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Communication, Labor, and Communicative Labor

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COMMUNICATION, LABOR, AND COMMUNICATIVE LABOR

by

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ABSTRACT

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by

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This project looks at the work we do to understand, to be understood, and to act on the basis of such understanding. *Communicative labor* is an important and under-theorized aspect of communication, and one that significantly impacts our epistemic, social and political lives. In this dissertation I take such labor as my object of analysis, and show how it bears on speakers and contexts.

First I provide an analysis of labor suitable for characterizing unwaged, immaterial and reproductive labor, and argue that such an analysis helps make sense of language systems — the common pool resource systems that allow speakers to communicate and act on the basis of communication. Such systems require maintenance in order to function and preserve their value.

The theoretical value of a labor-based approach to language systems becomes clear when we look at conversations that *don't* function properly. I distinguish several kinds of antagonistic interpretation that distort communication in conversation: undue skepticism, willful obtuseness, bad listening, intrusive interruption, affected misunder-

standing, and ignoring. I argue that such practices, if systematic and pervasive enough, undermine valuable properties of conversations.

My focus on communication as labor helps us better understand traditional concepts in philosophy of language (such as the 'conversational scoreboard' and 'common ground'), but it also sheds light on more specific (and specifically subordinating) forms of speech. While antagonistic interpretation can distort conversations by making some speech more difficult (in the limit case, by silencing speakers), it can also distort conversations by making some speech easy, unwilled or automatic. Such speech plays an important role in determining the social status and political rights of agents beyond the immediate context of utterance.

For instance, in 1989, after hours of interrogation in police custody, 16 year old Antron McCray confessed to a crime he did not commit. McCray's utterances formed the linchpin of his wrongful conviction as part of the Central Park Five.

I discuss such cases as object lessons in the management of effort against speakers in conversation. In some discourse contexts, agents come to produce locutions not on the basis of reasoning about how and whether to speak, but on the basis of constrained alternatives to doing so. In such cases, an agent produces speech, but only at the expense of having her communicative agency compromised. I call such speech extracted speech, and focus on the role it plays in distributing communicative labor and power in institutional contexts.

PREFACE & ACKNOWLEDGEMENTS

Communication, Labor, and Communicative Labor serves, hopefully, to show the relevance of labor to communication by thinking clearly across canons, traditions, and disciplines. It also hopefully serves to provide resources for future work oriented toward understanding communication and its relationship to power, knowledge, and action.

In working through this dissertation, I have been acutely aware of how deeply *weird* it is as an analytic philosophy project, and profoundly grateful for everyone who saw promise in it. I owe the deepest thanks in particular to my committee. My advisor, Linda Martín Alcoff, provided infinite support not only philosophically but personally through eight long years of graduate school. Ishani Maitra was incredibly generous with time, attention, patience, and guidance, helping me through various iterations of the project while I struggled through what I was trying to say. Gary Ostertag went beyond the call of duty to help with drafts and discussion as I grappled with the nuances of the philosophy of language canon. Finally, Jason Stanley and Jesse Prinz were the best cheerleaders I could hope for: endlessly enthusiastic about the project, understanding of its political motivations and commitments, and eager to find out where it would go.

Parts of this project were presented at the New York Society for Women in Philosophy SWIPshop, the New York Philosophy of Language Workshop, the Association for Feminist Epistemologies, Methodologies, Metaphysics and Science Studies, the University of California-Riverside MAPS group, the Dominating Speech conference at the University of Connecticut, and CUNY's Social/Political Philosophy Workshop. I benefited immensely from comments, questions, and objections from these audiences.

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INTRODUCTION

This project, *Communication, Labor, and Communicative Labor,* is both ambitious and heterodox. In it, I defend a unique account of the nature of labor and show how such an account makes headway toward the philosophical project of understanding and explaining particular practices of communication. I try to show the plausibility of such a framework for social action, how such a framework applies to the use of natural language (in, e.g., conversation), and what the human cost might be of systemic failures of the preconditions of such social action.

This project is also novel insofar as it brings insights from critical theory, political economy, and feminist thought into dialog with contemporary Anglo-American philosophy of action and philosophy of language. It shows how fundamental questions in the former (What is labor? What are the preconditions of stable social action? How do agents navigate institutions under nonideal circumstances?) bear on the latter.

In what follows I would like to briefly explain the significance of this project and describe in a little more detail some of the guiding considerations behind it.

First, this project is important for understanding the conditions and limits of what we might call *communicative agency* — the ability of an agent to voluntarily use her words to express intentions, realize goals, solve problems, convey information, coordinate action, initiate inquiry, and so on. This project recognizes that communicative agency — like all human agency — takes place against a background of conditions that constrain and enable it: that make forms of agency possible for some rather than others, in some

contexts rather than others, toward certain ends rather than others. This, then, is a project that focuses on our status as agents of a particular sort: *communicative* agents.

But this is not a project that conceives of communicative agency as action performed by idealized agents. Rather, this project takes seriously our natures as *bounded, fallible, and vulnerable* communicative agents. Here I speak to the complexities of effort, attention, time and energy in pursuit of communicative goals both collective and individual. Communication isn't just about what is possible or impossible (or obligatory or permissible) for communicative agents. It is also about what they are *likely or unlikely* to do, how *successful* they are liable to be, what is *easy or difficult* for them to do, or even *risky or safe* to attempt. Thus explaining communicative agency requires a scheme sensitive to facts about who we are as agents: likely to get things wrong, dependent on others, and always operating under uncertainty.

Along these lines, I also try to provide a framework for understanding communicative agency in the real world — that is, as action that takes place within *nonideal sociopolitical conditions.* Under current inegalitarian regimes (e.g. white supremacy, heteropatriarchy, colonialism, neoliberal capitalism), the benefits, burdens, costs, and risks of communication are not equitably or randomly distributed, are not shared, and are not reciprocal. Here I give a picture of communicative agency in terms of the variable, unequally distributed, and human costs of life, freedom, effort, attention, time, and energy, as well as the demands the social world makes of some (but not others) for their investments of attention, energy, grit, patience, creativity, and resilience.

This project, then, makes headway in understanding communication as effortful practical activity, performed by fallible and bounded human agents, against a dense

network of background conditions that both constrain and enable action in the social and political realms.

To this end, the project is animated by the following guiding commitments.

First, this project is guided by recognition of the fact that the social world *doesn't just happen.* We continually make and re-make it through practices, habits, and collective agreement. We engage in effortful activity — e.g. labor — in making the world into the sort of thing that it is. While this is obvious for many social objects — money, geopolitical borders, artifacts, and so on — I argue that it is also true for natural language systems. Through the work of communication and interpretation we create, sustain and develop the world at the level of conversations, discourses and linguistic communities. We engage in immaterial labor in pursuit of the use and modification of the world through language.

A second guiding consideration is a focus on instances of failure, malfunction, crisis, and breakdown. While much work in traditional philosophy of language focuses on speech idealized away from 'defectiveness' — contexts where agents do not share assumptions, goals or plans, do not see themselves as engaged in some shared project, or where they manifest antagonism or hostility toward one another — an adequate picture of the labor of communication requires us to take a look at those contexts when things do not run smoothly. What happens when a language system does not function? What are the costs of system failure? Who bears these costs? Who benefits from them? To this end, I apply a framework of language as a *collective pool resource system*: as a structure that supplies various immaterial resources for human use and modification, and a structure requiring various preconditions in order to function successfully. Failure

of such conditions offers insight into the mechanisms that sustain the system in the first place.

One final consideration is the following. Part of the labor of communication involves the solution of various collective action problems: e.g. coordination of agents with different goals and practices, organization and allocation of shared resources, resolving questions of access, developing and stabilizing conventions, sustaining the system over time, building and strengthening trust and reciprocity. Because of the conditions under which they take place, this project recognizes that collective action problems (and solutions to them) are *not apolitical.* We can always ask: Who benefits? who is burdened? Who has access? Who doesn't? Who is sanctioned? Who trusts who? Who participates, and under what conditions? This project argues that these questions make just as much sense for language systems (conversations, micro-languages, linguistic communities) as they do for other structures in the social world. Such a framework opens up inquiry into the political economy of language: Who gets the floor? Who is granted attention, coordination, and accommodation, and who is refused it? Who is understood? Who bears the costs of misunderstanding?

Communication, Labor, and Communicative Labor thus serves to further our understanding of the complexities of linguistic action in the social world — it's difficulty, significance, and function — and the way such action sustains and enables (or undermines and devalues) conversation, language, and interaction.

CHAPTER ONE: LABOR

Labor, as a concept, has a fairly fraught philosophical identity. While it has served a key role in the history of ideas -- for instance, in helping to understand the basic conditions of political economy, as well as the natures of skill, property, and value -- little work has been done on the concept in mainstream Anglo-American philosophy.[1] In the 20th century, other spaces have proved more promising: fields such as sociology and political theory, and traditions such as Marxism and feminism, for instance, have offered a wealth of theoretical insight.[2] One important research project, then, involves the development of a theory of labor that synthesizes these insights into a unified account adequate for explaining such human activity.

This is not quite my project.

My project is much more modest. In this chapter I would like to develop a working conception of the nature of labor suitable for understanding its function in immaterial practical activity such as communication. Doing so will help illustrate the idea of "communicative labor" that is my object of inquiry here. The aim, then, is admittedly pragmatic for the philosophical task at hand: in order to explain the phenomenon of "communicative labor," I must provide brief analyses of both the concepts of *communication* and

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[1]Aristotle, trans. H. Rackham (1982), Locke (1821), Smith (1776), Marx (1844, 1950, 1906-9), Marx and Engles (1848, 1850)

[2] Arendt (1958), Hartsock (1883), Hoschield (1983; 1989; 1997), Hardt and Negri (2000)

of *labor.* Here I adopt a (roughly) Marxist-feminist account of labor and a (roughly) Gricean account of communication. I do this in order to describe and explain the ways that speakers and interlocutors leverage effort, attention, and care toward particular communicative ends even outside the context of shared cooperative activities, how such ends are and ought to be "meshed" with others, and what political effects failures in the management of such collaboration may have.

