doing you can prevent the claim that I have a brother from being added to the common ground.

Sometimes it is essential for the successful performance of a speech act that a particular presupposition is accommodated. For example, this is true of commands, which involve presuppositions of authority. A speaker who shouts, 'Shut the door', presupposes that she possesses the authority required to give a command. Speaker authority is a necessary condition for the performance of a command, so if her presupposition is not accommodated, i.e. if her audience does not grant her authority, her utterance fails to be a command.

Other times, we presuppose some feature of the conversational context which would make our utterance *polite* or *appropriate.* If that presupposition is not accommodated, our speech act will not fail, it will just be imperfect. In the case of flirting, speakers presuppose sexual intimacy between them and their hearers. Few, if any, illocutionary acts seem to *necessarily* require intimacy between interlocutors for their successful performance, but for some the existence of intimacy is a regulative condition. I.e., for their performance to be *appropriate,* the speaker and the hearer must enjoy a certain level of intimacy.

Intimacy takes different forms, including platonic or friendly intimacy, romantic intimacy, and sexual intimacy.[10] It can be characterised as a bridge formed between two people, constituted by a sense of mutual understanding and mutual vulnerability. With intimacy often comes the suspension of some norms of politeness; two people who are intimate will have fewer conversational taboos and will be able to talk about serious, emotional, and ordinarily 'private' topics. Psychologists Karen Prager and Linda Roberts characterise an 'intimate interaction' as

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[10] All three of these kinds of intimacy might be modelled as forms of the erotic, as it is understood by Audre Lorde. For her, the erotic enables a connection between two people by 'lessen[ing] the threat of their difference' (2007, 56). This can come from 'sharing deeply any pursuit with another person', and brings with it a sharing of joy which can be 'physical, emotional, psychic, or intellectual' (Ibid.). I like the thought that there can be different forms of flirting, all of which are erotic but not all of which are sexual. Some are explicitly sexual, where the erotic connection developed involves sexual intimacy, but some are non-sexual, for example, where the erotic connection is romantic intimacy, or even the platonic intimacy of friendship. It seems right to me that we can 'flirt' with friends; there is just as much bridge-building and joy-sharing in this interaction as there might be in sexual flirting. The definition of flirting I will develop is, I think, amenable to this variation.

one in which ‘both partners experience a sense of knowing or understanding some aspect of the other’s inner experience—from private thoughts, feelings or beliefs, to characteristic rhythms, habits, or routines, to private sexual fantasies and preferences’ (2013, 45). I am interested in sexual intimacy in particular. People who are intimate in this way can easily enter one another’s personal space, touch one another, and discuss each other’s appearance and sexual attractiveness in explicit terms. Sexual intimacy often involves parties sharing (explicitly or implicitly) their sexual desires, and seeking to arouse each other’s desires.

Intimacy and politeness stand in a close relation, which we can make sense of by utilising the concept of a *face-threatening act*. Penelope Brown and Stephen Levinson define a person’s ‘face’ in terms of two particular wants; ‘the want to be unimpeded and the want to be approved of in certain respects’ (1987, 58; see also Goffman 1955, 1967). We have *negative face,* ‘the basic claim to territories, personal preserves, rights to non-distraction – i.e. the freedom of action and freedom from imposition’; and *positive face*, a ‘positive consistent self-image or ‘personality’ (crucially including the desire that this self-image be appreciated and approved of)’ (1987, 61). We all want to preserve our positive and negative face, and politeness dictates that we also preserve the face of others.

If I perform a negative face-threatening act, I indicate to my hearer that I do not respect her freedom of action. Orders, suggestions, requests, reminders, and threats are all negative face-threatening acts, because they seek to control the hearer’s behaviour. So too are offers and promises, which ‘put some pressure on [the hearer] to accept or reject them, and possibly to incur a debt’ (Brown and Levinson 1987, 66). Compliments, expressions of admiration, and expressions of strong negative emotions are negative face-threatening acts, too, because they give ‘[the hearer] reason to think that he may have to take action to protect the object of [the speaker]’s desire’ or ‘indicate motivation for harming [the hearer] or [the hearer]’s goods’ (ibid.).

If I perform a positive face-threatening act, I indicate to my hearer that I do not care about her wants or feelings, and I risk damaging how others see her. Criticisms, disagreements, and expressions of disapproval are all positive face-threatening acts, because they indicate that the speaker does not like ‘one or more of [the hearer]’s wants, acts, personal characteristics, goods, beliefs or values’ (Brown and Levinson 1987, 61). Other positive face-threatening acts involve irreverence, discussion of taboo topics, the deliverance of bad news, expressions of extreme emotion, blatant non-cooperativity (e.g. interruptions), and the use of inapposite address terms,

all of which indicate that the speaker does not care about or is indifferent to the hearer's positive face.

Brown and Levinson note that 'in intimate relations there may be presumed to be minimal danger of face threats' (1987, 229). I.e. intimate interlocutors can get away with performing actions which would be face-threatening if performed among strangers.[11] Interlocutors often exploit this fact to *create* intimacy. For example, Brown and Levinson suggest we use insults or jokes 'as a way of asserting such intimacy' (ibid.). They do not explore this phenomenon of 'asserting intimacy' in depth, but I propose that it involves presuppositions of intimacy. Sometimes we perform acts which we and our interlocutor mutually know would ordinarily be threatening to their face, but we presuppose (and are taken to be presupposing) that there is a level of intimacy between us that makes the act appropriate. And given what we know about presupposition accommodation, if a hearer is co-operative and does not block a presupposition, i.e. if she acts as if the act performed by the speaker is appropriate (or at least fails to indicate that it is inappropriate), then the speaker succeeds in creating an intimacy that did not previously exist.

Linguists and philosophers have already observed that we presuppose (and sometimes create, through processes of accommodation) intimacy by using particular vocabulary. For example, they have argued that we presuppose intimacy when we use terms of endearment, like 'baby' and 'darling', as well as when we use 'tu' and its equivalents in languages which distinguish between familiar/informal and unfamiliar/formal pronouns (Brown and Gilman 1960; Von Fintel 2008). Flirters sometimes engage in such practices. For example, in the process of flirting, one interlocutor might refer to the other as 'darling', even if they barely know each other. This speaker is plausibly interpreted as attempting to create sexual intimacy by acting as if that intimacy already exists. If her hearer does not block that presupposition (and ideally, if she also responds in kind, by using equally informal terms of endearment) then the presupposition of intimacy can be said to have brought that intimacy into existence.[12]

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[11] Brown and Levinson also note two other variables which can affect how face threatening an act is – the relative power of the hearer over the speaker, and and the extent of the imposition involved (1987, 74).

[12] Terms of endearment are also used to create non-sexual intimacy, e.g. to establish friendship, and thus may play a role in platonic flirting. Politeness norms regarding terms of endearment vary. In the UK it is often acceptable for older people (especially older women) to call younger people 'darling' and 'dear'. Often who gets to use which terms of endearment to describe which people is determined by power differentials just as much as it is determined by levels of intimacy, as I observed in Chapter 2 §2.

Flirters also presuppose intimacy when they compliment one another. Compliments threaten a hearer's negative face, because they place certain demands upon her, for example creating an obligation for her to thank the speaker for the 'gift' of the compliment, and/or return the compliment (Brown and Levinson 1987, 68). Compliments can also threaten a hearer's positive face, especially in the case of sexualised compliments, which violate an important social taboo: not to discuss sex with strangers. Sexualised compliments are appropriate, however, between two people in a sexually intimate relationship. When flirters compliment one another, they presuppose that an intimacy exists between them that neutralises the threat those compliments would otherwise pose.

Flirters also presuppose intimacy when they insult or tease one another. It is normally inappropriate to offer unsolicited criticisms of another person; insults are positive face-threatening acts. Yet banter and teasing are appropriate between intimates, because there is an assumption that no one really wishes to offend. Unacquainted speakers can exploit this fact, performing insults as a way of creating intimacy. Indeed, Wayne Beach and Phillip Glenn characterise speech criticising a hearer, which can initially be regarded as a 'potential impropriety', as 'bid' for intimacy, which the hearer may accept or decline (2011, 221). Similarly, in his analysis of banter, Geoffrey Leech notes that 'underpoliteness can have the opposite effect of establishing or maintaining a bond of familiarity' (1990, 144).

Again, this idea can be cashed out in terms of presupposition accommodation; when flirters insult one another, they presuppose that they know each other well enough to engage in such acts, and if these presuppositions are not blocked, they can actually create intimacy. I discussed earlier a well-known flirting scene in *Casino Royale*, in which Bond and Vesper Lynd speculate about each others' difficult upbringings. I can now explain why this involves flirting; this kind of deeply personal conversation would not normally be appropriate between two people who have just met. By engaging in it, Bond and Lynd presuppose a level of intimacy that would make it appropriate.

A characteristic flirting move, then, is a speech act presupposing sexual intimacy, which I call a 'push' move. That flirting involves presuppositions of intimacy explains why flirters typically engage in complimenting and teasing, and why they often use terms of endearment. It also explains why flirting is often a prelude to sex. After a flirting exchange, in which sexual intimacy has been established, interlocutors will be more comfortable making and accepting sexual invitations and offers to each other.

### 3.b Pull Moves

Push moves are not the only moves one makes in a game of flirting. Flirters presuppose the existence of sexual intimacy, but they also playfully pretend to undermine the intimacy that has entered the common ground. Flirting can involve an element of ambiguity and mystique that leaves interlocutors uncertain of the nature of the relationship that is developing. We see this push and pull quality even in the simple flirting of Bond and Moneypenny:

> **James Bond:** I would, you know. Only M would have me court-martialled for... illegal use of government property.
>
> **Miss Moneypenny:** Flattery will get you nowhere…but don't stop trying.

Bond tells Moneypenny he would take her to dinner, implying that the sexual attraction between them is mutual. Then he pulls back, saying that this activity can never occur, appearing to shut down the possibility. Then he pushes forward again by making a sexual innuendo. He is toying with Moneypenny by indicating varying levels of interest. Similarly, Moneypenny appears to block Bond's presuppositions by chastising him for the presumptuousness of his remarks, before imploring him to continue and thereby restating her sexual interest.

Flirting typically involves not just presuppositions of intimacy (push moves), but also pretend blocking manoeuvres (pull moves). Often in flirting exchanges, one party will 'pull back' by feigning affront at the other's remarks. She might insincerely chastise her interlocutor for their brazenness ('That's a bit forward of you'), or she might imitate affront non-verbally, for example by gasping, raising her eyebrows, or batting/shooing away the speaker with her hand. These are pretend blocking manoeuvres; she acts as if she blocks her interlocutor's presupposition of intimacy, but she does not actually block it. She indicates the insincerity of her blocking by continuing to participate enthusiastically in the exchange, thereby licensing the presupposition, and/or by performing speech acts which themselves presuppose intimacy, thereby making clear the artificiality of her earlier 'rebuke'. By performing such a move, an interlocutor can undermine her partner with an on-record rebuke, acting as if she has taken intimacy 'off the table', while also testing them, daring them to proceed with more off-record presuppositions.

As a result, flirting interlocutors have less certainty than they might otherwise have about how much intimacy is in the common ground. They are kept on their toes. One might worry that I am abusing the notion of the common ground here; if interlocutors can be unsure about what

is in the common ground, then how can there be a common ground at all? Remember that Stalnaker defines the common ground as the set of attitudes and beliefs mutually *accepted* by all conversational participants, where acceptance can be weaker than belief. Acceptance can come in degrees, ranging from accepting something simply for the purposes of argument to outright believing it. In flirting exchanges, pull moves prevent interlocutors from having confident beliefs about how much intimacy is in the common ground, but there is still a common ground in so far as both accept (even tentatively) that a certain level of precarious intimacy has developed between them.

