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[Review of: M.K. McGowan (2019) Just Words: On Speech and Hidden Harm]

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Mary Kate McGowan, *Just Words: On Speech and Hidden Harm*.
Oxford: Oxford University Press, 2019. 209 pp.

This relatively short book has a powerful message. It identifies an over-looked way in which ordinary speech by ordinary speakers under ordinary circumstances *constitutes* harm in virtue of enacting harmful norms. Mary Kate McGowan starts the book with the following examples to illustrate. An off-hand sexist remark about sexual conquests at work oppresses women without the speaker intending to oppress and without their awareness of doing so. A white man's racist invective directed at an African American passenger on a bus should not count as protected speech expressing a political viewpoint, but a regulable discriminatory act. Hanging a sexually explicit poster in one's locker can subordinate even if one has no communicative intentions whatsoever and means nothing by hanging the poster. Although the literature on speech and harm recognizes that oppression can be caused by authoritative speech (just think of a legislator enacting discriminatory laws), these examples point to one of McGowan's central claims: "ordinary utterances routinely enact [oppressive] norms without the speaker having or exercising any special authority" (2). To make her case, McGowan spends the book's first half elucidating the novel mechanism of norm-enactment (chapters 1–4). The second half considers examples: chapter 5 looks at sexist remarks, chapter 6 examines what pornography does, and chapter 7 considers racist utterances in public contexts.

There is much to like about this book, and I expect it to significantly shape philosophical understandings on oppressive speech. McGowan is right to highlight how much of what we say shapes unjust social hierarchies without speakers intending to do so or being aware that their speech does so. She offers a sophisticated philosophical analysis of a phenomenon that (I suspect) many marginalized social agents know all too well. The book not only enriches

more technical philosophy of language debates about what speech does, but it also ties this with politically expedient considerations about covert oppression. Overall, the book does a huge service to advancing our understanding of how speech can oppress in subtle, everyday ways without requiring that speakers possess some special institutionalized authority.

The most controversial aspect of McGowan's analysis is probably her central idea of harmful norm-enactment that requires no special speaker-authority (developed in chapters 1–4). In chapter 2, McGowan spells out the idea of conversational exercitives. Following Austin, exercitives are speech acts that enact norms: they enact permissibility facts, not merely cause such facts to obtain. For example, when a university president declares that smoking is no longer permissible on campus, they literally enact a new permissibility fact (make smoking impermissible). This exercitive speech act requires the speaker to have the requisite authority over a domain. But, McGowan holds, not all exercitives involve such formal authority. In fact, utterances can enact permissibility facts without any special speaker authority: "what is permissible in any particular conversation is constantly changed by what we say in the conversation. Thus, adding to a conversation enacts conversational permissibility facts" (21). Such conversational exercitives then do not require speaker authority in order to enact norms, and ordinary conversational contributions that are governed by norms "routinely enact changes to what is subsequently permissible in that very conversation. . . . When one contributes to a conversation by adding to it, one thereby also enacts norms for that conversation; one enacts permissibility facts for the conversation" (27). What is conversationally permissible and appropriate depends on the conversational score, à la David Lewis (1983). Just as the score of a baseball game depends on the moves made by the players, the conversational score depends on the moves made by interlocutors. If you have been telling me about the state of your roof and I suddenly interject noting that the apple harvest this year looks promising, it seems that I have made an inappropriate move in the conversation (assuming no prior discussion of apples). What is conversationally relevant and permissible "depends on the rules and the score for that conversation" (32), or what Lewis (1983) calls "rules of accommodation." These are rules that adapt to participants' behavior in that they change the conversational score and hence what is conversationally appropriate. In short: rules of accommodation adjust the score automatically and *any* conversational contribution that does so thereby enacts a change in the score and "what is subsequently permissible in that conversation" (34).

Chapter 3 looks at the difference between standard and conversational exercitives. McGowan's discussion is rich, and I can here only highlight the main points. For standard exercitives, the speaker's intention to enact a particular permissibility fact is a significant condition, and this intention should be manifest. However, for conversational exercitives there is no such expectation: the speaker need not be "highly conscious of the content of the conversational

permissibility fact being enacted" (61). For an utterance to be a conversational exercitive, the utterance only needs to enact *a* change to a conversational score, where the speaker need not even have intended this score change. It suffices merely to make a conversational contribution to enact a conversational permissibility fact. The success conditions for conversational exercitives are minimal on McGowan's view, and such exercitives are hence ubiquitous, though enacting *particular* conversational permissibility facts depends on the score, the norms governing the conversation, and the conversational contribution itself.