Because of this, rather than providing a survey of philosophical theories of labor — their historical origins, contexts, and interconnections -- here I would like to make some basic observations and provide some modest analysis of the social practice of labor, and describe how it is manifested in immaterial and reproductive practices such as communication. In the absence of a unified conceptual landscape, I will propose some common sense constraints on labor, and show how communication and interpretation fit the conditions of labor offered on this analysis. To this end, argue that language systems are a kind of common pool resource system, and that they require upkeep and maintenance in order to preserve their function and value through diverse use and modification by different agents.

1.1 Preliminaries & Methodology

First, it is important to note that the claim advanced here — that communication *is* labor — is not one I came up with. Many theorists before me have discussed communication as a kind of labor, and have focused on its distribution, scope and relation to power-knowledge. The insight that communication is labor comes largely from Black,

decolonial, Marxist, and disability studies feminisms — Audre Lorde, Gayatri Spivak, Sara Ahmed, Jodi Dean, Susan Leigh Star, Jackie Scully, and many others.[3]

For instance, Sara Ahmed details the work of navigating and changing institutions, and the special burdens such work places on those who the institution was not built with in mind: people of color, queer people, people with disabilities, women, and "other Others." She interviews diversity practitioners (those hired by academic institutions to ensure their compliance with legal directives and best practices, as well as academics committed to changing an institution's practices from within) about their lives within the institutions they are attempting to change. Interviewees across different institutions and job descriptions routinely use the same expressions to describe their experiences of frustration, exhaustion, and futility:

> The institution can be experienced by practitioners *as* resistance. One expression that came up in a number of my interviews was "banging your head against a brick wall." Indeed, this experience of the brick wall was often described as an intrinsic part of diversity work. As one practitioner describes, "So much of the time it is a banging-your-head-on-the-brick-wall job." How interesting that a job description can be a wall description. The feeling of doing diversity work is the feeling of coming up against something that does not move, something solid and tangible. The institution becomes that which you come up against.[4]

A more pessimistic discussion of the labor of communication comes from Jodi Dean. Examining the role of communication in late capitalist deliberative democracies, Dean highlights a distinctive feature of 21st century American political life: the ubiquity of technology and media the function of which is to (putatively, ostensively) facilitate dis-

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[3] Lorde (1984), Spivak (1988); Ahmed (2012); Dean (2009); Scully (2010); Star & Strauss (1999)

[4] Ahmed (2012, pg 61-62)

cussion, deliberation, discourse, inquiry, and contestation among political agents. One might think such a time would be a renaissance for deliberative and participatory democracy. Never before have humans lived with the means to discuss with each other, in real time, in detail, across the globe, the political, social, legal and economic forces of their lives, and never before have they lived with such direct lines of communication to those in power: online petitions, email, Twitter. We live in an age of easy and immediate communication, discussion, deliberation, and expression. And yet *action* on the basis of such discussion, deliberation, and communication is thin on the ground: politicians, business leaders, and the cultural elite are as ossified and inertial as ever, facilitating feedback (comment! sign! fill out our customer survey!) but without any inclination to re-spond, change course, or act. Why, Dean asks, in an age of communication, is there no response?[5]

Using this work as a starting point, I aim to show that communication is not labor in some merely metaphorical or thinly phenomenological sense (we can "think of it this way," or "sometimes it feels this way") but rather in a fairly ontologically robust sense: communication *really is* a kind of labor. This claim — that communication straightfor-wardly constitutes labor (actual, *really-real* labor) — helps make sense of the fact that communication is often *difficult:* it is exhausting, frustrating, and mentally/emotionally draining, particularly in contexts where we cannot rely on our interlocutors to share our presuppositions, our linguistic conventions, or our goals. But further, it helps make sense of the fact that communication is more difficult for some than for others. Its distri-bution is neither fair nor random — all speakers do not share equally in its benefits and

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[5] Dean (2009)

burdens. Indeed, the fact that people of color, women, the poor, the institutionalized, and the colonized must *struggle* to be understood, to be recognized, to be treated as subjects deserving of attention, empathy, care, concern and consideration by the dominant makes sense when we see that communication is a genuine form of labor. As such, the political economy of communication — who speaks first, who is believed, who gets the floor, who has the last word — requires sustained inquiry.

With this in mind, it bears pointing out that my methodology here in analyzing labor differs a bit from both traditional conceptual analysis and genealogical analysis. On the one hand, when it comes to the concept LABOR, I am not aiming to provide a set of necessary and sufficient conditions on either the folk concept as it appears in every day English speech or the stipulative social scientific concept as it appears in economics. On the other, I am also not aiming to provide a historical or anthropological review of the concept's origins and evolution. This is for a few reasons. First, the conception of labor that everyday English speakers are most likely to deploy is one that (I think) identifies only a subset of labor as properly falling into the category 'labor': namely, that activity which is done in a market economy in exchange for a wage. On this picture, an act of washing dishes is labor when it is done in a restaurant but not in a home, an act of catching fish is labor when it is done on a commercial fishing boat but not a canoe, an act of building a shed is labor when done by a contractor but not a group of friends.

It seems clear to me that the wage relation, while socially significant, is not metaphysically determinate of an act's status as labor. This is, again, a claim familiar from Marxist and Black feminisms. Only a subset of labor is performed in exchange for a wage: in contemporary economies, this is usually labor performed outside the home un-

der terms of an explicit contract. As such, much work within the household — carework, cleaning, cooking, perhaps even sex — only fetches a wage when performed by workers from outside the household itself.[6]

For similar reasons, I am not aiming to provide an analysis consistent with the stipulative social scientific definition of labor found in, e.g., economics. Typically labor economists seek to resolve questions about labor *markets*, and use an analysis of labor apt for such questions: e.g., describing and explaining (un)employment, human capital investment, compensating wage differentials, and the like.[7] To the extent that the questions at issue in economics specifically involve labor *markets,* it makes sense to circumscribe the category under debate to that which appears in such markets (e.g. that which is done in exchange for a wage). But again, labor occurs outside of market relations: the mere fact that an agent does (or could) receive a wage in exchange for an activity is not

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[6] Unwaged domestic labor is an easy example. Consider Carla and Joanne. Carla is the primary caretaker of her household, and in a six hour period she puts the baby down for a nap, does the laundry, and cooks dinner (among other things). She does not receive a wage. Now imagine Joanne goes to Carla's house for those six hours, and performs the exact same activities — putting the baby down for a nap, doing the laundry, cooking dinner — but is paid to do so. Does the fact that Joanne is paid make it the case that what Joanne did was labor, but what Carla did wasn't? The answer, to me, seems like a straightforward no. The fact that Joanne was paid may be an indication of other things about the activities involved: their relative market value, how much the household is willing and able to pay to offset the time and energy of performing them, the manifest social relations between the actors (husband and wife versus employer and employee), and so on. But I do not see a compelling reason for thinking that the same activity, performed by different agents, has a different labor status merely on the basis of whether or not it is waged.

To make this point even clearer: consider the condition of chattel slavery. It seems abundantly clear that the activity performed by slaves, while done under force or fear-based duress and explicitly *not* done in exchange for a wage, nevertheless constitutes labor. To say otherwise is puzzling: what, if not labor, is the slave doing when harvesting sugarcane, fixing a wagon, caring for the master's children?

[7] See, e.g. Hicks (1932); Killingsworth (1983); Ehrenberg & Smith (2002). While it is of course fine to employ stipulative definitions for particular theoretical purposes within the social sciences, the stipulative definition of labor assumed by economists is inadequate for philosophical inquiry, precisely for the reasons above.

what makes that activity *labor.* The fact that an agent does or could receive a wage indicates something else — perhaps, how that activity is valued by others, how the value assigned to that activity by society is expressed, and so on. But facts such as these do not determine the ontological status of the activity *qua l*abor.

As will become clear, then, my view is one that rejects what we can call the Employment Assumption: the assumption that labor *just is* employment — that it always does or ought to command a wage, that it is predicated on what one does in exchange for pay, and so on.

But my view also rejects two other popular assumptions. Call one the Materiality Assumption: the assumption that labor *just is* material — that it always and only involves concrete objects and relations. Call the other the Productivity Assumption: the assumption that labor *just is* productive — that it always and only involves the creation of objects, artifacts, or commodities.[8]

Philosophers and economists (as well as the folk) have typically embraced these three assumptions, and therefore thought of only a subset of labor as genuine labor: material productive labor done in exchange for a wage. The paradigm activity here (and thoroughly unsurprising given the historical context in which political economy arose) is manufacturing: e.g., the output, in exchange for a wage, of material objects (e.g. commodities) for sale in a market. The concept of labor that has dominated discussion in

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[8] I take these three assumptions to be independent — that is, the question of whether or not labor is productive can be answered separately from the question of whether or not it is material, the question of whether labor is or ought to command a wage is independent of its status as productive, and so on. I also take it to be obvious that the categories carved out by these assumptions cross-cut each other in significant ways: reproductive labor can be waged or unwaged (e.g. a mother's domestic labor inside the home or a nurse's labor in a hospital); immaterial labor can be waged or unwaged (e.g. interpreting a legal text because it is your job or interpreting a legal text because you got a ticket); immaterial labor can be productive or reproductive (teaching someone how to multiply integers or writing a piece of Java code), and so on.

both philosophy and economics departments is one that assumes this as the central case and then expands away from it in various directions (e.g. — taking wages as primary in determining employment as a factor of GDP, taking materiality as primary in the interpretation of the activity of subsistence economies, taking production as primary in characterizing craftwork prior to industrialization).[9]

One significant philosophical question, then, facing heterodox theories of labor such as mine (e.g., those that reject the Materiality, Productivity and/or Wage Assumptions), is how to characterize labor practices that are not particularly close to this paradigm. The two main categories here are reproductive labor (e.g. caring for people — both healthy adults and children, elders, the disabled, the sick and injured, and the attendant requirements of life, comfort and safety — e.g. cooking, cleaning, nurturing, and so on) and immaterial labor (e.g. work that does not result in the creation of particular concreta — e.g. teaching, design, programming, writing, editing, data analysis, and so on).