That flirting contains 'pull' moves explains why it is often fun. In this regard, flirting is similar to joking; in both flirting and joking exchanges interlocutors seek to provoke suspicion, confusion, and surprise in each other, often by acting in ways which seem incongruous given the circumstances.[13]

This account of flirting as involving both 'push' and 'pull' moves enables us to explain variation in flirting styles. Sometimes flirters engage mostly in pushing – their flirting is brazen and obvious. In other cases, there might be equal amounts of push and pull by both interlocutors; this seems true of Bond and Moneypenny's interaction. Other times, one party will engage more in pushing and one more in pulling. Heterosexual gender norms cast men as 'sexual pursuers' while women are 'to be pursued', such that men are expected to do the bulk of the 'pushing' in heterosexual flirting. In these scenarios, the person doing the pushing must be extra sure that his interlocutor is only feigning her rebukes, i.e. merely 'playing' hard to get rather than genuinely blocking him, else his speech can become harassment. I discuss these risks in §4.b

[13] I have focused on flirting between people who do not yet have an intimate relationship. Yet people in longstanding intimate relationships also seem to flirt. There are two ways of explaining this latter form of flirting. It could be that when an established couple flirt, they add intimacy to the common ground of their particular conversation. Even though they have an intimate relationship, that intimacy may not be in the common ground of every conversation they have; it is not in the common ground of a conversation about washing the dishes, for example. Flirting makes that intimacy salient again, and puts it back 'on the table' in that particular exchange. The flirters are in effect *reminding* each other of their intimacy. Alternatively, it could be that people in relationships do not actually flirt but rather 'play' at flirting; they engage in a kind of mimicry of flirting, acting as if intimacy has not yet been established.

### 3.c Entry Moves

One might wonder how this definition of flirting could explain a sentence like 'She was flirting with him, but he didn't realise'. This suggests that it is possible for A to flirt with B, even if B is not flirting with A, which undermines my claim that flirting is a joint activity. I suspect that in these cases, the agent in question is trying to *initiate* a flirting interaction; she is performing repeated flirting 'entry moves', to no avail. This is a bit like repeatedly hitting the tennis ball towards the other person, in the hope they will pick up a racket and try to hit it back.

'She was flirting with him, but he didn't realise' therefore means 'She was trying to initiate a flirting exchange, but he was not co-operating'. She was performing entry moves that required a particular kind of response from him in order to constitute the first moves in a game of flirting. Her first move is like Austin's unaccepted bet; attempting to make a bet by saying 'I bet you sixpence', he argues, will be 'abortive' unless one's interlocutor says something like 'I take you on' (1976, 36–37). Lynne Tirrell notes that without this kind of extended uptake, the attempted bet 'just hangs there, like a proffered hand that has not been met with the grip of the other' (2018, 132).

Similarly, flirting proper begins only when the initiator receives the right response from her interlocutor. When this happens, we might say retroactively that her entry move was the first 'push' move of the flirting interaction. Yet before her interlocutor has 'taken it up', it remains an entry move, an attempt to initiate a flirting interaction. Analogously, if the optimistic tennis player hits the ball towards me and I pick up a racket and try to hit it back, their shot will count as the first 'serve' of the game. If I do not pick up a racket and try to hit the ball, then these shots remain merely hopeful attempts to lure me into a game of tennis.

## 4. Flirting and Sexual Harassment

Contrast the Moneypenny/Bond interaction from earlier in the chapter with the following interaction between Bond and Pussy Galore in *Goldfinger* (Hamilton 2012).

> **Bond:** [Noticing an empty barn and walking inside.] Well, now. What do we have here? You're quite a girl, Pussy.
> **Galore:** I'm strictly the outdoor type.

**Bond:** I'd like to think you're not in on all of this... caper.

**Galore:** Skip it. I'm not interested. Let's go. [Galore turns and tries to leave. Bond forcefully grabs her arm and pulls her back.]

**Bond:** What would it take for you to see things my way?

**Galore:** A lot more than you've got.

**Bond:** How do you know?

**Galore:** I don't want to know. [Galore tries to leave again, Bond pulls her back.]

**Bond:** Isn't it customary to grant a condemned man his last request?

Despite Galore repeatedly trying to fight Bond off, he ends up pinning her to the floor. The scene ends with them kissing, while Galore winces, and the audience is led to believe that sexual activity of some kind follows. This interaction is strikingly different from Bond's interaction with Miss Moneypenny. The latter is an obvious case of flirting, but the Bond/Galore interaction is not; indeed, it has been widely criticised for glamorising sexual harassment and assault.[14]

bell hooks argues that a definition of love could help us avoid mistaking abuse for love (2000). Similarly, a definition of flirting could help us avoid mistaking harassment for flirting. In this section I will first use my definition of flirting to disarm a prevalent form of harassment apologism, the claim that the harasser was 'only flirting'. I show why Bond could not use this as a defence regarding his interaction with Galore. Next, I will use my definition to explain how even well-intentioned attempts at flirting can end up constituting sexual harassment.

### 4.a Disarming Apologism

Sexual harassment, according to the UK Equality Act, is unwanted conduct of a sexual nature which has the purpose or effect of violating a person's dignity and/or creating 'an intimidating,

[14] YouTube clips of the scene are littered with comments describing it as 'rape' and 'assault'. The scene is described by a BBC journalist as 'one of the most uncomfortable sex scenes on film' – Radhika Sanghani, "Ten times pop culture romanticised sexual harassment", *BBC Three*, March 7, 2018, https://www.bbc.co.uk/bbcthree/article/55b92fda-d9f0-436d-a1f6-674e9e3504c6.

hostile, degrading, humiliating or offensive environment' for them.[15] It is widely accepted that sexual harassment involves unwanted sexual conduct; in the landmark case of Meritor Savings Bank v. Vinson (1986), the Supreme Court held that 'the gravamen of any sexual harassment claim is that the alleged sexual advances were 'unwelcome'.[16] Many courts have also required that the person harassed made clear to her harasser at the time that his behaviour was unwelcome.

Often, sexual advances which are unwelcome are also non-consensual. However, unwelcome advances are not *necessarily* non-consensual advances; we can have both consensual, unwelcome advances and welcome, non-consensual advances. I could not want someone to do something to me, but consent to it anyway, maybe because I am feeling charitable, or because I do not want to upset them and be punished as a result. Alternatively, I could want someone to do something to me, but I could nonetheless withhold my consent from them. In *Meritor,* the court explicitly stated they were interested only in whether the plaintiff *welcomed* the defendant's advances, and not in whether she consented to them. This might have the somewhat odd result that non-consensual, but welcomed, sexual advances are not harassment (though they could still qualify as other wrongful acts, like assault).[17] Henceforth I will therefore work with a slightly adjusted definition of sexual harassment, as sexual conduct which is unwelcome *and or* non-consensual.[18]

Non-consensual sexual conduct is wrong because it assaults the target's autonomy and dignity. Unwelcome sexual conduct which is nonetheless consensual might not assault the target's bodily autonomy, but it will likely have harmful effects on her nonetheless, for example on her psychological wellbeing, as well as on her career prospects. Some have argued that sexual harassment involves a group-based harm.[19] For example, we might think that men's harassment

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[15] Equality Act 2010, s.26. Laws on sexual harassment typically focus on workplace harassment. In many jurisdictions sexual harassment involves either 'quid pro quo' behaviours which render opportunities for career progression conditional on submission to sexual advances, and/or the production of a hostile workplace environment. There is debate as to whether harassment must involve repeated behaviours. The Supreme Court typically invokes a disjunctive criterion for sexual harassment; behaviour creates a hostile work environment if it is severe and/or pervasive. See Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993).

[16] Meritor Savings Bank v. Vinson, 477 U.S. 57, 68 (1986).

[17] For discussion of the 'unwelcomeness' requirement for sexual harassment, see Weiner (1996), Schultz (1998), and Ramsini (2013).

[18] I focus on face-to-face harassment. I set aside acts like hanging up pornographic images of women in a workplace, because these are unlikely to be interpreted or described by anyone as 'flirting'.

[19] Catharine MacKinnon has pushed for a group-based understanding of sexual harassment as a kind of sex discrimination; to sexually harass a person is to discriminate on the basis of their sex (1979).

of women in the workplace harms women by legitimating the thought that women's role is to satisfy men's sexual desires.

Galore makes it clear to Bond that his advances are both unwelcome and non-consensual; she explicitly tells him to stop ('Skip it!) and that she is not interested, and she tries to leave several times. By restraining her, and persisting, Bond violates her non-consent.[20] Thus we have good reason to describe Bond's behaviour as sexual harassment. Yet what would we do if Bond protested that he was merely *flirting with*, not harassing, Galore?

Bond may be trying to tell us that he intended to flirt with Galore, and not to harass her. He is assuming, then, that a person who does not intend to harass cannot be a harasser. This assumption is false. Our definition of harassment allows that one can harass even if one does not intend to harass; it suffices for behaviour to constitute harassment that it is unwanted by the target and has certain effects, regardless of the harasser's intentions. We do not need a definition of flirting to explain why Bond's allegedly good intentions did not preclude his behaviour constituting harassment. We can simply show that the bar for behaviour to qualify as sexual harassment is lower than he thinks it is.

However, our hand would be strengthened if we could show that Bond is wrong not only when he says he did not harass Galore, but also when says he *was* flirting with her. Here is where my definition of flirting comes into its own; we can use it to show that the bar for behaviour to qualify as flirting is much higher than harassers typically think it is.

My definition of flirting establishes several criteria an interaction must satisfy to qualify as flirting. For example, there must be an ongoing conversation with an evolving common ground containing continuously increasing intimacy, and both agents must perform both push and pull moves. For flirting to take place between A and B, not only must B consent to A's push moves, but B must make her own push and pull moves in turn. Pussy Galore makes neither 'push' nor 'pull' moves. She makes no attempt to presuppose intimacy with Bond (despite him doing so with her), nor does she playfully block his presuppositions. Their interaction is structurally very different from the interaction between Bond and Moneypenny.

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[20] Bond might have erroneously interpreted Galore's genuine blocking manoeuvres as the characteristic 'pull' moves of flirting. Indeed, since in the final second of the scene Galore is depicted as acquiescing to Bond, the film peddles the thought that women's refusals are typically insincere. I expand on the problem of differentiating between pull moves and genuine blocking manoeuvres in the next section.

The definition also holds that flirting must be mutually consensual. All parties in the interaction must consent to it, and so they must also be sufficiently competent and compos mentis, and not co-coerced, manipulated, or exploited, so that they are able to consent. This means it will be harder to establish that flirting occurred when there is a significant power differential between the parties, which could lead one party to feel like they have no choice but to refrain from blocking unwelcome presuppositions of intimacy.

One's ability to consent is impacted not just by institutional power differentials, but also by social structures and social conditioning. Patriarchy institutionalises and eroticises male dominance and female submission, such that women are socially conditioned to tolerate unwelcome behaviours from others (MacKinnon 1989, 113). Given women's autonomy is compromised in this way, we might doubt whether they can ever truly consent to sexual interactions. Some argue that they cannot. Andrea Dworkin, for example, claims that under patriarchy the boundary between sex and rape is blurry, if it exists at all (1983, 1987). She once described romance as 'rape embellished with meaningful looks'.[21] If she is right, then flirting, as well as consensual sex, is impossible for women.

Yet this conclusion is both depressing and at odds with many women's experiences of sexual interaction. One way out of this dilemma is to change our understanding of consent; maybe our capacity to consent is not all or nothing, but rather exists on a continuum. Quill R. Kukla pursues this strategy, defending a non-ideal theory of consent according to which one can give consent even when one's autonomy is compromised, provided one's consent is 'scaffolded' (forthcoming). For example, in a consensual interaction, there must be a background level of trust, parties must be able to exit at will, and all parties must be adept at understanding and responding to each other (forthcoming). At a minimum, would-be flirters should ensure these conditions are met, especially when parties do not know each other well.[22] They are not met in the Bond/Galore interaction, because Galore cannot leave. She tries to exit several times and is physically prevented from doing so.

Hence my definition of flirting enables us to undermine the 'I was only flirting' defence from a new angle. We could already use our definition of sexual harassment to show that benevolent

[21] Quoted in Ariel Levy, "Prisoner of Sex: Radical Feminist Andrea Dworkin's Fight Against Hypersexualized America", *New York Magazine,* May 27, 2005, https://nymag.com/nymetro/news/people/features/11907/.
[22] This account of consent also has the benefit of explaining why it might still be possible to flirt when consuming alcohol. Alcohol does limit our capacities, but this in itself does not preclude tipsy consensual flirting. Only when our level of incapacity surpasses a particular threshold does giving legitimate consent become difficult.

intentions do not preclude one's behaviour constituting sexual harassment. Yet now we can show not only that someone's behaviour *was* harassment, but also that it *was not* flirting. My definition establishes that flirting is harder to bring about than harassers assume.

