II. ACCOMMODATING NORMS

Rae Langton

1. *Norms in accommodation.* Norms can feature as felicity conditions, and as illocutionary outcome (just like authority, Lecture I). Norms follow a rule of accommodation, when authoritative speakers enact them ('You may now cross the white line', 'Sugar is out'), following the pattern for accommodation. They can also appear as outcome of speech acts that do not seem authoritative. N.b. practice-relative norms, including established social norms—e.g. socially approved regularities, sustained by that social approval (cf. Searle, Pettit and Brennan, Bicchieri).

Carlton vs. St Kilda, 1990. Possibilities to note: (i) Use of slur or thick concept in locution; (ii) standard shifting; (iii) salience shifting; (iii) use of unquantified generics in locution; (iii) presupposition of gender norms; (iii) normalizing of gender norms, if presupposing presents as uncontroversial. (Compare: 'Hillary Clinton is the only man in the Obama Administration', Leslie, in press).

2. *How to get an 'ought' from an 'is': Promise* (cf. Searle)
Something is said: 'I promise to pay Smith $5'
Requirement: that illocutionary force be promise; norm be 'Jones ought to pay Smith $5'.
Felicity conditions: Jones intends to promise; background practice of promising.
Felicitous Outcome: illocutionary force is promise; norm is 'Jones ought to pay Smith $5'.

3. *How to get an 'ought' from an 'is': Expert directive* (cf. Raz, McGowan)
Something is said: 'You ought to quit smoking'.
Requirement: that illocutionary force be order; norm be 'patient ought to quit smoking'.
Felicity conditions: doctor has credibility, etc.; background practice.
Felicitous Outcome: illocutionary force is order; norm is 'patient ought to quit smoking'.

4. *How to get a 'may' from an 'is': Permission* (cf. Austin, Lewis)
Something is said: 'You may cross the white line'
Requirement: that illocutionary force be permission; norm be 'slave may cross white line'.
Felicity conditions: speaker is master, has practical authority; background practice of slavery
Felicitous Outcome: force is permission; norm is 'slave may cross the white line'.

5. *How to get an 'ought not' from an 'is': Fashionista* (cf. Ashwell and Langton, Stalnaker)
Something is said: 'Flared trousers are out!'
Requirement: that illocutionary force be directive, disguised as verdictive assertion.
Felicity conditions: speaker's credibility, and practical authority; background practice of fashion; hearer's uptake or failure to block.
Felicitous Outcome: force is directive, disguised as verdictive assertion.

6. *How to get an 'ought' from an 'is': Normalizing via ambiguous generics*

Background. Majority generics: 'Barns are red', 'Girls prefer literature to math'. Assert that members of kind have property; presuppose that a statistical majority have it.
Striking property generics: 'Mosquitoes carry the West Nile virus', 'Muslims are terrorists'. Assert that members of kind have property; presuppose that property is striking. Held true even if few have property.
Characteristic generics: 'Ducks lay eggs'. 'Hispanics are lazy.' Assert that members of kind have property; presuppose they have it by nature. Held true even most lack property.
Ideal characteristic generics. Assert or presuppose norms about social kinds: 'Boys don't cry' 'Men take charge; women are gentle and accommodating' (Leslie)

Something is said: 'Men take charge, women are gentle and accommodating'
Requirement: force be assertion, plus presupposed verdictive or directive about gender
    properties: prevalence, essence, or ideals; presented as uncontroversial.
Felicity conditions: speaker's credibility, hearer's uptake, failure to block; practice
Felicitous outcome: force is verdictive or directive; e.g. 'men take *ought* to take charge;
    women *ought* to be gentle, accommodating'.

7. *How to get an 'ought' from an 'is': Normalizing via slurs/thick concepts* (cf. Leslie)

Something is said: 'Get on with it, you great girl!'
Requirement: that illocutionary force be order; that presupposed generic norm be acceptable
    and *uncontroversial*, 'men take charge; women are gentle, accommodating'
Felicity conditions: speaker's practical authority (regarding player) and credibility (regarding
norms); hearer's uptake or failure to block.
Outcome: force is not order (misfire); but felicitous regarding presupposed norms: 'men
    ought to take charge; women ought to be gentle, accommodating'

8. *How to get an 'ought' from an 'is': Normalizing via precedent/regularity* (cf. Cialdini)

Something is said: 'Many others do steal, and you ought not steal'
Requirement. That (i) illocutionary force be assertion and permission; (ii) prohibition
Felicity conditions. (i) Speaker's credibility, regarding regularity; practice of following
precedent, conformity (ii) speaker's practical authority over behaviour
Felicitous Outcome. Force is assertion and permission; force is prohibition; former trumps.