Feminist theories of labor have described women's oppression at least partially in terms of the gendered division of labor, socialization into such a division, and the devaluing of women's work within that division.[10] This is at the heart of the analysis of *reproductive labor* — activity that aims to maintain, sustain, and care for a particular (human) system rather than develop outputs such as commodities from that system. In such practices what we find at the other end of the labor relation are not commodities (objects) but *people* (infants, children, the disabled, the elderly, the sick, the institutionalized, as well as the healthy, adult, and able-bodied). Such labor adds value not by pro-

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[9] Marx (1844), Sahlins (1972), Mies (1982)

[10] Federici (1975), Folbre (1994), Hoschield (1983; 1989; 1997), Waring (1988), Ferguson (1989)

ducing concrete objects for human life and use, but by sustaining and improving the *conditions* of human life and use — through organization, distribution, coordination, conflict resolution, maintenance, cleaning, support, and so on.

In the second category is what has been called *immaterial labor* — activity that may be productive insofar as it aims to create, develop, and form objects, but where the objects produced are *immaterial* (e.g. information, data, representations, concepts, knowledge, affect, and so on). In this kind of practice, the labor relation is one between an agent and some immaterial entity — e.g. information, knowledge, affect, or the coordination and organization of such for human life and use.[11] The waged activity of producing such intangibles (e.g. software, downloadable music, apps, financial products, intellectual property) is an important component of contemporary economies.[12]

Describing and characterizing both categories is a significant philosophical project.[13] My approach here is to embrace both reproductive and immaterial labor as genuine forms of labor in order to explore a particular kind of immaterial labor: what I call *communicative labor* — the work of understanding and being understood, and acting on the basis of this understanding.

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[11] See, e.g., Hardt & Negri (2000). One classic (though misleading) way of formulating the difference: while material labor is done with the hands; immaterial labor is done with the head, and reproductive labor is done with the heart.

[12] Koppius (1999); Stiglitz (2006); Gross & Korn (2003)

[13] While the first category is presumably as old as human life itself, the second category — immaterial rather than material labor — is normally described as a historical shift in the priorities and function of late capitalism: given technological advancement in producing commodities, rock-bottom wages by using labor in developing countries, and demand for commodities in far-flung emerging markets, the new challenge for global companies is in distribution and organization, logistics, and timing rather than manufacturing or production. Thus, the need for workers skilled with producing information and data that can, e.g. track and respond to changes in inventory and demand quickly, efficiently, reliably, and so on. Such immaterial labor focuses on the creation, organization, coordination, and distribution of information useful for profit maximization rather than the production of commodities themselves.

1.2 What Do We Want From a Critical Theory of Labor?

Given my rejection of the Employment, Materiality, and Productivity assumptions, it should be clear that my analysis is what we might call a *debunking* or *critical* analysis: one that does not take as given either the folk understanding or the social scientific stipulation of the concept, but rather aims at revealing and explaining some more fundamental features of social reality that may otherwise be obfuscated.[14] Again, this is legitimate given the current theoretical interests at play: not *the role of labor in markets* but rather: t*he role of labor in social life.* Relative to *this* theoretical task, the social scientific and folk conceptions of the concept both have fatal flaws, and as such, I will leave them aside.

In the spirit of such a debunking analysis, then, I want to propose the following as guiding considerations for an adequate critical theory of labor. These are, I take it, the sort of things that we seek from an analysis of labor suitable to characterizing immaterial labor, reproductive labor, and unwaged labor. In developing a theory of labor sensitive to its role in social life — and not merely market life— we want an account that can respond to a particular set of questions. In short: the following are, I think, answers a critical theory of labor should give us.

I propose that a (critical) theory of labor should give us (a) an explanation of the *centrality* of labor in human life (why is it important to us? why do we spend so much of our time on it?); (b) a way of *distinguishing labor from other forms of practical human activity*; (c) a procedure for *making accurate evaluations* of the difficulty, significance, and relative value of various forms of labor and (d) a way of *explaining the qualitative*

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[14] see, e.g. Haslanger (2003); Haslanger (2006); Hartsock (1983)

difference, in market economies, between labor and other commodities (that is: how labor-power, even when sold for a wage, is not like other sellable commodities).

First, briefly, some comments on why these are reasonable goals of a critical theory of labor, and how they play into the more local project here of exploring language systems as public goods, and interpretation and expression within them as labor predicated on claims to the use of such resources.

First, it is reasonable to seek a theory of labor that allows us to explain the centrality and significance of labor in human life. Part of what is interesting about labor is how important it is to us. We spend so much of our time on it, and it is typically one of the first things we ask about when we meet someone new ("so…what is it you do?") We ask children what they want to "be" when they grow up, and by this we mean what kind of career they want. So it seems natural to expect, from a theory of labor, an answer to the question of why labor is so ubiquitous, necessary, and significant in people's lives. Why do we work? What does work look like in different contexts (e.g. market and non-market economies)? What, if anything, makes work *matter?*

On this point, an account of labor should not just explain the ubiquity, necessity or significance of labor in people's lives, but also its potential *meaningfulness.* That is: while necessary drudgery may be labor, it is not the only — or most important — kind of labor to the human condition. We should also have an answer to why some kinds of labor (but not others) are meaningful in people's lives — why people care more about some things they do rather than others, what kinds of labor feel fulfilling and why, what guise the good feeling of a 'job well done' comes under, and so on.[15]

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[15] Elster (1987)

Another way of putting the point: in addition to taking up a large part of our lifeworld in terms of time, energy and effort, labor also forms an important aspect of people's personal, social, and cultural worlds, lives and identities. Labor constrains and enables the sorts of people that we are, and is an important practice through which we acquire particular skills and habits. It is also (in its unalienated form) perhaps an actual expression of one's human potentiality: the making real of one's intentions and desires through effortful engagement with the environment.[16] My account, the Value Theory described below, answers the question, *Why is labor so central and significant?*, by claiming that labor's significance and centrality are a result of the manifestation of instrumental value by sustaining or improving conditions according to human needs and interests, and the manifestation of intrinsic value by serving as a ground for self-realization. More on this below.

Second, an analysis of labor should provide us with resources for distinguishing labor from other kinds of human activity: for instance, for distinguishing labor from the broader category of instrumental action; distinguishing labor from mere reflexive or instinctive behavior; and (perhaps) distinguishing labor from idleness — e.g. leisure activity.

This is important for a few reasons. First, a theory of labor that postulated *all* intentional or instrumental action as labor would surely mischaracterize the specificity and social role of the phenomenon: raising my arm to hail a taxi may require effort, attention, and purpose, but a theory that included this mere act in its extension (outside the context of a more complex, significant, or valuable task of which it may be a small part —

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[16] Marx (1844, 1950, 1906-9), Marx and Engles (1848, 1850)

e.g., running errands) would surely overgenerate. Could every instance of instrumental action be labor? Surely this is too strong: if everything counts as labor, then nothing does. The concept borders on meaningless. We need some constraints in order to designate what is special about labor — what sets it apart from other activities that are perhaps less difficult, less necessary for human life, and so on.

The same seems to be true of merely reflexive and involuntary behavior — an account on which human activities over which we have limited control count as labor independently of some larger action or structure in which they are embedded seems to mischaracterize the effortful and intentional aspects of labor. Human responses like laughter, smiling, and facial expressions may be important components of some labor (e.g., service and care work) but, when they are, they have as their hallmark the fact that they are embedded in larger, more complex endeavors and that the laboring agents in question have at least some control over such responses within the endeavor. They are not always and only spontaneous, and when they become spontaneous (perhaps as a result of training, habit, discipline) it is spontaneity toward some further end or in support of some larger system.[17]

Finally, on a folk conception of labor, it is normally taken to be the case that labor, on the one hand, and leisure, on the other, are opposites or contraries: practices like skiing, painting, and writing poetry are not normally considered kinds of labor but rather things that are *contrasted* with labor (again, except in those cases where such activities occur in exchange for wages -- e.g. professional rather than amateur or hobby performance). Of the kinds of practice that labor should be distinguished from, I take this to be

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[17] Hoschield (1983)

the least pressing: as has been observed by many, productive human activity in its un-alienated form many times might *look like* leisure. Gardening, for instance, is an activity many people do to relax, but in other cultural contexts can form the basis for a domestic subsistence economy.[18] Further, much of the work of nurturing, caring, attending to, and teaching are valued by careworkers because such work creates meaning, brings joy, engages the faculties of empathy, compassion, and being-with, provides opportunities for creativity, sociality, and play, and because such work is not merely or narrowly in-strumental. These are, tellingly, also many of the motivations that support leisure as well.[19]

For my part, I do not take these considerations (regarding distinguishing instrumen-tal activity in general from other kinds of human action) to be equally important. That is, while I take the task of (1) distinguishing labor from the general category of instrumental action and (2) distinguishing labor from reflexive or instinctive behavior to be significant, I am less impressed by the need to account for (3) the labor/leisure distinction. This is for a few reasons. First, I think that for many value-adding leisure activities, it's not that case that they are *not labor,* but rather that they are not *alienated* labor.[20] Second, there are other conditions on my account that can be used to limn such a distinction — e.g. evaluation by sufficiently informed others and/or agents themselves. Third, while it is at least in principle important for a critical account of labor that it can distinguish labor from

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[18] Sahlins (1972), Mies (1982)

[19] Perhaps here we can point to the distinction that leisure is essentially unnecessary, while carework is not. Though I do not endorse a connection between labor and human necessity, such a position (e.g. one that ties human necessity to labor) can be found in, e.g., Arendt (1958).