I have argued that flirting is mutually consensual. This is not the same as being mutually welcomed. There can be reluctant, but consensual flirting. This raises the question; could a flirting interaction constitute sexual harassment, qua unwelcome sexual conduct? I propose that a flirting interaction can *contain* sexual harassment, but it cannot *constitute* sexual harassment. Even in a consensual flirting interaction, person A might start to do things which are obviously not welcomed by person B, in which case the flirting interaction becomes harassment. If, when blocked by B, A desists, ordinary flirting might be able to resume. If A persists, i.e. continues to behave in unwelcome ways, the flirting interaction ends and becomes harassment.

Thus it is possible that for a brief period within a flirting interaction, harassment can also occur. A whole flirting interaction, extended in time, however, cannot simultaneously constitute an instance of harassment, because flirting and harassment are simply different kinds of event. When we think of 'unwelcome' sexual conduct, we think of one agent doing something to another. Flirting, meanwhile, involves doing things *together*. It does not make sense to characterise a whole flirting interaction as 'unwelcome', since both agents must actively participate in it. If A is actively participating in a flirting interaction with B, it is reasonable for B to assume A welcomes that interaction, unless A indicates otherwise at any point, for example by blocking B's presuppositions. Thus B's behaviour could not reasonably be described as harassment. Flirting interactions can definitely be reluctant and unenjoyable; we might flirt with someone we have no sexual interest in, perhaps because doing so has instrumental benefits (a free drink, a promotion, et cetera). But given flirting requires us to actively participate by performing characteristic push and pull moves, we could not claim that the interaction that occurred was one of sexual harassment, qua unwelcome or non-consensual sexual conduct.

### 4.b The Slippery Slope

Some sexual harassers are neither well-intentioned nor mistaken about what they are doing; they register and wilfully ignore blocking manoeuvres and protests by their interlocutor, as well as other evidence of discomfort and non-consent. Yet some harassers do have good

intentions, and believe they are engaging in benevolent flirting, but are ultimately mistaken. How and why does this happen?

Perhaps we do not need a definition of flirting to answer this question. There are already well developed, readily available accounts of the eroticisation of dominance and submission, and the continuity between romance and rape, in feminist political theory, sociology and psychology. These accounts offer a clear explanation of the slippery slope between flirting and harassment in terms of political structures and networks of power.[23] Yet because such explanations are often general and structural, they cannot tell us much about the precise mechanics of a flirting interaction gone wrong. In this final section, I combine these feminist insights with my definition of flirting to establish what happens *at the level of conversation* when well-intentioned flirting becomes harassment.

I have defined flirting as a kind of game; each flirter must make certain moves, and she must be recognised as such by her interlocutor. The game can therefore go awry if a flirter's desires interfere with her perceptual capabilities, making her misinterpret the other's moves. This can happen when our desires shape our beliefs, such that we believe something is true because we want it to be true. For example, my desire that this chapter will be published might produce a belief that it will be published. Following Rae Langton, let us call such beliefs 'wishful thinking'; to engage in wishful thinking is to have 'a belief that something is so, given a desire that it be so' (2009, 247).

Some wishful thinking is motivated by sexual desire, specifically. For example, a person who wants their interlocutor to have the same sexual desire as them might come to *believe* that their interlocutor desires the same thing as them; they move from 'I desire that she desires to do this' to 'She desires to do this' (Langton 2009, 259). Catharine MacKinnon has written at length about the beliefs men have about women which are driven by sexual desire:

> Women whose attributes particularly fixate men – such as women with large breasts – are seen as full of sexual desire. Women men want, want men. […] Raped women are seen as asking for it; if a man wanted her, she must have wanted him. (1989, 141)

Flirters can engage in such wishful thinking. A flirter might want his interlocutor to flirt with him, and this desire might result in a belief that she is in fact flirting with him. Sometimes these beliefs are self-actualising; the woman might in fact flirt back, if she recognises his belief and

[23] See, for example, work by MacKinnon (1979, 1989) and Dworkin (1987).

wants to make it true.[24] Yet even if she rebuffs him, his desires can colour his interpretation of her actions. Sometimes, his target can do nothing about this; every attempt to demonstrate her non-consent or the unwelcomeness of his conduct will become, in his eyes, confirming evidence of her enthusiastic consent. By proceeding, he violates her autonomy and dignity by ignoring her non-consent, but this happens not because of wilful disregard but rather because of misinterpretation.

This should sound familiar. Women in this scenario are silenced in the same way as women who attempt to refuse sexual intercourse with men but are interpreted as consenting, because pornography has taught men that 'no means yes' (Langton 2009, chap. 1). My definition of flirting therefore helps us understand how attempted flirting can lead to sexual harassment which can lead to rape; a would-be flirter who mistakes blocking manoeuvres as playful flirting will likely mistake sexual refusal as sexual consent. Indeed, this is what seems to happen in the Bond/Galore interaction.

In these cases the harasser has culpably failed to cultivate a sufficient level of perceptiveness; he is not sufficiently attentive to his interlocutor's reactions, and he has not been sufficiently critical of the ideas about gender and sexuality he has learned from pornography, his peers, and popular culture. Good flirters cultivate a general interpersonal receptivity; they can judge whether their hearers are truly granting the presuppositions of intimacy, and whether any apparent blocking manoeuvres are sincere. They are attentive and sensitive to social cues, both verbal and non-verbal – here is where the non-linguistic and para-linguistic dimensions of flirting become important. They also look for the characteristic 'push' move of flirting; I argued earlier that paradigmatic flirting involves both interlocutors performing both 'push' and 'pull' moves.

Yet gender norms make this task much harder that it could otherwise be. Firstly, women are socialised to 'play hard to get' and to hide their sexual interest; this means that performing the 'push' moves of flirting might come less naturally to them, and/or that they are less inclined to engage in them for fear of social penalties (like being characterised as 'promiscuous' or 'slutty'). Thus women might provide less evidence of their flirting intent to men than men provide to women.

[24] On the ways in which desire-driven beliefs can be self-actualising, see Langton (2009, chap. 11).

Secondly, the myth that 'no means yes' makes it harder to disambiguate a real blocking manoeuvre from the characteristic 'pull' move of flirting, a playful faux blocking manoeuvre. Under patriarchy, men actively cultivate and embrace the thought that women are mysterious, since this mystery offers them an 'alibi', as Simone de Beauvoir puts it, which 'flatters laziness and vanity at once' (2011, 318). This mystery is consolatory, permitting 'an easy explanation of all that appears inexplicable' (ibid.), and also exculpatory, shifting responsibility away from men and their defective powers of interpretation and onto women and their alleged negligent or reckless ambiguity. A man who believes that women are mysterious might wager that despite the fact that a woman's utterance resembles a rejection, she must actually be consenting, because women are typically obfuscatory and enigmatic when it comes to expressing their desires.

Feminists who draw attention to sexual harassment and call for harsher penalties for harassers are sometimes criticised for 'killing romance', by making harmless flirting impossible and making men too afraid to engage in sexual interactions with women. Yet it is the traditional gender norms critics of feminism typically endorse which make flirting difficult; they make it harder for women to participate in flirting as fully and as enthusiastically as men, and they make it harder for men to detect women's discomfort and non-consent. By eroding these gender norms, as many feminists demand, we could actually make flirting easier, freeing women to participate fully in the practice and making men less hasty in ascribing mutual desire to the women they want to flirt with and better at detecting their actual level of interest.

## 5. Conclusion

In this chapter I have defined flirting as a game in which interlocutors playfully negotiate the level of intimacy between them. This game involves 'push' moves, which presuppose intimacy, and 'pull' moves, which involve pretending to block these presuppositions. This definition captures the distinctive phenomenology of flirting and offers a positive counterpoint to existent literature on sexual interaction, which has neglected the role of play in sexual discourse.

The definition also constitutes a useful resource for combatting harassment and its apologists. By establishing that the threshold for an interaction to count as flirting is high, this definition undermines the power of the 'I was only flirting!' defence. It also explains how even agents with the best of intentions can end up engaging in harassment. This can happen when, as a

result of patriarchal myths, patriarchal norms governing women's sexuality, and individual agents' lack of perceptiveness, would-be flirters misinterpret their interlocutor's responses. They end up seeing their interlocutors how they want to see them – as reciprocating their sexual interest – and not how they really are. This means they fail to see obvious signs of non-consent and discomfort.

The prevalence of such misinterpretation makes clear the damage gender norms have wrought on sexual interaction, prohibiting women from making their sexual desires known and hampering men's ability to disambiguate genuine resistance from playful retorts. To combat these problems, much more work must be done.

# Chapter 5: Your Word Against Mine: The Power of Uptake

In 1952 two teenagers, Christopher Craig and Derek Bentley, attempted to burgle a warehouse in London. Christopher brought a revolver with him. When the police arrived, the boys were on the warehouse roof. A police officer followed them up and grabbed hold of Derek, while instructing Christopher to hand over his gun. Derek shouted to his friend, 'Let him have it, Chris!'. Christopher opened fire. He shot the police officer holding Derek non-fatally in the shoulder, and then shot the next police officer who climbed onto the roof in the head, killing him instantly. In the boys' trial there was disagreement as to whether by shouting, 'Let him have it', Derek had incited Christopher to murder the police officer or ordered him to surrender his gun. The former interpretation triumphed. Despite not firing the gun himself, Bentley was charged with murder and in 1953 he was executed by hanging.[1]

This case raises the question of what determines illocutionary force. Let us assume that Derek intended to order Christopher to hand over the gun, but Christopher interpreted Derek as inciting him to murder the police. Whose judgement is authoritative? I.e., who decides which act was performed? In extreme cases like Bentley's, this is a matter of life or death. More generally, it is as much an issue of ethics as it is of philosophy of language. It has a bearing not only on debates about intentionalism and conventionalism, but also on how we conceive of the agency, autonomy, and normative powers of speakers.

On the standard theory of speech acts, the potential illocutionary force of an utterance is determined by the speaker, who, in accordance with linguistic conventions, expresses a communicative intention to perform a particular illocutionary act. Her illocutionary act is successful only if her hearer recognises that intention. The hearer has no power over *which* act could be performed, but she does have power over *whether* it is performed. She can either ratify the attempted act or render it a failure. This entails that Derek attempted but failed to order Christopher to surrender the gun, because Christopher failed to recognise his intention. Call this the *ratification* theory of uptake.

We might worry that this paints too rosy a picture of human communication. It allows for a degree of speaker vulnerability, as it can accommodate the fact that sometimes a hearer thwarts

[1] In 1993, Bentley won a posthumous pardon, and in 1998 his murder conviction was quashed. See R v. Derek William Bentley (deceased) [1998] EWCA Crim 2516.

a speaker's attempt to perform an illocutionary act, but it cannot accommodate the fact that sometimes hearers seemingly make it the case that speakers perform illocutionary acts which are *different* from the acts they intended to perform. It cannot accommodate the intuition that Derek did not just fail to perform the act of ordering Christopher to surrender the gun; he performed a different act all together. The Bentley case is a stark and unusual example, but this phenomenon seems ubiquitous. Marginalised speakers appear particularly vulnerable; for example, women who attempt to give orders often seem to end up making mere requests instead, due to hearers interpreting them as such.

A new theory of uptake has therefore emerged, which allows that hearers can make an utterance constitute an illocutionary act which is different from the illocutionary act the speaker intended to perform.[2] According to this theory, if the hearer respond to an utterance as if it is illocutionary act Φ, then it *is* act Φ, even if the speaker did not intend to perform act Φ. Call this the *constitution* theory of uptake. In this chapter I consider whether this new theory should replace the standard ratification theory.

In §1 I discuss the necessity and the phenomenology of uptake, before contrasting two ways of thinking about its power; the ratification theory and the constitution theory. In §2 I offer three arguments for why, despite its intuitive pull, we should reject the constitution theory. Firstly, it is incompatible with how we ordinarily think and talk about speech. Secondly, it is conceptually incoherent. Performing an illocutionary act involves exercising one's normative powers. An unintentional illocutionary act would involve unintentionally exercising one's normative powers. Yet because exercising one's normative powers is an act of will, it cannot be unintentional. Unintentional illocutionary acts are impossible, so the fact that the uptake as constitution theory allows for their existence is a reason to reject it. Thirdly, the uptake as constitution theory has unsavoury political implications, entailing that marginalised speakers lack basic autonomy. For these theoretical and moral reasons, we should not abandon the standard ratification theory of uptake in favour of the constitution theory.

[2] This theory, in some shape or form, has been defended or endorsed by Kukla (2014), Navarro-Reyes (2010, 2014), Sbisà (2001), Langton (2018), and Tanesini (2019).