In chapter 4, McGowan argues for the general phenomenon of covert exercitives. Even though it seems uncontroversial that conversational contributions enact conversational permissibility facts and changes to the conversational score, McGowan holds that our utterances can also constitute contributions to activities *other than* conversation: our utterance can dependently enact permissibility facts for other sorts of norm-governed activity. For McGowan: "An activity counts as norm-governed just in case some actions count as inappropriate with respect to that activity" (83), where the activity in question is extraconversational. She identifies a difference between norms that govern all instances of an activity generally or globally (g-norms), and those that govern only specific instances (s-norms). For example, g-norms governing conversation include rules of grammar, while s-norms only govern what is salient in a token conversation. McGowan holds that in addition to conversations, many activities are governed by s-norms: "any move in a norm-governed activity thereby enacts permissibility facts (s-norms) for that activity" (86). In other words, utterances that count as moves in extraconversational norm-governed activities also thereby dependently enact s-norms for those activities. Hence, "we are often unknowingly enacting s-norms for those activities too" (91). Through this mechanism of covert exercitives, our utterances can unintentionally and unwittingly enact s-norms for oppressive activities that are not (merely) conversational. Ordinary speech can thus constitute harm by enacting harmful s-norms: "an offhand sexist comment can *be* an act of oppression. If a sexist remark enacts a permissibility fact (or s-norm) that oppresses, then the remark that enacts that oppressive permissibility fact constitutes, and does not merely cause, an act of oppression" (100).

For some utterances to enact oppressive s-norms we must identify how those utterances are moves in norm-governed activities that also abide by some oppressive g-norms that govern the activities. Take an offhand bragging remark about sexual conquests in an employees' lounge (chapter 5). For McGowan, the utterance is conceivably a contribution to broader, extraconversational social practices that mistreat women qua women: it is a verbal means of mistreating women, and hence a verbal move that abides by oppressive g-norms. This suffices to establish that the utterance also enacts s-norms in these broader practices. That is, changing the conversational score so that it is locally appropriate conversationally to degrade women also changes the

normative facts outside of the conversation thereby making it permissible to treat women as inferior “at this time and in this particular employee lounge” (111). The utterance makes it permissible, here and now, to degrade women. Subsequently, it makes women count as second-class citizens: it enacts oppressive s-norms and if these norms are followed, the utterance is an act of gender oppression. In other words, speech oppresses when it enacts oppressive permissibility facts that “unjustly disadvantage a person in virtue of that person’s membership in a socially marked group and the group in question is systematically and unfairly disadvantaged in the relevant social context in virtue of that membership” (106). Standard exercitives do so via the exercise of speaker authority, while covert exercitives do so “by triggering the norms of norm-governed activities” (106). Since utterances are moves in norm-governed activities, they enact permissibility facts (s-norms). When the enacted s-norms satisfy the above conditions of being oppressive, covert exercitives can oppress—though McGowan holds that covert exercitives enact oppressive s-norms only if background oppressive g-norms are in place. Without patriarchy, offhand sexist remarks wouldn’t have any bite.

Despite its sophistication, McGowan’s argument leaves one intuitively feeling as if some philosophical trickery is going on. Let me note a couple of sources of unease. First, one might wonder whether McGowan’s analysis of how speech supposedly enacts oppressive norms unintentionally is plausible. For her, although any conversational move enacts s-norms, it isn’t enough for s-norms to be merely governed by oppressive g-norms to be oppressive. Rather, utterances that are moves in oppressive norm-governed activities must also *abide by* the oppressive g-norms governing those activities. Covert exercitives enacting oppressive s-norms are seemingly prescriptive: a sexist offhand comment in enacting oppressive s-norms is “akin in its functioning to a sign reading: ‘It is hereby permissible, in this local environment and at this time, to treat women as second class citizens’” (112). But now abiding by oppressive g-norms seems to require the speaker to *intend* to oppress with their speech. Hence, it isn’t obvious that verbal acts of oppression are quite as unwitting as McGowan thinks. Or rather, I agree with her that it is easier for conversational contributions to be oppressive than is often acknowledged. But if utterances must abide by oppressive g-norms and not merely be governed by them, some oppressive intent is apparently necessary insofar as abiding by some norms involves following those norms, where following norms implies intentionality. Second, since the power of speech to oppress hinges on there being background oppressive structures, one might hold, it is hardly surprising that utterances demonstrative of approval of those structures contribute to reproducing them. How necessary and useful then is the complex philosophy of language framework on offer to make an apparently obvious point? Those who are more inclined to focus on oppressive material conditions might be skeptical of the focus on speech when ultimately it is the oppressive material conditions (oppressive g-norms)

that are doing the heavy lifting. I am sure that McGowan thinks oppressive norms should be fought as well. But the book may not convince those who think that currently there is too much focus on what is being said, and not enough focus on changing structural conditions. Although I think McGowan hasn't done enough to convert the skeptics, for those convinced of the value of social philosophy of language the book nonetheless does a great service.

Reference

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