[20] See, e.g., Marx (1844)

other kinds of intentional human activity, I can be neutral with regard to the labor/leisure distinction because it is not a problem specifically for me — *any* account of labor other than the folk and stipulative economic conception (e.g. any that rejects the Materiality, Employment, and Productivity assumptions and thereby includes immaterial and reproductive labor) will plausibly face such a problem. So I am in good company.

Return, then, to the proposed conditions on an adequate critical theory of labor. Third, an analysis of labor should give us a means of evaluating and comparing acts or act types of labor. Some analyses of labor (e.g. those in use by economists) use the pay scale of a labor market as a proxy for evaluation of relative value of jobs (or even workers!).[21] However, for our theoretical purposes above (describing and explaining labor in its role in social life, especially immaterial social life, and not its role in market transactions) this is an inadequate scheme of evaluation. Such an evaluation scheme is inadequate because lots of labor isn't compensated and therefore is not represented in the pay scale of *any* labor market (and therefore also fails to be represented by other economic markers, e.g., Gross Domestic Product).[22] Such an evaluation scheme does not reveal the social value of labor (either in act or in kind) but merely its *economic* value: that is, it is a reflection of the exchange value of labor power rather than its use value. I will have more to say on this below. Second, such an analysis of labor offers straightforwardly misleading results according to the theoretical interests at play here: the social value of effortful practical activity rather than its (often distorted) exchange value. A finance consultant at a venture capital firm may command a higher wage than a janitor or

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[21] Ehrenberg & Smith (2002)

[22] Waring (1988)

domestic worker, but it is not at all clear that this is *really* because the work he is doing

is actually more difficult, more significant, or more socially valuable. Indeed, on the de-

bunking analysis endorsed here, it is explicitly probably *not* more difficult, significant, or

socially valuable — high wages in such a field *occlude* the fact that such labor is often

low effort, insignificant and of minimal social (use) value.[23]

Fourth — and relatedly — an analysis of labor that applies to market economies

should explain the *distinctiveness* of labor as an entity within markets. That is: a good

critical theory of labor will give some explanation for why, even though labor power may

be traded on a market in exchange for a wage, it is not a widget-like material commodity

output such as a car or a raw material input like steel or coal. A theory of labor — if it is

to be a theory of labor rather than a theory of *commodity* — should recognize the

uniqueness of labor within market relations: what makes it unlike other commodities

when done in exchange for a wage. Because my account is specifically about labor as a

human activity rather than labor as an object of exchange in markets, it respects this

important distinction — a distinction which Employment Assumption accounts straight-

forwardly ignore.[24]

1.3 The Value Theory of Labor

I would like now to describe the view of labor on offer here — what I will call the

Value Theory of Labor.[25] This theory rejects the three assumptions discussed above —

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[23] Graeber (2013)

[24] see, e.g. Prasch (2003)

[25] I borrow the name (if not the complete framework) from Diane Elston's interpretation of Marx. See Elston (1979).

the Materiality Assumption, the Productivity Assumption, and the Wage Assumption —
and offers an account of labor based in an activity's status as an intentional social prac-
tice that aims to improve or maintain a system for human life and use under evaluation
by others.

To see the relevance of this account, consider some common examples of labor:
a builder builds a house, a cook prepares dinner, a teacher teaches a lesson on multi-
plication. Building a house calls for a number of different, interconnected steps: the se-
lection of materials and a location; the acquisition of beams, nails, and tools; the con-
struction of a frame; the fitting and joining of beams at right angles to the frame; the in-
stallation of floor boards and a roof. If everything comes together correctly, after much
hard work, a house is made.

Similarly for cooking dinner: the cook decides on a menu and ingredients (per-
haps fitting the menu to the ingredients in the house, perhaps deciding on the menu and
then going to the grocery store); chops the onions and carrots; sautés the vegetables
and adds water and white wine and chicken; sets everything on a boil for a few hours. If
everything comes together correctly, after much hard work, dinner is made.

Similarly (perhaps) for teaching a group of students multiplication. The teacher de-
velops a lesson plan, calls the class to session, writes some marks on the board, asks
questions, hands out worksheets, pairs students off into partners, walks around and
checks their progress. Again, if everything comes together correctly, after much hard
work, a group of students who can multiply integers is made.

Take the above examples as paradigm cases. Using these examples to guide our
discussion, I will describe the five properties that I take to be characteristic of labor:

namely, that labor is an intentional social practice aimed at maintaining or improving a system or resource for human life and use under evaluation by others. Doing so will help us get a grip (at least provisionally!) on what is important about labor and how it is manifested in immaterial practices such as communication.[26]

The view can be laid out as follows. First, labor is a *social practice:* it a kind of human activity guided and grounded in the use of resources according to rules particular to an action type. Second, labor is *intentional*: (i) it is purposive or goal-directed; (ii) it requires deliberation and planning; (iii) it is instantiated in tries, attempts or endeavors; (iv) it is effortful, requiring some expense of energy to perform, and has attendant costs of time and fatigue. Third, labor *aims at adding value*, typically by maintaining or improving a system or resource for human use or life: what a laboring agent aims at is (believed to be) a significant improvement, according to some human need or interest, over a prior state of affairs. Finally, labor is and ought to be *under evaluation by others* both in its performance and its results: we can criticize or praise both an act of house-building and the resulting house as bad, sloppy, or incompetent, or as good, complete, or skilled, and expression of such evaluation can take various forms (e.g. compensation, credit, gratitude, and so on).

Admittedly, the class of activity picked out by these conditions is broad and perhaps lacking in unity. But for now, I would like to explore these as reasonable conditions of the view under analysis here. Following a discussion of these conditions, I will

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[26] I provide these conditions as a plausible first-pass at a critical analysis of labor. Such an analysis is intended as an explication and defense of the view on offer in much of the contemporary literature discussing the labor of communication (e.g. Sara Ahmed, Jodi Dean, David Graeber, Hardt & Negre, Susan Leigh Star, Arlie Hoschield, and others). The aim, then, is to show that the position in such literature is philosophically defensible on its own terms. Communication is labor not in some metaphorical or merely phenomenological sense (we can "think of it this way," or "sometimes it feels this way") but rather in a fairly straightforward ontological sense.

explore a normative framework adequate for characterizing such activity in the social sphere, and describe how it is manifested in immaterial activities such as communication.

1.3.1 Labor as a Social Practice

Labor, I will argue, falls into that class of actions categorized as *social practices.*[27] Practices are, broadly, patterns of human activity that follow rules or display regularities: social scripts, rituals, or procedures. Examples of what theorists have categorized as practices cited by Joseph Rouse include:

> ...spatially dispersed but relatively short-lived activities such as Nasdaq stock market Internet "day trading" [Schatzki, 2002] or academic presentations on the international conference circuit [Rabinow, 1996], but also relatively stable and widespread patterns of social relations such as willfully self-interested bargaining [Taylor, 1985]. Many practices are culturally specific, such as the Kabyle gift-exchanges discussed by Bourdieu [1977] or the secret baptism of money by Colombian peasants described by Taussig [1980]. Yet some practice theorists also refer to activities which take various culturally specific forms, such as eating with specific utensils and preparing food accordingly [Dreyfus, 1991], while others identify long-standing institutionalized activities such as chess ([Haugeland, 1998]; [MacIntyre, 1981]), medicine (MacIntyre), or science.[28]

Clearly, social practices are a bit difficult to distinguish precisely as a species of the genus human action. But it is worth describing in a bit of detail what may make practices special as a type of activity, and of unique importance for analysis for social science and philosophy.

Following Anthony Giddens and William Sewell, for instance, Sally Haslanger has offered an account of social practices as the structured, mutually sustaining product of

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[27] Rouse (2007), Bourdieu (1990), Giddens (1984), Sewell (1992), Haslanger (2013)

[28] Rouse (2007, page 499)

two factors: (1) material resources (objects in the world, including artifacts) and (2) schemas (mental structures such as dispositions, beliefs, intentions, and goals — both individual and collective). A social practice involves the constitutive interaction of a set of social schemas with the resources to which they "fit."

Consider the practice of playing a piano minuet. An instance of such a practice is performed when the right resources combine with the right schemas: when a skilled piano player sits in front of a piano (resources) and presses the keys in just the right way at just the right time guided by the music notation on the page in front of her (schemas). Haslanger (following Sewell) explains such a relationship in terms of both causal and constitutive interaction:

> …On Sewell's view a social structure exists when there is a causal, and mutually sustaining, interdependence between a shared or collective schema and an organization of resources. However, Sewell's claim that the two elements of structure "imply and sustain each other" (my emphasis) suggests a constitutive relationship as well: the pile of bricks, wood, and metal is a punching-in station because schemas that direct employers to pay employees by the hour and employees to keep track of their hours are enacted with this tool. The schema for keeping track of hours is a punching-in schema because there is a punch-clock that the employer will use as a basis for calculating wages. Without the invention of the punch-clock, there could be no punching-in schema. There is a causal interdependence and also a constitutive relationship.[29]

So then a social practice, on the Giddens/Sewell/Haslanger account, is just this special constitutive or interactive combination of a set of schemas (beliefs, intentions, goals, habits) and material resources (objects in the world).

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[29] Haslanger (2007, page 78-79)

It strikes me as quite plausible that *labor* is a paradigm social practice on the Giddens/Sewell/Haslanger account. Indeed, the workplace is an environment Sewell discusses in some detail:

> A factory is not an inert pile of bricks, wood, and metal. It incorporates or actualizes schemas.... The factory gate, the punching-in station, the design of the assembly line: all of these features of the factory teach and validate the rules of the capitalist labor contract...In short, if resources are instantiations or embodiments of schemas, they therefore inculcate and justify the schemas as well...Sets of schemas and resources may properly be said to constitute structures only when they mutually imply and sustain each other over time.[30]

Labor — even "immaterial" labor — uncontroversially requires interaction with the environment: the engagement with (manipulation and use of) various objects and artifacts (resources) in ways that are guided by the habits, dispositions, beliefs, preferences, interests, and needs that agents have in relation to them. Indeed, the instances of labor that are paradigm for most English speakers emphasize the materiality of labor: building, manufacturing, mining, and so on.