## 1. The Nature of Uptake

### 1.a The Necessity of Uptake

Outside of academia, 'uptake' usually means understanding, recognition, or acceptance. In philosophy of language, it has a more technical definition. The term was introduced by J.L. Austin in *How To Do Things With Words* (1976) to explain the role of a hearer in a successful illocutionary act.

An illocutionary act is an act performed in speaking, which constitutively enacts changes in the normative statuses of the speaker and the hearer. It is different from a locutionary act, which is the act of uttering a sentence with a 'certain sense and reference' (Austin 1976, 109), and from a perlocutionary act, which is the production of some psychological effect in one's hearer. If I utter the words 'I promise to mark your essay tomorrow', I perform a locutionary act in so far as I utter a sentence containing a meaningful proposition. I perform the perlocutionary act of reassuring you that you will get feedback on your essay soon. And I perform the illocutionary act of promising; I acquire an obligation to fulfil the promise, and my hearer acquires an entitlement to my doing what I promised to do. Other illocutionary acts include asserting, thanking, and ordering.

Austin describes the role uptake plays in illocutionary acts as follows:

> Unless a certain effect is achieved, the illocutionary act will not have been happily, successfully performed. This is not to say that the illocutionary act is the achieving of a certain effect. I cannot be said to have warned an audience unless it hears what I say and takes what I say in a certain sense. An effect must be achieved on the audience if the illocutionary act is to be carried out. How should we best put it here? And how can we limit it? Generally the effect amounts to bringing about the understanding of the meaning and of the force of the locution. So the performance of an illocutionary act involves the securing of uptake. (1976, 116–7)

Austin claims that uptake is necessary for the success of illocutionary acts. For an illocutionary act to occur, a speaker must perform an utterance and a hearer must respond to or perceive the

utterance in a particular way.[3] That uptake is necessary for illocutionary success is widely accepted by speech act theorists, but it does have detractors, most notably William Alston, who presents some purported counterexamples (2000).[4] For example, he argues that if I utter the words 'Please could you bring me a towel' and you do not hear me, it still makes sense to say that I asked you to bring me a towel (2000, 24). I agree that it would not be unnatural to say, 'I asked you to bring me a towel, but you didn't hear me', but such a sentence is probably referring to a locutionary act, not an illocutionary act. The speaker is reporting that she uttered a sentence in the imperative mood. Whether *this* act requires uptake is a separate question from whether illocutionary acts require uptake.

Some philosophers have argued that treating uptake as necessary has unsavoury ethical consequences.[5] One argument advanced is that if a woman tries to refuse sexual intercourse with her partner, but her attempted refusal does not receive uptake (either because her partner does not hear her or because he hears her but does not correctly interpret her), then she cannot be said to have refused. Thus treating uptake as necessary places too much power in her hearer's hands. I am willing to grant that the woman does not refuse. This reflects the sad reality that speakers from marginalised groups are often less able to communicate successfully. However, we should resist the temptation to conclude that this changes the permissibility of their hearers' subsequent actions. That the woman fails to successfully refuse does not entail that any subsequent sexual activity is consensual; lack of refusal is not the same as consent. The woman has not consented and is therefore wronged when her partner proceeds with sexual activity.

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[3] I assume that the hearer is also the addressee. Sometimes hearers and addressees can come apart; one can overhear a speech act addressed to someone else. Sometimes the speaker intends for non-addressees to hear the utterance, but sometimes they do not. See Goffman (1981) on these issues. I will also assume that when there are multiple hearers, they all respond to the illocutionary act in the same way. This does not always happen; sometimes some hearers might interpret an utterance as illocutionary act Φ, while others interpret it as illocutionary act Ψ. Such heterogeneous uptake presents an interesting challenge to both theories of uptake under consideration in this chapter, but I lack the space to give it proper attention here.

[4] Jerrold Katz (1977) and Gerald Gazdar (1981) have also defended the view that uptake is unnecessary for illocutionary success. On Katz's view, illocutionary force is built into the grammatical structure of sentences and activated when they are uttered in particular contexts. On Gazdar's view, all speech acts contain an explicit or implicit performative clause, like 'I say to you that it is raining', which has illocutionary force as soon as it is uttered. Strawson argues that there are some essentially conventional speech acts, like marrying and christening, which, unlike the speech acts of ordinary conversation, do not require uptake (1964, 456). In this chapter I am concerned only with ordinary speech acts, not with institutional acts like these.

[5] See Bird (2002), Jacobson (1995, 2001), Gaynesford (2011, 2017), Mikkola (2011), and McGowan et al. (2011).

Of course, whether one believes uptake is necessary depends on how one understands uptake; questions about uptake's phenomenology and power and questions about its necessity cannot be cleanly separated. Going forward, I assume simply that hearers play a necessary role in the performance of illocutionary acts. My goal is to identify the nature of that role.

### 1.b The Phenomenology of Uptake

Here are two questions we could ask about uptake: 'What is it like for the hearer?', which concerns the phenomenology of uptake, and 'What role does it play in illocutionary acts?', which concerns the power of uptake. I will address each question in turn.

Austin's definition of uptake as the hearer's 'understanding of the meaning and of the force of the locution' is not particularly illuminating. We know what he means by 'meaning', as he defines it elsewhere as a locution's 'sense and reference' (1976, 94). 'Force', meanwhile, refers to illocutionary force, i.e. the distinctive normative change constituted by the utterance. Yet Austin does not tell us in this passage what determines this force, nor what makes it detectable to the hearer. Nor is it clear what Austin means by 'understanding'.

There are two features of an utterance a hearer is likely to engage with when she provides uptake; the intention expressed by the speaker, and/or the conventionality of the utterance. Uptake is typically understood as the hearer's perception of or inference about the hearer's communicative intention. This understanding developed from the insights of Austin, Peter Strawson, H.P. Grice, and John Searle.

Strawson developed an account of uptake that synthesised Austin's insight that the hearer plays a necessary role in illocutionary acts with Grice's insight that an illocutionary act involves the expression of a communicative intention. Grice defines communicative intentions as reflexive intentions to make a hearer come to believe a certain proposition. A speaker means that p, he argues, if she has the following three intentions: she intends to make her hearer believe that p, she intends that her hearer recognise her intention to make the hearer believe that p, and she intends to produce a particular response in her hearer *by way of* the hearer's recognition of her intention to produce such a response (Grice 1957, 1968). Strawson brought Grice and Austin together by proposing that uptake consists of the hearer's recognition of the speaker's communicative intention; uptake 'involves recognizing what may be called broadly an

audience-directed intention and recognizing it as wholly overt, as intended to be recognized' (Strawson 1964, 459).

Searle embraced Strawson's synthesis of Austin and Grice, but tweaked Grice's account of communicative intention. Grice characterised a communicative intention as an intention to make a speaker *believe a particular proposition*. Searle noticed that that intending to make a hearer have a particular belief is a perlocutionary, not illocutionary, goal. A speaker's illocutionary goal is to get her hearer to understand or recognise what act she is trying to perform (Searle 1969, 47). Searle therefore proposed that communicative intentions are reflexive intentions to perform a particular illocutionary act, and uptake consists of the hearer's recognition of such an intention.

For example, to perform a promise, I must express the intentions a) to perform a promise, b) that my hearer recognise I wish to perform a promise, and c) that it is my hearer's recognition of my intention in b) that makes her recognise my intention in a). Uptake will consist in my hearer's recognition of these intentions, collectively summarised as a 'communicative intention' to promise.

Searle summarises uptake as follows:

> In the case of illocutionary acts we succeed in doing what we are trying to do by getting our audience to recognize what we are trying to do. But the 'effect' on the hearer is not a belief or a response, it consists simply in the hearer understanding the utterance of the speaker. (1969, 47)

Through these combined efforts, the standard notion of uptake was born. It was subsequently widely endorsed, including by Kent Bach and Robert Harnish (1979), Stephen Levinson (1983), Dan Sperber and Dierdre Wilson (1986), and Jennifer Hornsby (1995).

There are at least two ways of thinking about the psychology of this intention 'recognition'. It could be an event akin to the perception of high-level features in visual experience; one 'perceives' the speaker's intention. This automatic and instant recognition might be made possible by linguistic markers, like the use of performative verbs, which trigger recognition in the hearer. Or it could involve the hearer *inferring* the speaker's intention (see Bach and Harnish 1979; Sperber and Wilson 1986). These inferential processes are also likely to be reasonably reflexive and automatic, and we might not always be aware we are engaging in them. Both leave some room for error; sometimes we can perceive things that are not there,

and sometimes our inferential processes fail us. I will discuss the significance of such misinterpretation in §1.c.

Alternatively (or additionally), hearers might be sensitive to the conventionality of a speaker's utterance, i.e. whether it satisfies the conventions attendant on a particular illocutionary act type.

Many speech act theorists believe that utterances must satisfy linguistic conventions in order to constitute illocutionary acts. Austin, for example, claimed that for an illocutionary act to succeed, there must be an 'accepted conventional procedure having a certain conventional effect' which the speaker is utilising correctly (1976, 14–15). Following Searle's reading of Austin, we can divide the conventions governing illocutionary types into necessary and regulative conditions (Searle 1969, 57–61). If an attempted illocutionary act does not satisfy a necessary felicity condition, it fails. If an attempted illocutionary act does not satisfy a regulative condition, it will not fail, but rather will be defective or non-ideal. Henceforth when I refer to speech act 'conventions', or 'felicity conditions', I have in mind only the *necessary* rules governing illocutionary acts.[6]

On a conventionalist understanding of uptake, uptake consists in the hearer 'recognising' that an utterance satisfies a set of felicity conditions governing a particular illocutionary act. This might seem to involve circularity. If felicity conditions are necessary conditions for illocutionary success, and uptake is necessary for illocutionary success, then uptake is itself a felicity condition.[7] And since uptake is the hearer's recognition that the utterance satisfies a set of felicity conditions, uptake must therefore recognise itself.

We can overcome this problem by distinguishing between first order and second order felicity conditions. First-order felicity conditions concern the context, the hearer (excluding her uptake), and the speaker. For an illocutionary act of type Φ to succeed, it must satisfy the first-order felicity conditions governing acts of type Φ. The hearer's provision of uptake could be a second-order felicity condition, consisting of the hearer's recognition that the utterance

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[6] The nature of conventions is contested. I use here Searle's adaption of Austin's speech act force conventions (1969). For an influential account of linguistic conventions (semantic and pragmatic), see Lewis (1969). Marina Sbisà has argued that for Austin, speech acts are actually conventional in two senses; they are governed by constitutive and regulative conventions, but they also have conventional effects, committing the speaker to a particular course of action and assigning deontic statuses to relevant agents in a conventional way (2009).

[7] Austin and Searle do not explicitly characterise uptake as a felicity condition, but Austin does refer to lack of uptake as 'a sort of infelicity of misunderstanding' (1976, 22).

satisfies all (or most) first-order felicity conditions.[8] As with intention recognition, convention recognition could be a form of perception or an inferential process.[9]

The intentionalist view of uptake and the conventionalist view of uptake are not necessarily incompatible. On most accounts of illocutionary acts, the speaker's expression of a communicative intention is itself a felicity condition, or convention, that must be satisfied for an utterance to be a particular kind of illocutionary act. So uptake qua recognition of communicative intention is just recognition of one particular conventional feature of the utterance.

That said, speaker intention does seem to be the feature of an utterance to which hearers are *most* attuned, as indicated by our comfortability with unconventional speech acts, malapropisms, and ambiguous speech. Going forward I will assume that uptake typically involves perceiving or inferring a speaker's intention, combined with some awareness of the other felicity conditions the act satisfies. Indeed, our awareness of the conventionality of an utterance can help us identify the speaker's communicative intention. But on the standard theory of uptake as ratification (discussed in the next section), it suffices for the provision of uptake that the hearer recognise the speaker's communicative intention.

### 1.c The Power of Uptake

On the standard theory of uptake, the hearer's power is limited to either ratifying the speaker's attempted illocutionary act or failing to ratify it. The potential illocutionary force of an utterance is predetermined by the speaker when she expresses a communicative intention in accordance with conventions. She determines the illocutionary act her utterance *could* be, and the hearer determines *whether* that illocutionary act succeeds. If the hearer recognises the

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[8] Searle takes uptake to consist of recognition of the speaker's communicative intention, and he considers the speaker's expression of this communicative intention to be a felicity condition; 'the speaker S intends to produce an illocutionary effect IE in the hearer H by means of getting H to recognize S's intention to produce IE' (1969, 47). Uptake for him, then, consists of the hearer's recognition of the utterance's satisfaction of one particular felicity condition.