Nazi propaganda presupposes that it is normal to despise Jews, and that this is widely known.
Pornography can presuppose that women who say 'no' don't refuse, and that this is widely
known. In general, presupposing that a regularity is normal can add that knowledge of that
regularity is also normal.

9. *How to get a 'may' from an 'is': Overturning old norms by normalizing new ones*

Prior social norm: Most refrain from doing —, and disapprove of those doing —.
Something is said: 'Many do—, and tolerate those doing —'. (N.b. may said in fiction)
Requirement: force of permission
Felicity conditions: speaker's credibility; hearer's uptake or failure to block; practice of
normalizing via precedent/regularity
Felicitous outcome: force of permission

Quotations
(*Manufacturer's warning:* leaky quotes. Please dispose of handout carefully.)

1. *St. Kilda vs. Carlton 1990*. St Kilda supporter to sluggish footballer: 'Get *on* with it,
Lawrie, you great *girl!'* Strahan: 'What's wrong with a girl?' Bellowed reply: 'It's got
no balls, that's what wrong with it!'

2. Together with all its material supports, authoritatively saying someone is inferior is
largely how structures of status and differential treatment are demarcated and
actualized. Words and images are how people are placed in hierarchies, how social
stratification is made to seem inevitable and right, how feelings of inferiority and
superiority are engendered, and how indifference to violence against those on the
bottom is rationalized and normalized. (MacKinnon 1993)

3. *Stalnaker*. [A] speaker may act as if certain propositions are part of the common background when he knows that they are not. He may want to communicate a proposition indirectly, and do this by presupposing it in such a way that the auditor will be able to infer that it is presupposed. In such a case, a speaker tells his auditor something in part by pretending that his auditor already knows it. The pretense need not be an attempt at deception. It might be tacitly recognized by everyone concerned that this is what is going on, and recognized that everyone else recognizes it. In some cases, it is just that it would be indiscreet, or insulting, or tedious, or unnecessarily blunt, or rhetorically less effective to assert openly a proposition that one wants to communicate.

4. *Der Stürmer*. The Jew… silenced the voice of German blood. […] That is why the *Stürmer* keeps hammering away! That is why its voice keeps saying: 'The Jews are our misfortune!' 'He who eats with the Jews perishes!' 'He who knows the Jew knows the Devil!' […] The devilish hatred of the Jews plunged the world into war, need and misery. Our holy hate will bring us victory and save all of mankind. (1935, 1943)

5. *Der Giftpilz*. Just as it is often hard to tell a toadstool from an edible mushroom, so too it is often very hard to recognize the Jew as a swindler and a criminal. (Stürmerverlag, 1938).

6. *Letters to Hank Aaron*, poised to break Babe Ruth's record for career home runs, 1973. 'Dear N— Henry, You are [not] going to break this record established by the great Babe Ruth if you can help it... Whites are far more superior than jungle bunnies... My gun is watching your every black move.' (quoted in Kennedy).

7. *Rwanda broadcast 1994*. They are all *Inyenzi* [cockroaches]. When our armed forces will get there, they will get what they deserve. They will not spare anyone since everybody turned *Inyenzi*. (*quoted in Tirrell)

8. *Cialdini*. Your heritage is being vandalized every day by theft losses of petrified wood of 14 tons a year, mostly a small piece at a time.

9. *Waldron*. The visibly pornographic aspect of our society has a pedagogical function that dwarfs in its scale and intensity the attitudes that racist hate speech tries to inculcate. Not only does pornography present itself as undermining society's assurance to women of equal respect and equal citizenship, but it does so effectively by intimating that *this is how men are taught, around here*, on the streets and on the screen, if not in school, about how women are to be treated.

10. *MacKinnon*. Pornography is the graphic, sexually explicit subordination of women in pictures or words [that also depicts women] dehumanized as sexual objects, things or commodities; enjoying pain or humiliation or rape; being tied up, cut up, mutilated, bruised, or physically hurt; in postures of sexual submission or servility or display; reduced to body parts, penetrated by objects or animals, or presented in scenarios of degradation, injury, torture; shown as filthy or inferior; bleeding, bruised or hurt in a context which makes these conditions sexual.

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