One may be tempted to say that labor just is that activity that changes material conditions (resources) in some significant way. Against this, it is important to recognize that even those activities normally characterized as *immaterial* labor (service work such as teaching, intellectual work such as writing, creative work such as audiovisual production) require significant sustained causal and constitutive interaction with material resources — equipment, hardware, instruments, operating systems, pens and paper, and so on. Indeed, what is characteristic of such immaterial labor is the interactivity and fine-grained attunement between mind and body necessary for such precise execution.

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[30] Sewell (1992, page 13)

This point is emphasized, for instance, by Michael Hardt and Antonio Negri in their explication of the rise of immaterial labor in wage markets.[31] They highlight the fact that immaterial labor requires sustained and detail-oriented *feedback* between tool and user:

> Even when direct contact with computers is not involved, the manipulation of symbols and information along the model of computer operation is extremely widespread. In an earlier era workers learned how to act like machines both inside and outside the factory. We even learned (with the help of Muybridge's photos, for example) to recognise human activity in general as mechanical. Today we increasingly think like computers, while communication technologies and their model of interaction are becoming more and more central to labouring activities. One novel aspect of the computer is that it can continually modify its own operation through its use. Even the most rudimentary forms of artificial intelligence allow the computer to expand and perfect its operation based on its interaction with its user and its environment. The same kind of continual interactivity characterises a wide range of contemporary productive activities, whether computer hardware is directly involved or not. The computer and communication revolution of production has transformed labouring practices in such a way that they all tend toward the model of information and communication technologies. Interactive and cybernetic machines become a new prosthesis integrated into our bodies and minds and a lens through which to redefine our bodies and minds themselves.[32]

It is further obvious that labor — both material and immaterial — requires the thoughtful application of the particular constitutive rules of a practice to its performance. In laboring, an agent aims at some state of affairs (a built house, a prepared meal, a multiplication-competent student). She understands her activity as an activity of a particular type, and understands the conditions required for executing such a type of activity. She then exerts effortful, practically rational action in pursuit of this goal state: e.g., by deliberating on the requirements of a built house and meeting these requirements

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[31] Hardt & Negri (2000)

[32] Hardt & Negri (2000)

through action. Doing so requires forethought, will, reason, skill, attention, and planning: bringing together all the separate components of the job in a way that makes sense.[33]

At the risk of making human labor (manual labor, back-breaking labor) sound too cognitively sophisticated, it is perhaps useful to remember that "unskilled" human labor actually isn't: *every* kind of practical human activity requires attention, effort, familiarity, conscientiousness, and mental acuity.[34] Even brute drudgery requires of agents that they know the constitutive and regulative rules of the activity at hand, that they attend to the *ad hoc* constraints on the activity placed by the particular context, that they are able to recognize when something has gone wrong and needs to be repaired or started over, and so on. In order to dig a trench, one must know where and how deep the trench should be, whether the soil requires a pickaxe or a garden spade, how to use a pickaxe versus a garden spade, what to do with the dirt after you dig it up, and so on.[35] Beyond this, manual labor requires a particular kind of mental stamina — the willpower to maintain precision and care even after long hours, to deal with management and coworkers, to perform repetitive, difficult tasks without losing one's mind, and so on.[36] This, I think, suffices to explain the fact that labor is a human practice: it is the practice of an activity

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[33] Labor, being an explicitly human activity, makes use of the rational capacities of humans -- e.g. deliberation, planning, forethought, and will. See e.g. Marx (1844) On Marx's view what is unique about human agents is that the changes we initiate in the world are done through the exercise of will rather than instinct.

[34] Ehrenreich (2001)

[35] Indeed, the "science of shoveling" was one of the major case studies of Frederick Winslow Taylor in his iconic *Principles of Scientific Management* (1911).

[36] thanks to Linda Alcoff for this point.

that uses the material world in ways guided, grounded, and governed by the rules of that activity.[37]

This brings us to our second condition: the intentionality (or quasi-intentionality) of labor.

1.3.2 Labor as Intentional

Labor, I want to argue, is a characteristically *intentional* social practice. What I mean by intentional in this capacity is that labor (i) is purposive or goal-directed (though not always purely instrumental); (ii) requires deliberation, practical reasoning, and/or planning; (iii) is effortful, requiring both energy and time.

All labor uncontroversially requires the application of what Haslanger calls schemas: thoughts, attitudes, or dispositions/habits that guide interaction with the environment in a particular way. Such mental attitudes can be more or less manifest or operant, more or less reflective or reactive, more or less implicit or explicit.[38] I'm going to describe the nature of such intentions as inhering in the following properties: labor displays the word-to-world direction of fit and causal role characteristic of actions done on the basis of in-

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[37] It is worth noting here that labor is a social activity that has both regulative *and* constitutive rules: there are rules governing what *counts as* digging a trench instead of doing something else (digging a grave or a well, for instance), and an agent must have access to such rules in order to execute the activity. This can be contrasted to activities where there are no constitutive rules governing what actions count as activities of that type — for instance, one can eat or sleep without acting in accordance with any constitutive rules regarding eating or sleeping. Thanks to Ishani Maitra for this point.

[38] On Marx's account, such schemas — whatever their complexity — are characteristic of the difference between the manipulation of resources as performed by humans and that performed by non-human animals. Lots of animals modify and improve their environments, build structures, or even use tools. What makes labor fundamentally human is that humans are able to perform such activities under deliberation and intention, according to their interests and desires as well as needs, and with long-term as well as immediate short-term goals in mind. What makes "the worst house better than the best beehive" is that humans (but not bees) *intend* to build the house. See Marx (1844).

tentions; labor is effortful and purposive; and labor is instantiated in tries, attempts or endeavors. These important characteristics go a long way in showing labor's status as intentional activity.

First, labor constitutes action that aims to fulfill intentions — attitudes that display a word-to-world direction of fit and a particular causal role. The laboring agent is one who attempts to bring into being a state of affairs consistent with some mental representation — that is, the laboring agent goes about trying to make it the case that the world coheres with some representation she has of how the world ought to be.

Consider finding a grocery list that says "eggs, bread, strawberries." Now consider two origins this list might have. In situation A, Susan has written down each of the items on the list in order to have a record to remind her of all the things she plans on buying at the store. She then uses the list to guide her action in selecting things to put in the cart. In situation B, Susan puts things haphazardly into the cart, and then merely catalogues the items she has just placed there. In the former case, the world is made to fit the words on the list — to fit the intentions, plans, desires, or interests of Susan the writer. In B, words are written that represent the world: the list is documentation of the items already in the cart.[39]

Many attitudes display word-to-world direction of fit: needs, desires, interests, predictions, and hopes. What makes intentions special, on one popular account, is that their characteristic function is to *cause* the intended state of affairs to come about, and to constrain an agent's other attitudes, behavior, and commitments against inconsisten-

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[39] This example is a variation on Anscombe (1963).

cy with such a state of affairs.[40] On this view, developed by Michael Bratman, the fact that one intends to φ is, first, the cause of one's eventual φ-ing. Second, the intention to φ places one under rational pressure to reject attitudes and actions inconsistent with φ: for instance, to believe that one will not φ, to intend to perform acts inconsistent with φ, and so on. Intentions serve to "filter out" such objects of deliberation and planning. This serves to explain how we are able to coordinate our behavior with ourselves and others across space and time.

It seems clear to me that labor is at least provisionally intentional in this respect, and indeed many of the examples from the literature on intentional action are examples *of labor:* building a bird house, for instance, or cooking a meal, or painting a barn. If one intends to perform such an act — of building a birdhouse this afternoon, for instance — it seems inconsistent to also intend to perform acts that compete with this intention — for instance, to also intend to drive your sister to the airport at the same time.

Second, while intention characterizes the attitude an agent takes toward some content that aims at making that content the case, it cannot do so alone. Intention must be translated into action via *effort.* Committing one's self to an act, being motivated to perform the act, or intending to perform the act are not the same as actually performing the act. It is possible (if perhaps not rational) to be motivated to φ, to be committed to φ, and to intend to φ without thereby actually coming to φ.

The simple fact of weakness of will shows that commitment, motivation and intention alone are not sufficient for performing an act. I can intend to go to the gym at 6:30 pm every day, I can decide not to make appointments that conflict with this schedule, and I

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[40] Bratman (1987)

can even believe and predict that I will make it to the gym at 6.30 pm. But despite all this, it is still possible that when 6:30 rolls around I just can't seem to get off the couch. The spirit is willing (if perhaps irrational), but the flesh is weak. The important added ingredient is, I think, *effort.*

Effort is probably the most recognizable property of labor, and a telling feature in favor of labor's intentionality. This is because effort is not free-floating, but rather is a use of energy toward some particular act, task, or end. We put effort toward *doing* particular things: mowing the lawn, stitching a hem, writing the great American novel. The effort of such acts have attendant costs: of time (we cannot mow the lawn *while* stitching a hem), attention (we cannot give over our full cognitive resources to writing the great American novel without distraction while riding the lawn mower) and fatigue (mowing the lawn might mean we are too exhausted to stitch a hem).

It is for this reason — because effort is directed toward particular actions, tasks, or ends — that effort provides evidence of labor's intentionality. It is puzzling how an act that was unintentional could be nevertheless *effortful* — What would it mean to expend effort without some task in mind that the effort is expended toward? What would that even look like? The task might be obscure, underdetermined, or open to revision — but having a task that one aims at seems characteristic of effort.[41]

The paradigm cases of labor listed above are uncontroversially effortful. Indeed, it seems essential to labor that it be the type of activity that we expend energy in doing,

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[41] A note on alienated labor: labor under conditions of alienation might display pointed DIS-TANCE from our ends, obscured ends, occluded ends, etc. For instance, perhaps when I'm working on the manufacturing line I don't know what the end product looks like. But even in this case of alienation, there is still some more local end that I put effort toward (e.g. affixing the carburetor on what will eventually be an engine for a truck).

something that requires us to overcome some amount of resistance or inertia or constraint, something that (perhaps) stretches us to the limit of our capacities. When we describe something as "hard work" we are describing just this experience of difficulty and fatigue in the face of strain and effort.