[9] This makes way for third order conditions, like the speaker's recognition that uptake has been secured. This might not be necessary for illocutionary success, but it could be necessary for the illocutionary act to play a part in the speaker's own practical reasoning. I might need to know whether I have received uptake before I can follow through with certain subsequent steps.

speaker's communicative intention, the act succeeds. If she does not recognise it, the act fails and no illocutionary act is performed. Call this the *ratification* theory of uptake.

I turn now to a newer, more radical view of uptake's power, which I call the *constitution* theory of uptake. According to this theory, the hearer's response could make an utterance constitute an illocutionary act the speaker did not intend to perform. I.e. the speaker does not fully determine the potential illocutionary force of her act, and uptake constitutes, i.e. constructs, the illocutionary force of the act rather than merely ratifying it. The hearer's behaviour can determine not only *whether* an act is performed, but also *which* act is performed.

Quill R Kukla, writing as Rebecca Kukla, defends this theory. To show that hearers can do more than just render speech acts successes or failures, they introduce the following scenario.

> [I]f I ask my dinner companion, "Do you think we should get married?," this speech act might constitute a marriage proposal, the start of a conversation about the future, a request for an opinion, or a joke. Which it is depends partly upon the social context and input: are we a functioning couple? Is this the right kind of setting for a proposal? What was the rest of the conversation about? But it is also partly dependent upon the uptake: if my companion laughs in my face, or takes me unexpectedly seriously and gives me a definitive answer of a certain sort then I might learn on the spot what sort of speech act I actually produced, and the answer might surprise me. (2014, 443)

According to the uptake as ratification theory, if a speaker intended to propose, but her hearer interpreted her as making a joke, she failed to perform an illocutionary act at all. Her utterance could only ever have been a proposal or a failed proposal. Yet according to Kukla, the hearer's interpretation determines *which* illocutionary act is performed. Even if the speaker intended to propose, she could end up making a joke, if her hearer interprets her as making a joke.

Kukla claims that 'there is probably no principled or sharp line between a speech act receiving mistaken uptake and a speech act being constituted, perhaps in unexpected ways, by its uptake' (2014, 443). Thus speech acts are not always intentional. Indeed, Kukla explicitly denies that a speaker's intention predetermines the potential force of her utterance:

> Intentions in speaking are part of the story that gives a speech act the performative force it has, but they are not privileged or definitive; the speaker may only discover, in how her utterance is taken up, what sort of speech act it really was. (2014, 444)

Kukla also denies that the conventionality of an utterance predetermines its force. They allow that often, if an utterance satisfies all the conventions for a particular speech act, and is recognised as that act by the hearer, it will constitute that act. Yet they deny that this always happens; sometimes other factors, like the speaker's identity and the context, '[throw] this process off the rails' (2014, 445). Thus the conventionality of an utterance, they argue, does not wholly determine its force.

For Kukla the normative force of an act wholly determines which kind of speech act it is; speech acts have force 'only in virtue of the concrete social difference that they make, or how they are taken up in practice' (2014, 443). Kukla is drawing on the theory of language they developed with Mark Lance, building on Robert Brandom, according to which speech acts are material performances 'constitutive of changes in normative status among various members of a discursive community' (Kukla and Lance 2009, 12). Different speech acts are individuated by their normative outputs.[10] Orders, for example, change the normative status of the person ordered, such that she acquires an obligation to do something.

Earlier I introduced two questions we can ask of uptake; what is it like for the hearer, and what can it do? Kukla's theory offers a novel answer to the second question, but it is less clear how they would answer the first question, about uptake's phenomenology. They claim that uptake involves 'others' enacted recognition of [a speech act's] impact on social space' (2014, 444). That Kukla uses 'recognition' to describe uptake indicates that they think it does have a mental component, even if that is not its only component, and even if that recognition is not 'a separable moment of passive recognition' (ibid.).

This chapter is not about Kukla's specific theory of uptake, but rather about the more general idea (which Kukla endorses) that uptake involves constitution rather than ratification. Going forward, I will assume that the phenomenology of uptake is the same regardless of whether it involves ratification or constitution; it always involves perceiving or inferring a speaker's intention. I do not attribute this view to Kukla specifically. Sometimes these perceptual or inferential processes go awry, and the two theories of uptake disagree about whether a mistaken

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[10] Kukla rejects the perlocutionary/illocutionary distinction, which is why they speak of 'speech acts' and not 'illocutionary acts'. In §2.b I show that we must maintain this distinction otherwise we fail to grasp what is distinctive about speech vis-à-vis other actions.

perception/inference about a speaker's intention can render that speaker's utterance a different illocutionary act from the one she intended to perform.[11]

An advantage of the uptake as constitution theory is its ability to account for how biases shape communication. Kukla demonstrates this using the following example. Celia is a floor manager in a factory and she has the institutional authority to give workers orders. Yet when she attempts to do so, her workers interpret her utterances as requests, because 'they are deeply unaccustomed to taking women as authorities in the male-dominated space of the workplace' (2014, 446). The workers know that Celia has institutional authority over them, but they do not interpret her remarks as exercises of that authority; her body marks her out to them as someone who is 'not an ordering authority in this context' (ibid.). Orders generate obligations, but requests leave the requested party free to grant or refuse them. Kukla argues that regardless of Celia's intention, because Celia's workers respond to her utterance as if it were a request, i.e. they take themselves to be free to refuse it, her utterance *was* a request. An utterance which has the normative output of a request is a request.

Kukla thinks that by abandoning the standard picture of uptake, we can isolate an unacknowledged form of silencing. Feminist philosophers working in Austinian frameworks have already observed that marginalised agents can be locutionarily silenced, i.e. blocked from speaking at all; perlocutionarily silenced, i.e. prevented from producing certain psychological effects with their speech; and illocutionarily silenced, i.e. prevented from performing illocutionary acts.[12] Kukla argues that silencing can go beyond this; speakers can be silenced when they end up performing speech acts which are different from the acts they intended to perform. They argue that this distortion of speech is more likely to happen to speakers who are already socially disadvantaged (2014, 440).

There are strong and weak versions of the constitution theory. On the strong version, hearers can transform the speaker's utterance into any illocutionary act, regardless of whether the

[11] We could parse the difference between the two theories slightly differently. We could grant that for either theory, uptake by definition involves accurately identifying the speaker's intention. However, we could hold that for the uptake as ratification theory, uptake is necessary for an utterance to be an illocutionary act, while for the uptake as constitution theory, it is merely sufficient. On the latter theory, if a hearer interprets the speaker differently from how she intended, there has been no 'uptake', technically speaking, but the speaker's interpretation itself could also be sufficient to make the utterance count as an illocutionary act (just not the one the speaker intended). Because this way of looking at things involves postulating two different kinds of uptake which are phenomenologically identical but differ in their factivity, I favour the simpler, more parsimonious way of framing the issue as a question of what uptake (understood univocally) can do.
[12] Langton (2009, chap. 1), Hornsby (1993), and Langton and Hornsby (1998).

speaker's utterance satisfied the relevant conventions. For example, imagine a speaker says, 'Hello', with the intention to greet her hearer. If her hearer interprets the speaker as intending to perform a declaration of war, the speaker could end up declaring war.

On this strong version, which Kukla seems to endorse, the act the speaker ends up performing need not resemble the act she intended to perform. Recall the example of 'Do you think we should get married?'; Kukla thinks this utterance could become a marriage proposal, the start of a conversation, a request for an opinion, or a joke (2014, 443). Proposing, starting a conversation, requesting, and joking are structurally very different and have very different felicity conditions. Indeed, Kukla admits that often speakers cannot 'marshal standard conventions in the standard way' and a speech act can be performed 'with an unconventional output, given its input' (2014, 445).

This strong version of the constitution theory looks like Humpty-Dumptyism in reverse. While Humpty Dumpty declares that 'When I use a word, it means just what I choose it to mean' (Caroll 1872, 124), the hearer on this strong version might declare, 'When *you* perform a speech act, it is just what *I* choose it to be'.[13] This is not how we ordinarily understand communication, and it has worrying moral implications, since speakers could end up unintentionally performing speech acts which harm them in profound ways. For example, attempted acts of sexual refusal could be rendered acts of consent.

Presumably the hearer's interpretation is constrained by rationality and conventions, just as the speaker's intention is constrained on the uptake as ratification theory. A rational speaker cannot intend to do what she believes to be impossible; she acts roughly in conformity with linguistic conventions (see Dummett 1986) and forms her intentions with the reasonable expectation that they will be understood (see Davidson 1986). The equivalent should be true of hearers. A rational hearer could not interpret an utterance as being a particular illocutionary act if it did not appear to meet any of the felicity conditions for that act, nor if her interpreting it as such would be inconsistent with what she knows about the speaker and the context.

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[13] One might counter that 'Humpty-Dumptyism in reverse' is in fact what Alice is defending in the first place, given she argues that Humpty cannot help but refer to glory when saying 'glory', no matter what he intends. However, Alice is not arguing that it is her own understanding of the word 'glory' which determines what Humpty-Dumpty means, but rather the existence of linguistic conventions governing the meaning of the word. Alice's view, then, is neither Humpty-Dumptyism nor Humpty-Dumptyism in reverse, but rather a conventionalist position in between the two.

The weak version of the constitution theory could address these worries. This version holds that the hearer's interpretation is bound by rationality and conventions. She can make it the case that a speaker performed an act she did not intend to perform, but the act the speaker ultimately performs must be sufficiently similar to the act she intended to perform. An attempted greeting cannot become a declaration of war, but an attempted order could become a request.

Rae Langton suggests that unintentional illocutionary acts can occur when a speaker attempts to perform an act with a 'hearer-dependent' felicity condition (2018a, 151, fn.44). In one sense, all illocutionary acts have a hearer-dependent felicity condition; the hearer's provision of uptake, whatever that may be. Yet the securing of uptake is, as I suggested in §1.b, a second-order felicity condition, and Langton is interested here in the hearer-dependence of some first-order felicity conditions. The best examples of these are authority conditions. For example, to perform an order, one's hearer must judge one to have a sufficient level of practical authority. Hearer-dependent felicity conditions like this can be satisfiable to different degrees, and because of this a 'hearer may weaken what would have been an order into a mere request, if an order requires a certain hearer-dependent felicity condition' (ibid.).[14]

For this theory to work, there must exist classes of speech acts with the following characteristics. They share all or most of their felicity conditions, and have a similar normative force, which varies among the acts in strength rather than in kind. One of the felicity conditions the acts have in common is a) hearer-dependent and b) satisfiable to varying degrees.[15] The extent to which this felicity condition is satisfied will determine the strength of the act's normative force and therefore which act among the class is actually performed. Exercitives, for example, have similar felicity conditions and all seem to generate some kind of reason or obligation for the hearer to do something. But depending on the practical authority ascribed to the speaker by the hearer, the obligation the speaker generates may be stronger (as in the case of a command) or weaker (as in the case of a request).[16]

Kukla presumably would not accept the existence of such speech act classes. In previous work with Lance, they argue that a request is not just a weak order, but rather has a distinctive

[14] Alessandra Tanesini endorses a similar view (2019, 754).

[15] For more on felicity conditions which can be satisfied by degrees, see Sbisà (2001).

[16] Verdictive speech acts might form a similar class, in so far as they all involve offering some kind of appraisal or verdict, and they all generate a reason for others to accept that verdict, but the strength of the reason will vary depending on how much epistemic authority is attributed to the speaker.

pragmatic structure and generates distinctive kinds of reasons (Lance and Kukla 2013). They would reject the thought that Celia performs a request and not an order merely because her hearers supplied her with enough authority for a request but not enough for an order. For them, requests and orders do not have sufficiently similar felicity conditions such that which one is performed could be determined solely by the degree of authority the hearer assigns to the speaker.

Langton, who endorses the weak version of the uptake as constitution theory, says little about what the hearer must believe about the speaker's intentions. She requires that the hearer make a particular kind of judgement (conscious or not) about the speaker's authority (or some other felicity condition), but she does not say anything about what the hearer must believe about the act the speaker intended to perform. In cases where the hearer affords the speaker less authority than required to perform her intended order, presumably the hearer must also believe that the act in question is a request and not an order, i.e. her belief about the intention of the speaker must match the act the speaker ultimately performs (even if it is not the one the speaker intended to perform). It is implausible that there could be situations where the speaker believed she was performing an order, the hearer believed the speaker was performing an order, but the speaker was in fact performing a request. Speech acts are after all social constructs; their existence is at least partially constituted by our beliefs about them.