Of course, over time, particular activities may become less effortful as we become habituated to them, become better at them, and get used to what we can expect while performing them. What is difficult on the first day becomes easier as time goes on — it becomes "second nature" as we acquire skills, stamina, and knowledge. Consider teaching. On his first day in the classroom, Cory is nervous, unprepared, and has a distinct feeling of stage fright. By his third semester teaching, however, Cory is no longer nervous — he knows what to expect, he has become quicker on his feet, and ready for whatever his students throw at him. This is a common experience across domains. To say that labor is effortful is *not* to say that once an activity becomes easier for us it *stops* being labor. Rather, to say that labor is effortful is to acknowledge that an activity requires of us some investment of energy to attempt it. The investment of energy may vary over time — requiring a lot of us at the beginning, and gradually less and less — but even when we are quite good at a task we still need to initiate it. Even the expert must put in *some* effort toward performing the thing he is so good at — he must step up to the plate.

It is worth noting here another particular caveat. To say that labor is effortful (and to say that effort is always expended toward some goal) is *not* to say that labor is narrowly instrumental. Many purposive, goal-directed, effortful actions are such that their motivation is not merely ends-driven, and their value is not detachable from the means them-

selves. Nancy Hartsock observes as much in her discussion of the uniqueness of care-work:

> Women also produce/reproduce men (and other women) on both a daily and a long-term basis. This aspect of women's "production" exposes the deep inadequacies of the concept of production as a description of women's activity. One does not (cannot) produce another human being in anything like the way one produces an object such as a chair. Much more is involved, activity which cannot easily be dichotomized into play or work. Helping another to develop, the gradual relinquishing of control, the experience of the human limits of one's action – all these are important features of women's activity as mothers. Women as mothers even more than as workers, are institutionally involved in processes of change and growth, and more than workers, must understand the importance of avoiding excessive control in order to help others grow. The activity involved is far more complex than the instrumental working with others to transform objects.[42]

I take Hartsock here to be expressing two important facts about labor as purposive, effortful intentional action. First, labor such as carework does not always aim at particular fine-grained goals, and second, the value of such labor does not always consist in mere achievement of such goals. Carework presses on what we called the Productivity Assumption above: the assumption that labor just is that human activity that produces objects, artifacts, or commodities.

First, the motivation for carework is not always bare means-end calculation in the way it might be when producing objects. Rather than aiming to manifest one's will in the world by externalizing or objectifying an intention (as Marx would put it), the ends of care require participation and coordination with and on behalf of others in pursuit of world-making. This makes the goals of carework open-ended in a way other kinds of labor are not: they are at once too general ("keep X safe and healthy", "teach X to be kind and compassionate,") and too specific ("help X tie her shoes," "remind X to wash

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[42] Hartsock (1983, page 293)

her hands before dinner") to count as means-end calculation. Carework requires taking on another's ends as one's own, and sometimes adjusting and *relinquishing* one's view of particular ends in the face of another agent's understanding of those ends, as well as being open to the emergence of new ends from within the practice itself. As feminist Marxists have observed, carework is therefore a fundamentally dynamic process.[43]

Second, the value of an act of labor is not always purely instrumental: the value of activities of carework ("processes of change and growth," "helping another to develop," and so on) resides not just in the ends that they ultimately meet, but also in the performance of the activity itself. We can see this in two ways. First, imagine two alternatives where the goal "having something to eat" is met. In case A, dinner just materializes out of nowhere — no need for the activity that aims at that goal. In case B, dinner is the result of labor in the kitchen. It is not clear to me that A is always clearly preferable to B — even if having dinner appear out of nowhere without the costs of time, energy, and fatigue associated with cooking it would be advantageous, there may still be reasons to select alternative B over A. Perhaps cooking is an enjoyable and meaningful experience in its own right. Perhaps one is cooking dinner to express love and appreciation for someone else. And so on.

Further, there might be reasons to perform some act of labor A even if it is not successful in bringing about goal G. For instance, the goal of cooking dinner with Cecelia the toddler is (presumably) to have something for you and Cecelia to eat. Having Cecilia "help you" by stirring the batter might result in an inedible dinner — perhaps she mixes in the egg shells and you don't notice until too late — but it's plausible that the practice

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[43] we will explore such dynamic processes further when we describe reproductive immaterial labor such as communication.

could still have been worth doing: you get to spend quality time with her, help her learn how to follow directions, teach her what *not* to do, work with her on her language skills, and so on. Thus I think that labor's intentionality does not reside in mere instrumental action.

Above I have argued in favor of labor's intentionality by pointing to its direction of fit, causal aim, and functional role. I also argued in favor of labor's intentionality by appeal to its effortfulness, and made note of the fact that labor's effortlessness does not entail that labor is merely instrumental action.

The last point I want to make in favor of labor's intentionality is its manifestation in attempts, tries, or endeavors. It is important to point out that while the laboring agent characteristically intends to perform some action, their intention is not always successful. Labor, after all, is not a success term. Unlucky and limited agents that we are, even though we may try very hard, sometimes we fail to cook dinner, to build a house, to fix a chair. And yet even if one is not successful in one's goal (the task one engages in does not reach one's ends), one has still engaged in labor. This provides reason for thinking of labor as a practice manifested in attempts, tries, and/or endeavors.

Even though labor may not necessarily be successful action, it does strike me that attempts and tries are importantly enactive of capacities of effort directed toward some task. In attempting to φ, one exerts some such effort toward φ — that is, one expends energy and time directed toward φ. And attempts may fail — but this does not negate the fact that they were indeed attempts at some action.

To make sense of the claim that labor is manifested in attempts, tries, or endeavors, we can consider one particular analysis of attempting and consider whether labor meets

the conditions of such an analysis. Gideon Yaffe's account is helpful here.[44] Yaffe explores what it is to attempt a crime in terms of guiding commitments. Insofar as an agent attempts to perform some act (e.g. a crime like murder), the agent is committed to performing all of the components of that act. This is evaluable according to a counterfactual: that the agent would have completed the act if they had the ability and opportunity. I don't think this analysis is unique to attempts to commit crimes rather than attempts to perform other actions, including labor. That is: this approach can be extended to other attempts to perform actions, such as labor.[45]

Extending such an account to labor is, I think, fairly natural. To count as attempting a labor task (e.g. attempting to build a house), an agent is committed to performing all of the components of that act. In this case: to selecting the location of the house, getting all the required permits, selecting boards, setting a foundation, and so on. Whether or not the agent is working to build the house is therefore evaluable according to the same kind of counterfactual as the crime case: would the agent have completed the act if they had the ability and opportunity? If the answer is yes, they count as working to build a house — even if the end result is sloppy, malformed, or incomplete.

1.3.3 Labor as Action Aiming at Maintenance or Improvement

Recall our examples above: building a house, teaching a child multiplication, cooking dinner. As is clear from our examples, labor is not just *any* effortful intentional action: there is something special about it. Not all ends-oriented instances of intentional, effort-

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[44] Yaffe (2010)

[45] Bratman (1983), (2013); Yaffe (2010)

ful action constitute labor. I may raise the remote control in order to change the channel on the television, but it seems a stretch to say that in doing so I have performed labor.

Thinkers have used different schemas to distinguish labor as a species within the genus of practical action: perhaps labor just is that action which produces some material object; perhaps it is activity one exchanges within a market for a wage; perhaps it is that which is performed out of social necessity; perhaps it is just that practical action which is truly meaningful and significant to the laborer.[46] Because I reject assumptions of Materality, Productivity, and Employment, many of these moves are unavailable to me. I thereby propose an alternative schema. I suggest that we look at labor as that practical activity that is performed toward a particular kind of state of affairs. In particular, it is useful to focus on labor as that practical activity that aims to add value to or maintain/sustain the value of a system or resource of human life and use.

Such a schema is not completely alien to the Western philosophical tradition. Here's Locke:

> …The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men: for this labour being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good, left in common for others.[47]

Locke is doing many things in this section, but here are some good reasons for thinking that "mixing one's labor" with a material results in ownership of that material:

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[46] Arendt (1958)

[47] Locke (1821, Chapter V, Sec. 27)

first, in mixing labor with a material, an agent *improves* it. Second, the improvement is the motivational basis of that agent's action — it is *why* she acts. Third, the agent's action is the *cause* of such improvement. She makes the material better, according to some need or interest.

Material as it is found or discovered in nature is, by and large, not yet useful for humans -- it requires some amount of change to bring it to a state where it can be consumed, worn, or modified by people. And, for the most part, the only way to bring it into this state is through *tending* to it in some way: through stripping the wood of bark and cutting it into timber; through killing, slaughtering and preparing meat for food; through collecting, gathering and cleaning berries for medicine. Occasionally we may harness natural processes or entropy to help us in our work (e.g. the evaporation of sea water into salt), but usually the only way for such materials to be transformed into their usable, useful state is through the actions of agents who can shape and mold them in the ways required according to the needs or interests to be met.

Labor, on this picture, aims to *add value* in some respect. In particular: it adds value by transforming an existing object or state of affairs into one that is better for human life and use — where the materials involved are easier to come by, are open to incorporation into other human practices, to consume, to shelter, to adorn. Further, the improvement of such an object or state of affairs is usually properly ascribable to the intentional actions of the agent rather than entropy, luck, or nature. Because of this, the end result of the mixture of labor and material (form + matter) belongs to the agent, on the Lockean picture.

None of this is to say that objects *lack* value before humans have altered them.