The weak version of the uptake as constitution theory requires more fleshing out than I can offer here, but it strikes me as more plausible than the strong version. In accordance with our intuitions, it grants the speaker at least some authority over what she does; she cannot completely predetermine the nature of the speech act she performs, but she can at least roughly determine its shape. Moreover, the idea that illocutionary force is a matter of degree is already widely accepted in the linguistic literature on reinforcement and mitigation.[17]

That said, the uptake as constitution theory, even in this weak form, should not be adopted. In the next section I offer three objections which apply to both forms of the uptake as constitution theory, strong and weak.

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[17] See Holmes (1984); Bazzanella, Caffi, and Sbisà (1990); and Thaler (2012).

## 2. Objections to Uptake as Constitution

### 2.a Lack of Correspondence

Before we can decide which theory of uptake to adopt, we must first decide on the criteria to use when evaluating theories of speech. We must ask ourselves what speech act theory is, and what we want it to be. I propose that our theories of speech should be compatible with our everyday intuitions about speech, our moral intuitions about normative power, and our political intuitions about autonomy. I will now show that the uptake as constitution theory fails on all three counts.

Following Gilbert Ryle, we should understand one of the tasks of a philosopher as analogous to the task of a cartographer. A cartographer mapping a village must translate the locals' knowledge of 'every house, field, stream, road and pathway' into 'universal cartographical terms' (1971, 440–1). Her map is compatible with local knowledge, but presents it in impersonal terms and situates it in a broader context. Similarly, the philosopher abstracts from and universalises our everyday concepts and explains how they relate to other phenomena. Speech act theorists should produce theories which reflect how we think and talk about *speech* in particular. They must shed light on the nature of communication and its relation to other phenomena, without undermining intuitions or mystifying everyday practices.

To see how the two theories of uptake fare against this ideal, we should ascertain ordinary people's intuitions about cases like Celia the manager. Defenders of the uptake as constitution theory might think this test is already in their favour. After all, Celia's employees are ordinary people, and they think she performed a request. The uptake as constitution theory can therefore claim that it reflects ordinary intuitions better than the uptake as ratification theory. Yet this is not the correct way to employ the test. The workers are missing some important information; they do not know Celia's intentions. They likely believe she intended to make a request, when in reality she intended to make an order. To ascertain their intuitions about the role of uptake in this scenario, we must describe the whole scenario to them, including the speaker's intention.

It is unlikely that, once informed that Celia intended to give an order and not make a request, the workers would maintain that she made a request. Instead, they would give a reason for why they *misinterpreted* her as making a request. A worker previously unaware of his unconscious biases might confess that he was not used to women giving him orders, so made an automatic

and erroneous assumption about Celia's intentions. An openly sexist worker might confess to the following reasoning process: 'Celia sounds like she is giving me an order, but as a woman she does not have a right to boss me around and she must know that, so she must actually be trying to make a request'. After receiving new information, neither worker is likely to maintain that Celia performed a request. They would instead adjust their verdict and claim that Celia tried to perform an order but failed, either because of misinterpretation or because she attempted the impossible.

When we know a speaker's intentions, it is highly unlikely that we will believe that she performed an illocutionary act other than the one she intended to perform, even if we know that an important felicity condition was not satisfied. Admittedly, we often disagree with speakers about certain *properties* of their speech acts. For example, a hearer and a speaker might disagree about whether the speaker's comment was racist. Yet presuming we trust the speaker not to lie and we believe that she is a rational communicator (i.e. not a Humpty Dumpty), we do normally treat her professed intentions as determining the potential illocutionary force of her speech, even if she was not successful.

That ordinary people have intentionalist intuitions about illocutionary force does not directly entail that the uptake as constitution theory is false. Both theories of uptake can accommodate the fact that hearers attempt to detect or deduce speakers' intentions. The uptake as constitution theory simply holds that our intuitions about what determines force can be at odds with reality. I.e. even though we tend to assume that intention determines potential illocutionary force, sometimes it does not. However, if we are taking seriously the thought that the task of speech act theorists is to map reality and take seriously ordinary speakers' intuitions, then we should prefer the theory of uptake that does not entail that our intuitions about speech are at odds with reality.

### 2.b Normative incoherence

Another reason to reject the constitution theory of uptake is the fact that it entails a conceptual impossibility; that we can perform unintentional illocutionary acts. Unintentional illocutionary acts would involve unintentional exercises of normative powers. Yet it is impossible to unintentionally exercise a normative power. So there cannot be unintentional illocutionary acts. I state the argument in full below, and I will defend each premise in turn.

P1: To perform an illocutionary act is to exercise a normative power.

P2: To perform an unintentional illocutionary act is to unintentionally exercise a normative power.

P3: Normative powers cannot be exercised unintentionally.

C: One cannot perform an unintentional illocutionary act.

### 2.b.i Defending P1: To perform an illocutionary act is to exercise a normative power

When one performs an illocutionary act, one changes the normative situations of oneself and one's hearer by creating obligations and entitlements. When I perform a promise, for example, I create for myself an obligation to fulfil that promise, and my hearer acquires an entitlement to my doing what I promised to do. When I make an assertion, I commit myself to the truth of the proposition I assert. Illocutionary acts, then, seem to involve the exercising of *normative powers*.[18]

We can create obligations and entitlements in a variety of ways. For example, if I tread on your foot, I acquire an obligation to apologise. This does not mean that by treading on your foot, I exercised my normative powers. To exercise a normative power is to bring about a change in the normative situation in a specific way; in exercising my normative powers, I *constitutively* enact normative changes. Or as Joseph Raz puts it, exercising a normative power affects the normative situation 'normatively and not causally' (1972, 94). When I promise you I will pay you back, it is precisely in performing the act of promising that I acquire an obligation to pay you back. Acquiring that obligation is part of what it means to promise someone. In contrast, acquiring an obligation to apologise is not part of what it means to tread on someone's foot.

Nor does promising simply reinforce or reiterate general obligations that I would have had regardless of whether I made the promise. If you had given me some money as a gift and told me I did not have to pay you back, then I had no obligation to pay you back. It is only by promising that I acquire that obligation. It is because I chose to make a promise that I acquired

[18] Joseph Raz first introduced the idea of normative powers to moral and political philosophy (1972, 1977, 1979).

the obligation. By promising, I exercised my normative powers, thereby changing the normative situation by means of my communication.[19]

Even if they do not mention normative powers specifically, most speech act theorists believe that illocutionary acts constitutively enact normative changes, and this enactment seems to require the exercising of normative powers. For example, Kukla and Lance define speech acts as follows:

> [W]e loosely follow Brandom in understanding speech acts as performances constitutive of changes in normative status among various members of a discursive community. Thus, for instance, to assert that P involves undertaking a commitment to P, taking up the role of one at whom challenges of P may be directed, etc. (2009, 12)

Recall that to exercise a normative power is to constitutively alter a normative situation; Kukla and Lance describe speech acts in similar terms. Similarly, Searle claims that 'just about every' speech act involves taking on commitments:

> Just about every speech act involves a commitment of some kind or other. The famous examples are speech acts like promising, where the speaker is committed to carrying out a future course of action, but asserting commits the speaker to the truth of the proposition asserted, and orders commit the speaker to the belief that the person to whom he or she gives the order is able to do it, to the desire that he or she should do it, and to permitting the hearer to do it. In short, what people have thought of as the distinctive element of promising, actually pervades just about all speech acts. (2001, 147)

Key to these theories is the thought that when we perform an illocutionary act we constitutively take on and assign to others normative statuses. The change in normative statuses is not an effect of the illocutionary act but rather constitutive of it.

[19] Philosophers have offered different accounts of why normative powers exist. Raz argues that each normative power exists because it has a specific justification; 'it is the nature of the reasons justifying the norm [e.g., the obligation created by a promise] which determines whether acts affecting its existence or application are power exercising acts' (1972, 95). That I acquire an obligation to pay you back by promising to do so has nothing to do with the specific desirability of my paying you back and everything to do with the justified general norm that promises should be kept. It matters little for my argument why normative powers exist, but I do require readers to accept *that* they exist. Bootstrapping obligations into existence can seem a bit spooky; Hume thought it to be 'one of the most mysterious and incomprehensible operations that can possibly be imagined' (1978, 524). Yet it seems intuitively obvious that by making a promise, we create an obligation. If readers accept this, but deny the existence of normative powers, it falls on them to explain the source of this obligation.

There have been several analyses of particular illocutionary acts in terms of normative powers, especially promising (Raz 1977; Watson 2004; Shiffrin 2008) and consenting (Shiffrin 2008; Dougherty 2015; Enoch 2017). Though assertion has not been defined as an exercise of normative powers, specifically, it is frequently defined in terms of the rights and obligations it constitutively creates, and thus could be appropriately modelled as an exercise of normative power (Brandom 1983, 2000; MacFarlane 2011).

Readers might protest that we cannot generalise from the claim that some illocutionary acts involve the exercising of normative powers to the claim that all illocutionary acts involve the exercising of normative powers. Maybe there are simply some illocutionary acts, like promising and consenting, which involve exercising normative powers, and some illocutionary acts which do not. For example, we might think that only illocutionary acts with a world-to-word fit require a speaker to exercise normative powers, since these involve a speaker attempting to change the world with her speech, rather than simply describing it.

Yet all illocutionary acts involve an element of address (however implicit), and addressing another person in speech, regardless of which act one performs, is an inherently normative act which requires exercising a normative power. To perform an illocutionary act is to take up a second-person standpoint, which Stephen Darwall defines as 'the perspective you and I take up when we make and acknowledge claims on one another's conduct and will' (2006, 3). When I speak to you, I assert myself as a person who is able to give reasons, and I engage with you as a person who is capable of taking on reasons. I call on you to recognise me as having the basic normative powers required to give you reasons.

This is true regardless of the nature of the speech act I perform; when I command you, I attempt to give you a very strong reason to do something (an obligation), but even when I make mere assertions I attempt to give you a reason to believe something, where that reason is agent-relative; I want you to believe the proposition because I have told it to you. If I wanted you to have an agent-neutral reason to believe it, I could have just pointed at some evidence and let you reach your own conclusion. When one performs an illocutionary act, one exercises a normative power to give others reasons. Some illocutionary acts involve more normative powers than this, but all involve, at a minimum, exercising this basic power.

How does the claim that illocutionary acts are exercises of normative powers cohere with the claim that to perform an illocutionary act is to express a communicative intention using a convention? I propose that conventions *enable* us to exercise our normative powers. To

perform an illocutionary act is to exercise a normative power *by* means of a convention. Exercises of normative powers must be public; i.e. to constitutively change one's own normative status and one's hearer's normative status by speaking, it must be clear to the hearer exactly what you are doing. Illocutionary act conventions, qua solutions to communicative co-ordination problems (see Lewis 1969), facilitate this publicity and eliminate moral indeterminacy (see also Dougherty 2016). They do not bring the normative powers into existence but rather make possible their being exercised in a fine-grained way.

**2.b.ii Defending P2: To perform an unintentional illocutionary act is to unintentionally exercise a normative power.**

P1 held that an illocutionary act is an exercise of normative powers. P2 largely follows from this; it holds that the performance of an unintentional illocutionary act would involve an unintentional exercise of normative powers. One need not accept the possibility of unintentional illocutionary acts to accept this premise; rather, one must accept that if such acts *were* possible, they would involve the unintentional exercise of normative powers.

When I speak of an 'unintentional illocutionary act' I have in mind a speaker performing an utterance with the intention that it generate a particular illocutionary act Φ (like an order), where that utterance actually generates illocutionary act Ψ (like a request).[20] The illocutionary act the speaker in fact performs is not the act she intended to perform.[21]

Each illocutionary act involves either the exercising of a different normative power or the exercising of a normative power in a unique way.[22] If I intend to perform act Φ, but actually perform act Ψ, then either I have exercised a different normative power from the power I

[20] I borrow the notion of act generation from Alvin Goldman (1970).

[21] This 'unintentional' illocutionary act therefore involves some intentional action. I can conceive of at least three other kinds of unintentional illocutionary acts, which I do not consider here. First, deliberately open-ended illocutionary acts – a speaker intentionally performs an utterance, and intends that this utterance generate an illocutionary act, but lacks a specific intention as to which illocutionary act in particular it will generate. (This may in fact be the best way to conceive of Kukla's 'Do you think we should get married?' example, but it is definitely not the right way to conceive of Celia's request.) Second, inadvertent illocutionary acts – a speaker performs an intentional action which was not intended to be a speech act, but it nonetheless receives some kind of uptake. For example, a person could intentionally perform the act of singing to herself while not intending that this action be an illocutionary act, but nonetheless be interpreted by a hearer as performing an illocutionary act. Third, non-intentional illocutionary acts – a speaker unintentionally produces sounds (perhaps the vocal tics of Tourettes, or sleep-talk) and receives uptake.

[22] If this were not the case, it would be hard to see what differentiates illocutionary types.

intended to exercise, or I have exercised my normative power in a different way from how I intended. I did intend to exercise my normative powers in *some* way, and this intention was actualised, but I did not intend to exercise them in this *particular* way.

Here is an analogy. Imagine I possess 'musical powers', in that I can play the piano. I can exercise those powers in different ways (or exercise different musical powers, depending on how one looks at it), in so far as I can play different pieces. I sit down at the piano and attempt to perform Beethoven's *Piano Sonata No. 8 in C minor*. If it were possible to perform unintentional 'music acts' in the same way the constitution theory thinks it possible to perform unintentional illocutionary acts, then if, despite my intentions, my hearer interprets me as performing Bach's *Partita no. 2 in C minor*, they therefore make it the case that I performed Bach's *Partita no. 2 in C minor*.[23] If this happens, it is fair to say that despite my intention to exercise my musical powers in one way, I actually exercised them in a different way; my particular exercise of them was unintentional.

**2.b.iii Defending P3: Normative powers cannot be exercised unintentionally.**

There is a common thread in accounts of normative powers. Gary Watson defines normative powers as 'powers to create or rescind practical requirements *at will* (2009, 155). Ruth Chang defines a normative power as 'the power to confer reason-giving force on something through an *act of will*' (2013a). For Seana Shiffrin, exercises of normative power involve 'the generation of morally significant relations merely through the expression of *the will* to do so' (2008, 500). For David Owens, in exercising such a power, 'I change what someone is obliged to do by *intentionally communicating* the intention of hereby so doing' (2012, 4), and for Victor Tadros, 'Y has a normative power over X when Y can directly *intentionally* alter X's rights and duties' (2016, 205). Though he is a little more tentative, Raz makes a similar statement: 'I am not contesting that many, perhaps all, exercises of normative powers are binding only if they express *the will* of the power-holder' (2019, 11).

The italics in the above quotations are my own, and they point to the common thread; the thought that exercises of normative powers are intentional. Though these philosophers disagree about the precise contours of normative powers, they all agree that to exercise one's normative

[23] The two pieces are famously similar, so the example works for both strong and weak versions of the uptake as constitution theory.

powers is to perform an intentional act. When we perform an illocutionary act, we create obligations/commitments/reasons (depending on one's preferred conceptual apparatus) for ourselves through an act of will. Exercises of normative power are not merely typically intentional; they are necessarily intentional. It is because an exercise of normative powers is an act of will that it enacts normative changes in the first place; 'your willing is the *source* of your reason's normativity' (Chang 2013a, 75).[24]

To see why this is so, we should reflect on why we need the notion of normative powers. Our obligations and entitlements could come from many places. They could be simply given to us, either by external normative facts and laws, if we are externalists, or by our passive non-cognitive states, if we are internalists.[25] Yet this does not fully capture the texture of our moral lives; sometimes we *choose* to create reasons, obligations, and entitlements for ourselves, i.e. to bring new normative statuses into being. For example, by making a promise, I choose to create new obligations for myself. My possession of normative powers explains why this is possible, but only if exercises of normative powers are by definition intentional. If normative powers could be exercised unintentionally, then the distinction between obligations given to us and obligations created by us would collapse. The notion of normative powers draws attention to the fact that we have power over normativity; if a normative power can be exercised unintentionally, it is not a power at all, because the concept of power contains within it the notion of control. For the notion of normative powers to shed light on our moral lives, it must be that to exercise such powers is by definition to perform an intentional act.

Having now defended P1, P2, and P3, I can show why the uptake as constitution theory fails. Illocutionary acts, as acts which constitutively alter the normative situation of the speaker and hearer, are exercises of normative powers (P1). Because illocutionary acts and exercises of normative powers stand in this constitutive relationship, to intentionally perform an illocutionary act is to intentionally exercise one's normative powers, and to unintentionally perform an illocutionary act would be to unintentionally exercise one's normative powers (P2). However, one cannot unintentionally exercise one's normative powers, because exercising one's normative powers is, by definition, an act of will (P3). Thus one cannot unintentionally perform illocutionary acts (C). The uptake as constitution theory, because it entails that one

[24] One can accept that willing is a ground of normativity without also accepting that willing is the only ground of normativity. For a defence of a 'hybrid' model of normativity, according to which willing grounds some but not all of practical normativity, see Chang (2009, 2013a, 2013b).

[25] On the different potential sources of normativity, see Korsgaard (1996) and Chang (2009).

can perform unintentional illocutionary acts, therefore entails an impossibility and should be rejected.

This might seem like question-begging against the uptake as constitution theory, if I am simply taking it for granted that illocutionary acts cannot be unintentional. However, the argument I pursue in this section does not immediately assume the falsity of this claim. Rather, I start with a claim both sides could accept; that illocutionary acts constitutively enact normative changes. I have sought to show that the only way of making sense of this is to parse illocutionary acts as exercises of normative powers. Yet normative powers can only ever be exercised intentionally, by definition. One cannot therefore accept both that illocutionary acts constitutively enact normative changes *and* that they can be unintentional.

### 2.c Political Implications

I will now mount one final objection against the uptake as constitution theory; it has unsavoury moral and political implications which constitute a pro tanto reason not to adopt it.

Being able to perform illocutionary acts by exercising our normative powers is part of what it means to be autonomous, i.e. morally self-legislating. The ability to perform acts like consenting and promising comes, as Shiffrin puts it, 'part and parcel with any plausible conception of an autonomous agent' (2008, 500). Heidi Hurd puts the point as follows:

> To have the ability to create and dispel rights and duties is what it means to be an autonomous moral agent. To respect persons as autonomous is to recognize them as the givers and takers of rights and duties. It is to conceive of them as very powerful moral magicians. The capacity for autonomy is the capacity for self-legislation. (1996, 124)

In a discussion of consent, and building on work by Alan Wertheimer (2003), Tom Dougherty distinguishes between positive and negative autonomy (2018). Negative autonomy is 'the capacity to ensure that one is not validly consenting', while positive autonomy is 'the capacity to ensure that one is validly consenting', i.e. the ability 'to ensure that one is consenting when one intends to be consenting' (2018, 417). Dougherty uses these notions of autonomy to compare and contrast different accounts of consent, and doing so he shows that when choosing a theory of consent, philosophers also take a stance on the extent of our autonomy.

We can use a similar strategy to compare the two theories of uptake under consideration. I propose (adapting Dougherty) that there are two kinds of autonomy related to the performance of illocutionary acts:

> **Positive speaker autonomy**: the capacity to ensure that one is performing the illocutionary act one intends to perform

> **Negative speaker autonomy**: the capacity to ensure that one is not performing an illocutionary act

Our positive speaker autonomy is undermined when we are prevented from performing the illocutionary acts we want to perform. Both the uptake as ratification theory and the uptake as constitution theory entail that agents can lack such autonomy. This is because both make speakers' illocutionary success hostage to luck, due to the necessity of hearer uptake. For example, both can accommodate the thought that sometimes women fail to perform acts of sexual refusal, due to their hearers failing to register their attempted refusals.

Earlier I noted that some philosophers reject the necessity of uptake. Some, like Alston, do so because they believe it makes sense to talk of someone performing an illocutionary act without being heard. Others couch their argument explicitly in terms of autonomy. Alexander Bird, for example, argues that it is precisely because sexual refusal is 'an act through which a woman asserts her autonomy in an area where a person's autonomy is of greatest value' that whether a woman refuses should not depend on whether she receives uptake (2002, 5). Bird seems to be appealing here to a kind of positive speaker autonomy.

That the necessity of uptake entails that speakers lack such autonomy is not cause for concern; it clearly reflects reality. It is obvious that many agents are frequently prevented from performing actions they intend to perform. Indeed, one of the main motivations for emancipatory movements like feminism and anti-racism is to point out the ways in which certain groups lack positive autonomy, and to develop strategies for increasing that autonomy. If we embraced a theory of speech or action which entailed that everyone had full positive autonomy, we would struggle to explain why emancipatory movements still exist.

Let us turn now to negative autonomy. An agent lacks negative speaker autonomy when she cannot ensure that she is not performing illocutionary acts. The uptake as constitution theory entails that agents can lack this autonomy. It allows that sometimes, even if a speaker does not want to perform act Ψ and even if she has strong stakes in not performing it, she can end up

unintentionally performing act Ψ. It therefore endangers speakers' positive and negative autonomy, while the uptake as ratification theory endangers only agents' positive autonomy.

Performing actions unintentionally does not always undermine our autonomy. If my action of criticising your theory also generates the action of offending you, even though I did not intend to offend you, there is no obvious sense in which my autonomy has been undermined. However, performing *illocutionary* acts unintentionally would undermine our autonomy, because such acts involve creating obligations and entitlements for oneself, and constitutively altering one's normative relationships with others. If another person can, on my behalf, create rights and duties for me, 'in my name', which I did not intend to acquire, then I am not a self-legislator.

Advocates of the uptake as constitution theory might be happy with this. Indeed, one of Kukla's goals is to show that marginalised speakers are more lacking in agency and autonomy than typically thought. They take their theory to be explaining a recognisable phenomenon of disempowerment rather than producing a quirky result, offering an explanation of why some speakers seem to lack 'social agency' and suffer a 'special sort of incapacity' (2014, 440–1).

However, despite its advocates' intention to draw attention to the plight of disempowered agents, the uptake as constitution theory risks harming those agents. Theories have political consequences. Many feminist philosophers have argued that our definition of autonomy should not entail that historically oppressed groups are denied the benefits that come with being regarded as autonomous. Lorraine Code, for example, argues that traditional definitions of autonomy as independent self-sufficiency have excluded women, such that women's 'politically constructed and enforced lack of autonomy' ultimately 'excludes them from full moral agency, rendering them dependent and subject to paternalistic control' (1991, 73).

The uptake as constitution theory has similar consequences. In a society without prejudice or oppression, it might entail that all speakers are equally lacking in negative autonomy. But we do not live in such a society. Feminist philosophers have already shown that the positive speaker autonomy of women is particularly vulnerable. Marginalised groups seem more likely to be misinterpreted, and thus the uptake as constitution theory entails that they are also more likely to suffer reduced negative autonomy. Kukla writes that discursive injustice, the name they give to the experience of performing an illocutionary act one did not intend to perform due to the hearer's uptake, 'tracks and enhances social disadvantage' (2014, 455). Celia the

floor manager has the experience she does precisely because of 'subterranean assumptions and habits concerning gender, embodiment and power that are hard to articulate' (2014, 447).

We can all accept that marginalised speakers are often interpreted in undesirable ways; they are frequently misinterpreted and have acts attributed to them they did not intend to perform. This thought is compatible with the claim that nonetheless, these speakers have negative autonomy. Yet because the uptake as constitution theory equates 'treating as' with 'constituting as', it makes it an ontological reality that those speakers have less autonomy than others. This takes us into dangerous political terrain, because we likely have less stringent moral duties towards agents who lack negative autonomy than we do towards agents who possess such autonomy.

The uptake as constitution theory therefore risks enacting something like what Katharine Jenkins calls 'ontic injustice'. This occurs when 'an individual is wronged by the very fact of being socially constructed as a member of a certain social kind' (Forthcoming). I am not interested here in the construction of individuals as *social kinds,* specifically, but I share Jenkin's view that we can be constructed in ways which wrongfully deprive us of powers. The uptake as constitution theory, at least when embraced in our non-ideal society, risks enacting this kind of wrongdoing.