Natural objects and resources may be valuable in their own right. And allowing that humans can improve the value of objects by interacting with them is independent of the further claim that this increase in value is sufficient to generate property rights.[48] In discussing this moment of the Second Treatise, I do not mean to endorse a Lockean theory of property (indeed, I don't).[49] Rather, I mean to show that, historically, there is a picture on which the characteristic of labor that distinguishes it from other human activity is its role in improving conditions according to human needs and interests. For some theorists in the history of ideas, then, labor was most clearly that rational human activity which aims to add value: by producing material objects and goods, by adding form to matter, or maintaining and improving some state of affairs.

Value, of course, can be added to a state of affairs absent the production of any material good.[50] Consider the distinction between resources and resource systems.[51] Resources are those entities in an environment that agents are able to transform, use, modify, and consume — as well as to experience, learn from, appreciate, consider, and admire. Resource systems are the conditions (spaces, environments, milieus, infrastructures, ecosystems) that support the creation, modification, transformation, production and use of resources. So, for instance, clean water is a resource, but the canal network that supports its transportation to irrigate crops is a resource system.

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[48] thanks to Lewis Powell.

[49] It bears noting that Lockean theories of property have been a basis for expropriation of land from indigenous occupants. See e.g. Arneil (1996). Thanks to Linda Alcoff for this point.

[50] Even Marx realized this. Many have taken it to be obvious that Marx endorsed the Productivity Assumption, but this is not at all clear. Marx's conception was arguably a much more Aristotelian model: we add value by *giving new form to already existing matter.* See e.g. Carpenter (2010)

[51] Ostrum (1990)

In describing labor as a practice that aims to add value to something, it is important to note that the thing one aims to improve is not always some particular resource, but can also be a resource *system.* Such value can amount to maintenance of the resource system, improvement to it, or preservation of it. In many contexts the distinction between resources and resource systems may be blurry or even absent. In an agricultural state of nature, for instance, agents change the world according to their needs and interests by modifying both resources and resource systems at the same time. By gathering, cleaning, planting, growing, and harvesting materials in nature agents must support *both* the extraction of resources for human consumption *and* the preservation of the "infrastructure" that makes such extraction possible — e.g. fields and fodder, tools and skills. Such practices are critical for subsistence economies, where agents develop the material world but do so by transforming already existing materials, not producing new ones *ex nihilo*.[52] Labor, on this picture, aims to improve or maintain resources and resource systems — that is, to add value to either objects or the conditions underlying the creation, organization, and manipulation of such objects.[53]

1.3.4 Labor as Normatively Evaluable By Others

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[52] see e.g. Sahlins (1972)

[53] This is, I submit, what the productive/reproductive labor distinction amounts to: what gets called productive labor is that which aims at adding value to some resource, while reproductive labor is that which aims at adding value to a resource system. I thus take the distinction between practical action that aims at adding value according to significant human needs and interests and practical action that does not do so to be prior to any distinction between productive and reproductive practical action (e.g. productive and reproductive labor). See also O'Brien (1981), Federici (1975); Hartsock (1983).

The final condition that I would like to highlight is that, on this picture, labor is an activity that is properly under practical evaluation by others. It is the sort of thing that others can and should give us input on: for instance, regarding whether we are meeting the constitutive and regulative rules of the practice in play, whether our attempts have been successful in meeting our goals, whether and how our practices could be improved, whether the activity we're performing itself is actually valuable.

The point of this condition is to respect the fact that labor is a *social* activity: it is within the sphere of that to which we are practically accountable to others. We rely on others to tell us how well we have accomplished something, whether the things we are aiming at are ultimately helpful, useful, or valuable, whether we are in fact maintaining or improving conditions for human life and use, whether there are better ways of channeling our skills and energy toward particular ends. Evaluation by a diverse collection of others serves as a balance on our own idiosyncratic actions and proclivities. Without such a condition, it would be too easy for us to get lost in the cultivation of practices that do not sustain or enable the world and those around us. Without input, guidance, critique, and feedback from others, I might have spent my entire life perfecting the art of shoe-tying; shoe-tying might have been the ultimate expression of my self-realization; I might have attempted to organize an entire industry around developing the best possible methods and materials of shoe-tying. Thank goodness I had people in my life to dissuade me from such a pursuit!

In specifying the content of evaluation, I propose that labor is open to evaluation by others (for instance, in the form of practical praise and blame) insofar as it is appropriate for others to appraise the performance of some act of labor or the results of some act of

labor. In appraising the performance of some act of labor, other agents can evaluate how well the laborer has acted in concert with the rules of the activity under *ad-hoc* constraints of the particular context. This will involve such considerations as, how difficult was the task? how skilled was the laborer? how risky was the environment? and so on. In appraising the end result of some act of labor, agents can evaluate how well the actual results of the labor task meet its author's intended state of affairs. This may involves considerations like: how sturdy was the house? how beautiful was the ring? How clean was the car? How safe were the kids?

Second, I think it is useful to inquire into the appropriate scope of evaluators. While labor is always in principle open to appraisal and critique by others, it might be worth specifying that evaluation will be most *reliable* under conditions where the evaluators are in a good epistemic position to compare distinct activities and ends. Here I borrow an insight from John Stuart Mill. In developing a procedure for making accurate evaluations of the difficulty, significance, and relative value of, e.g. two different forms of labor, we can appeal to evaluation by others who have *knowledge* of these two different forms of labor.

Consider just such a deliberative democratic model of evaluation. Shared inquiry with a diverse collection of agents familiar with the practical activities under evaluation, the domain of relevant activity, the constitutive and the regulative norms of the activity, can provide context, criteria, and standards for the proper evaluation of particular kinds and acts of labor, as well as the results of such labor. Similar to Mill's picture of how we can reliably decide which of two competing goods is qualitatively more valuable, if we are trying to figure out which of two comparable activities is more difficult, more impor-

tant, or more valuable, we can do a lot worse than asking after the judgement of people with experience of both.[54]

1.4 Conditions on Labor and the Value Theory

This account meets our above conditions on an adequate theory of labor in the following respects. First, this analysis explains the centrality of labor in human life by appeal to both instrumental and non-instrumental value. Labor is important to us — and is a major part of our lives — both because it is how we reach our practical goals and because the activity itself can be a valuable component of human life. The practical, instrumental goals served by labor can be either direct (e.g. building a table satisfies our interest in having a table) or indirect (e.g. acquiring a wage to pay rent satisfies our need for shelter). But labor can also be noninstrumentally valuable as well. As Jon Elster has discussed, labor is an important practice of self-realization: the manifestation of an individual's achievements, creativity, and expression.[55] My view allows for both instrumental action and self-realization to explain labor's significance in human lives. Thus my view can explain the centrality of labor to the human condition in terms of both its instrumental value as the means to reach various practical ends, and its noninstrumental value as an important source of meaningfulness itself.

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[54] Of course, such a procedure is not foolproof. Evaluators working under conditions of ideology may not come to accurate comparative judgements of the value of particular kinds of labor. For instance, people may rationalize the fact that CEOs command such high wages through a narrative of desert on the basis of experience, difficulty, and so on. I do not take such judgements to be apt appraisals of the genuine value of CEO labor. Thank you to Ishani Maitra for this point.

[55] Elster (1987)

Second, my account gives some plausible conditions for distinguishing labor from other forms of practical human activity. For instance, the above conditions can distinguish between labor and instinctive/reflexive behavior. Reflexive/instinctive behavior does not meet the intentionality condition and so is not labor: laughter, facial expressions, sneezing, and so on are not planned or intended, are not goal-directed or purposive, and are not deliberative. The above conditions also allow us to distinguish between labor and non-laborious intentional activities such as hailing a cab by appeal to the effort, value-adding, and evaluation conditions: hailing a cab may be a component of a labor activity when it is embedded as a step in a larger activity that is effortful, that aims to improves a state of affairs in a socially significant way, and when others evaluate it as doing so — and otherwise not. On these conditions, we can inquire into whether an act of hailing a cab is an act of labor by looking at the larger activity of which it is a part. For instance, if an act of hailing a cab is done for the sake of running errands, it could be that this larger act constitutes labor because it (the larger act of *running errands)* is effortful, aims to adds significant value, and others can evaluate it as doing so ("thank you for doing that today, I know it was a pain to get across town" or "you forgot to get milk!") but hailing a cab for the sake of going to the opera, or for the sake of going to meet friends for dinner, may not be.

My theory also provides a procedure for making accurate evaluations of the difficulty, significance, and relative value of various forms of labor by appeal to the evaluation by others condition. In figuring out what the social value of a particular act (or act type) of labor is, we appeal to others to evaluate the act with regard to its constitutive aims, how

well it reaches those aims given the *ad-hoc* constraints of the particular context, and with regard to the final outcome of such activity.

Further, because my theory is expressed in terms of *aims or attempts* to add value according to some human need or interest, it allows that agents may be *wrong* about what is ultimately valuable, even while they perform labor in pursuit of it. A person rolling cigarettes to sell may believe that their activity is improving human life (say, on the rationalization that consumers have a "revealed preference" for cigarettes) and may indeed be wrong about this (people's lives are not actually improved through buying and smoking cigarettes). But what is relevant for the activity to count as labor is not that the laborer is *correct* in their assessment of the value involved, but that their activity counts as an attempt that aims at what they *think* is of value.[56] This is the right result.