This is too high a price to pay for a theory of uptake. It is unnecessary, too; the uptake as ratification theory captures everything we need to capture about the communicative disempowerment of marginalised speakers. Of Celia we can simply say, 'Celia attempted to perform an order, but was interpreted as performing a request'. This captures the thought that Celia and women like her are systematically disempowered, in so far as they are prevented from doing what they want to do and are repeatedly misunderstood, while preserving Celia's status as a (negatively) autonomous agent. In fact, this explanation makes it more reasonable for Celia to be frustrated about the situation. On the uptake as ratification theory, the hearers have erred, and Celia could 'correct' them. On the uptake as constitution theory, the hearers have not erred; they are correct about what Celia did.[26]

[26] When we socially construct other agents and their actions, we create interesting epistemic situations. Just as, on Langton's theory of objectification, pornographers have 'maker's knowledge' of the women they objectify, because they have constituted them as objects (2009, chap. 13), hearers on the uptake as constitution theory have 'maker's knowledge' of the acts speakers perform.

## 3. Conclusion

In this chapter I put uptake, a notion frequently invoked by speech act theorists but rarely examined, in the spotlight. I sketched different ways of understanding the phenomenology of uptake, then considered two theories of uptake's power; the uptake as ratification theory and the uptake as constitution theory. The latter presents an intriguing challenge to the dominant ratification theory by drawing attention to the fact that marginalised speakers are not only prevented from performing illocutionary acts, but also taken to be performing acts they did not intend to perform. However, the theory goes too far in affording the interpretations of hearers constructive powers. The theory is at odds with how we ordinarily think and talk about speech; it would require the unintentional exercising of normative powers, which is a conceptual impossibility; and it has unsavoury political implications, by rendering marginalised speakers profoundly lacking in autonomy. For these reasons, the uptake as constitution theory should not be taken up.

# Conclusion

In this thesis I have examined five different things people do with words; they use discriminatory pejoratives (Chapter 1), they cat-call one another (Chapter 2), they shame one another (Chapter 3), they flirt with one another (Chapter 4), and they recognise what other people are doing with their words, through a response Austin calls 'uptake' (Chapter 5). There have been two over-arching goals; to use philosophical tools to make sense of the ways speech is used to enforce norms of gender and sexuality, and to use these speech practices to identify the shortcomings of our philosophical tools. In this brief conclusion I will bring out the achievements of the five chapters, and then point to some interesting and important avenues of research the chapters open up.

## 1. Where We Have Been

In the first four chapters I investigated four different communicative phenomena, all of which have been neglected in philosophy. My analyses illuminated both the semantic and pragmatic mechanics of these phenomena and their moral and political significance, especially their relationship to norms of sexuality and gender.

In Chapter 1 I introduced the concept of a slur of transgression. I established that pejoratives can do more than just derogate people for who they are; they can also derogate people for what they do, *given* who they are. Slurs of transgression derogate people for transgressing norms thought to apply to their social group. For example, 'slut' derogates women who fail to abide by discriminatory sexual norms. This chapter improves the philosophy of pejoratives by making our taxonomy of pejoratives more fine-grained, and it also draws attention to an overlooked form of discrimination.

In Chapter 2 I examined a familiar practice, cat-calling, which is readily interpretable as the practice of men complimenting women in public. First, I argued that even if a cat-call is a compliment, it can still be objectifying, patronising, and derogatory, due to the content of the compliment. Next, I used the notions of presupposition and presupposition accommodation to explain why cat-calls wrong regardless of their content. When a man cat-calls, he presupposes authority over his target. He lacks this authority, but the context of the cat-call is such that his

target will likely feel her safest option is to feign subservience. Thus cat-callers exploit and silence their targets, forcing them to act as if they accommodate the cat-callers' presuppositions of authority.

In Chapter 3 I used philosophical tools to make sense of shaming, a phenomenon which has received considerable scrutiny in popular culture, but barely any in moral philosophy. This may be because it is assumed to be either the same as blaming, or equivalent to the mere production of shame. I argued that it is neither. Shaming, I argued, takes two forms. One, agential shaming, is a form of blaming, with an added invitation to an audience to join in. The other, non-agential shaming, is something quite different, expressing objective attitudes like disgust and inviting an audience to join in. The two forms of shaming work together to preserve social meanings. One functions to enforce social norms, the other to enforce social standards.

In Chapter 4 I offered a definition of flirting, using the notions of presupposition and presupposition accommodation. Flirting, I argued, is a speech practice involving an ongoing negotiation of intimacy between two or more speakers. Flirters act as if they stand in an intimate relationship, and by acting as if this intimacy exists, they can actually bring it into existence, through the phenomenon of presupposition accommodation. This definition not only captures the phenomenology of flirting, but it also proves a useful tool for feminist activism, by undermining harassment apologism and offering an explanation of how and why even well-intentioned would-be flirters end up engaging in harassment.

In Chapter 5, meanwhile, I looked not at the social world but rather at the tools we use to make sense of the social world. I focused in particular on the concept of uptake, typically understood by speech act theorists as the hearer's 'understanding' of the illocutionary force of a speaker's utterance. I demonstrated that how we define uptake has serious consequences not only for the 'fit' between speech act theory and everyday intuitions about speech, but also for how we conceive of the relationship between speech, normative powers, and autonomy.

Though Chapter 5 is the only chapter which foregrounded an examination of our philosophical tools, the four previous chapters also confronted, less directly, the inadequacy of these tools. In Chapter 1, on slurs of transgression, I raised a challenge to the dominant way of thinking about pejoratives, showing that this outlook is blinkered and too coarse-grained. In Chapter 2, on cat-calling, I demonstrated that we cannot assume that all interlocutors enter interactions on equal footing; one's ability to participate in conversations, be it by performing assertions and presuppositions or by challenging the assertions and presuppositions of others, is heavily

shaped by one's social identity and the context of the interaction. I showed that the process of presupposition accommodation, in particular, can be manipulated by speakers to exploit vulnerable hearers.

In Chapter 3, on shaming, I took seriously the thought that conversations are not always dyads; often we want more than just our addressee to hear our speech. I also called on philosophers to take objective attitudes like disgust more seriously; they play a more significant role in communication than we have hitherto assumed, and they help reinforce (often oppressive) social standards. Finally, in Chapter 4, on flirting, I showed that conversations are not always fully transparent nor fully co-operative, and moreover, a conversation which lacks these characteristics is not necessarily bad. Mystique and obstruction can often make a conversation more entertaining. Yet at the same time, too much mystique can be extremely dangerous, and patriarchy profits from casting women's speech, especially in sexual interactions, as unreliable and deceptive.

## 2. Where We Could Go Next

The chapters of the thesis illuminate the nature and function of several different communicative practices and concepts. Yet they also bring to our attention new questions and problems for socially engaged philosophy of language. I will consider some of these in turn.

### 2.a Resistance

Many of the communicative phenomena I have analysed are wrongful or harmful. It is natural to wonder, therefore, what we should do about them. Options include prohibition, reclamation/re-appropriation, and the development of 'counter-speech' strategies. Counter-speech could include disavowals, i.e. attempts to repudiate others' assertions, as well as challenges, i.e. requests or demands that speakers justify or further explain their speech. It could also involve reasserting important moral and political values. These measures may need to be accompanied by broader social changes, including both psychological changes in beliefs and values, and material changes in political and economic structures.

Regarding the harmful phenomena discussed in this thesis, I suspect there is no one-size-fits-all solution. In each case, we should evaluate potential response strategies available in the moment as well as longer-term reparative and emancipatory projects. For example, in the case of cat-calling we should consider how targets and bystanders could respond to a cat-call, and we should work towards social and political changes which make those interactions less likely, for example by making the social penalties for cat-calling more severe. Lynne Tirrell has recently suggested that we frame our resistance strategies to harmful speech in terms of 'antidotes' and 'inoculations'; antidotes to harmful speech redress harms already inflicted, and inoculations forestall the onset of harm (2018). The most effective resistance strategies will likely involve inoculations and antidotes working together.

### 2.b Thinking More About Sex

We must also broaden our scope when thinking about sex and speech. I have started to develop, in piecemeal fashion, an account of sexual communication; how we talk about people's sex lives (sometimes by using slurs of transgression); how we express sexual interest, be it consensually (through flirting) or non-consensually (through cat-calling or other forms of harassment); and how we shame those who fail to meet sexual norms and standards. Yet much more can still be said.

We should also consider, for example, the ways speech enforces heteronormativity, homophobia, and transphobia. Much of the language I have considered is heteronormative, cis-normative, and assumes the existence of both a gender binary and a sex binary. It therefore naturally excludes queer, trans, intersex, and non-binary people, among others. In addition to being 'othered' by this kind of speech, the latter groups are also directly derogated by homophobic and transphobic speech. It is important that we analyse this speech, too.

Norms relating to sex do not only concern who is having sex and with whom they are having it. Sexual norms in the West are a tangle of different ideological and religious commitments and prejudices. Anthropologist Gayle Rubin argues in "Thinking Sex" that Western society typically embraces six dogmatic views about sex (2012, chap. 5). These are sexual essentialism (the thought that 'sex is a natural force that exists prior to social life'); sex negativity (which often stems from Christian ideas of sin and the view that genitalia are impure); the fallacy of the misplaced scale (according to which violations of sexual norms are worse than violations

of other norms); the domino theory of sexual peril (the thought that if there is no sexual order, society will collapse into chaos); the non-existence of benign sexual variation; and the existence of a 'charmed circle' of sexuality. This charmed circle values heterosexual, monogamous, procreative, 'vanilla', unpaid, private sex between a man and a woman who are married and of the same age. Excluded from the circle is sex that is queer, polyamorous, paid for, non-procreative, kinky, and cross-generational. Many people from many different demographic groups are harmed by these dogmas, and so a fruitful and important future research project would be to examine how each of these dogmas is enforced in speech.

### 2.c New Theories of Speech

The chapters of this thesis pointed to several ways in which our theories of speech could be improved. Firstly, we must loosen the grip of some of the standard idealisations in philosophy of language, because they obscure important communicative phenomena. This is now widely recognised as a problem. In the last few decades, a rising tide of socially engaged philosophy of language has drawn attention to the multiplicity of ways in which everyday speech departs from our philosophical assumptions, and it has offered novel analyses and explanations of socially significant phenomena like pornography and hate speech, which are typically obscured by those standard assumptions. This important work still has further to go; there are many more socially significant speech practices yet to be analysed. Indeed, one of the central contributions of this thesis has been to bring several of these neglected practices into philosophy for the first time. In addition, some of the phenomena we have already analysed still need further attention. I have argued, for example, that there is room for improvement in our understanding of pejorative language.

This exciting new field of philosophy raises interesting questions about what philosophy of language could or should look like in future. In addition to offering overdue analyses of important phenomena, socially engaged philosophy of language might also need to construct new theories of communication, which do away with our traditional assumptions. What philosophy of language would look like without these assumptions is an interesting question; presumably it must still involve some simplifications. Gilbert Ryle characterises the task of a philosopher as akin to the task of a cartographer; we must make a transition from the specific to the universal, offering general theories and explanations, i.e. 'maps', of the world (1971).

Philosophy of language without any simplifications would be like the 'Map of the Empire' in Borges's short story, 'Del rigor en la ciencia', which is the exact same size as the empire it is supposed to represent (1990).[1] An important task for future work, then, is to work out what a more socially aware philosophy of language might look like, including which simplifications it abandons, which it keeps, and which it adds.

Secondly, our theories of speech must be expanded to include more than just the written and spoken word. Modern technology has brought with it a multitude of new communication methods. Many of the speech practices I have analysed, like shaming and flirting, can take place online; we can shame people by retweeting a post on Twitter, and we can flirt by sending emojis or reacting to a Facebook status. We must think hard about how to parse these new forms of communication. It may be that existing concepts can be adapted (perhaps retweeting generates a conversational implicature, perhaps 'liking' is a form of illocutionary reinforcement, perhaps emojis conventionally express emotions, et cetera), or it may be that we need entirely new concepts.

We must also take more seriously the embodied dimensions of communication. In sexual communication especially, we communicate a great deal through things like tone, gesture, expression, and stance. Yet philosophy of language has tended to ignore these aspects of communication. A fruitful research project would be to bring bodily communication into semantics and pragmatics; can we perform speech acts with our bodies, for example? And can physical actions contribute to the common ground of a conversation? I leave these interesting and important questions for future work.

[1] The idea of philosophy of language as a kind of cartography fits neatly alongside Wittgenstein's description of language as a city (1953, §18). There are also interesting overlaps here with Adrienne Rich's writing on women and language, which often contains map metaphors. For Rich, words themselves are maps, enabling us to navigate the world (1973, 23). Yet we must also make maps of words and how they have rendered women invisible – Rich calls these 'cartographies of silence' (1993, 16).

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