Finally, because my theory describes the value of labor in terms of the goal of improvement or maintenance of a system or the resources within it, it is clear that it provides a difference in kind between labor and other kinds of commodities within a market. Bare commodities do not maintain or improve systems — labor (or capital transformed by labor) does. This is because, for one, commodities are merely instrumentally or relationally valuable — the value of any commodity depends upon the attitudes, needs, interests, and relations of persons for whom that commodity can be used or exchanged, or the system that aims to use it. The addition of a bottle of beer to the state of affairs of a desert island is not valuable without a bottle opener and the knowledge of how to use

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[56] Of course, this is something like an owner's perspective on what value the manufacture of cigarettes may have. It is likely that from a worker's perspective such purported value is obfuscated even further — for the worker, the improvement to the state of affairs that he aims at is that of earning a wage, not fulfilling someone's "desire" for a commodity. Thanks to Gary Ostertag for this point.

it. Second, commodities do not pop into existence *ex nihilo.* As discussed above, any commodity that enters a social system must transition from its natural form to one usable or exchangable by agents. Even the 'fruits of the earth" so exciting to Locke must be transported out of the forest, the mine or the bush to camp or town or market. Third, even if bare resources are valuable as commodities independently of the labor that improves them, this is not a strike against my account — one can still maintain a qualitative difference between these (somehow miraculously appearing) commodities and labor within the market by appeal to the meaningfulness of labor discussed above.

1.5 Immaterial Labor

Now that I have sketched my view above, I would like to set it into motion with an examination of a particular kind of immaterial labor: that of communication. What I am calling *immaterial labor* is that human activity as delineated above (e.g. intentional, practical activity, aiming at improvement or maintenance of a system or its resources for human life and use, evaluable by suitably positioned others) where the systems or resources involved are abstracta rather than concreta: thoughts, beliefs, propositions, data, mathematical objects, theories, knowledge, proofs, and so on. Though below I fo-

cus on what I call *communicative* and *interpretive labor,* I do not take all immaterial labor to be communicative or interpretive in nature.[57]

The basic view that I will sketch is that communication constitutes the immaterial labor of a natural language system, a structure which supports the creation and provision of collective immaterial resources: in this case, information, data, knowledge, propositions, concepts, words, plans, social meanings, and so on. Following Elinor Ostrum, call a complex environment supporting the provision of a particular collective resource a *collective pool resource system.*[58] For instance, a coastline supports a fishery, a tributary and canal network supports water for crop irrigation, a forest supports timber, food, and fodder.

Such systems are not automatically by their own devices sustained through the use and improvement of various human actors with divergent needs, abilities, motives, actions, and interests. Just as a physical collective pool resource system such as a canal irrigation network requires coordination, trust, reciprocity, and maintenance of its users to preserve and sustain the resources of the system over time (e.g. clean water for all), so does a natural language system (e.g. a linguistic community, dialect, conversation or discourse) require conditions that sustain the resources of the system (e.g. pooled information, plans, knowledge). Immaterial labor includes the work of using, forming,

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[57] For instance: a mathematician doing a geometry proof alone in her office is performing immaterial labor even if she never intends it to be seen by anyone else and it is never, in fact, seen by anyone else. This is immaterial, but non-communicative, labor. There is a strain of objections to Griceanism that attempt to show that talking to one's self, soliloquies, diary entries, and so on do not have meaning because they are not communicative (see, e.g. Lycan, Carruthers). I am happy to grant that there can be meaning without communication, as in the mathematical proof example above. But none of this matters for my purposes here.

[58] Ostrum (1990)

modifying, and sustaining the epistemic and practical resources of such a system (e.g. concepts, propositions, plans, data) as well as the system itself (e.g. a functional language or discourse) such that the system functions. While canonical examples of immaterial labor focus on the production within a labor market of technical resources from a system (e.g. design, editing, coding, and data), in this project I focus specifically on the immaterial labor of everyday communication: e.g. the work agents do in discourse to understand and be understood.

So call a *natural language system* that structure that provides the conditions for human natural language communication.[59] This can be operationalized in a few ways: natural language systems may be *linguistic communities* — e.g. speakers of a language or some part of it who share a milieu, a culture, or way of life.[60] Natural language systems may be *microlanguages* — e.g., a specification of a natural language with a local discourse-specific lexicon.[61] Or natural language systems may just be what we call a language such as English in the first place — a natural language defined by a set of rules and a lexicon put into practice by particular human agents (e.g. speakers) in the world.[62]

Take such a language system to require at least two things: *coordination* and *mutual knowledge.* Assume a Lewisian picture of language as a system of regularities or conventions.[63] First: such a language system requires *coordination.* For any two agents in

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[59] There may also be formal language systems that structure the conditions of meaning or truth preservation. See the mathematical proof example above.

[60] Eckert (1989) and Eckert & McConnell-Ginet (1992)

[61] Ludlow (2014)

[62] Lewis (1972)

[63] Lewis (1969)

such a system, both are better off (e.g., they face mutually beneficial results) if they perform the same action. This provides both agents with a reason to perform the same action. Second, a language system requires *mutual knowledge.* Not only is it the case that both agents are better off if they perform the same action, both agents *know* that they are both better off if they perform the same action, and have preferences that the other does not deviate. This shared information provides the ground for a regularity within the language system.

It is easiest perhaps with a non-linguistic example. You and I both use the road by our house to turn off onto the highway. We mutually benefit from a state of affairs where we perform the same action: e.g. drive on the same side of the road. Which side of the road is arbitrary — it could be either the left or the right side. What matters is that we do the same thing. It is not particularly efficient, useful, or necessary to decide *ad hoc* every morning which side of the road we will drive on today; it makes more sense to always do the same thing. So suppose we institute a *convention* (perhaps *via* precedent, perhaps *via* decree or fiat) to regulate driving on the road. Now there is just such a regularity of driving on the right side of the road, and we have mutual knowledge of such a regularity. Not only is it the case that we are both better off performing the same action, we now we have mutual knowledge of the fact of the regularity, and therefore have an interest that neither deviate. This example nicely illustrates the role that conventions (e.g. both of us driving on the right side of the road) can play in solving coordination problems — they establish equilibria from a set of arbitrary alternatives.[64]

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[64] Lewis (1969)

A natural language system, on this model, is a good example of such a coordination problem solved by a set of conventions: we all prefer a state of affairs whereby we perform the same action (e.g. use the same word to refer to the same object — e.g., dogs) but it does not particularly matter *which* action it is among a set of alternatives (e.g. uttering "dog" vs "cat" vs "gavagai"). In the absence of the effort of establishing a new word each time we speak, we can rely on conventions to guide us. The linguistic conventions supplied by the language's syntax, lexicon, and pragmatics provide the regularity among English speakers of using "dog" rather than "gavagai" to refer to dogs.

Coordination and mutual knowledge might be sufficient for a formal language system. But they are not sufficient for a language system as people actually use it — e.g. a *natural* language system. For that, as David Lewis has argued, one needs two more regularities: a regularity of *truthfulness* and a regularity of *trust.* One must be able to rely on the fact that others are usually and for the most part telling the truth, and usually and for the most part sincere about the truth as they see it.[65]

So far the story is pretty familiar. The observation that I would like to make is that the above state of affairs does not *just happen.* Such a system is not an automatic given of the world, a pre-ordained harmony, or *creatio ex nihilo.*[66] This is because coordination, mutual knowledge, and regularities of truthfulness and trust are *achievements* of a natural language system and its speakers. They are not miracles or mere luck, but rather conditions that are attributable to the *activity, care* and *skill* of human agents who use and maintain the system.

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[65] Lewis (1972). See also Williams (2002).

[66] contrast this to e.g. Ludlow on entrainment. See Ludlow (2014)

Consider mutual knowledge. We get a lot of practical benefits from pooling information, but quite often such pooling is not merely a matter of one party asserting P and the other thereby believing P. Sometimes we need to be *persuaded* — we need to *deliberate* in order to figure out whether or not P. Often this will involve significant contestation, justification, debate, and argument about P — what evidence we have for it, what might follow from it, and so on. This is not just the case for knowledge, but all sorts of functions of discourse — for instance, solving common problems ("what are we gonna do about…") and developing inquiry ("how do we figure out…"). Contestation and cognitive dissonance are parts of any functional epistemic community, and nonviolent and non-subordinating resolution of such scenarios require joint effort oriented toward thought, deliberation, reflection, and consensus-building.[67]

The same is true of coordination — anyone who has ever organized a picnic, potluck, or camping trip knows that states of affairs for mutual benefit are not automatic: we need a *mechanism* (perhaps a spreadsheet, perhaps a consensus building procedure) to figure out who is bringing what, where we should meet, what time we should meet there, who to invite, and so on. This is also true of conversations. Misunderstandings, mistakes, confusion, and failures of uptake all require *repair* — people must backtrack and disambiguate, clarify, rephrase, and reassert in order to adjust the mutual operant assumptions of a conversation.[68] I will have more to say about such scenarios shortly.

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[67] Anderson (2006); Gutmann & Thompson (1996); Bohman & Rehg (1997)

[68] Tzanne (2000)

Further, truthfulness and trust are *themselves* conditions that require effort and activity to create and sustain within a system. This is clear from the fact that honesty, sincerity, and trustworthiness are *virtues* of speakers, and that such character traits require cultivation, nurturance, care, and guidance. As children, we must *learn* to tell the truth, and such learning continues throughout our lives. Being held accountable by and to others is a continual process of moral development; this is why we speak of the value of those who 'keep us honest.'[69]

In addition to learning to tell the truth, we learn to be *trusting* and *trustworthy.* We learn to take responsibility for acting in another's interests, and sometimes need to be *reminded* by others that we are so responsible when we (perhaps mistakenly) violate their trust.[70] Indeed, it is this characteristic of trust that distinguishes it from something weaker like reliability: trust is an attitude we have toward people, not objects, and, unlike objects, it makes sense to seek redress when we are let down by them.

So far I have argued that mutual knowledge, coordination, truth-telling and trust are achievements of human social activity that require effort, care, and attention toward their preservation in a language system. This is not surprising given the fact that human agents are *fallible* and *bounded* creatures*.* Agents may have strong prudential reasons for deviating, and may "deviate" by making mistakes or acting under uncertainty. In order to prevent such mistakes, deviations, and uncertainty from degrading or undermining a natural language system's ability to function (e.g., to do the sorts of things we use it to do), we must have structures according to which we can recover from and mutually

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[69] Springer (2013)

[70] Baier (1986); Daukas (2006)

adjust for such mistakes and deviations — e.g. we must develop relations of reciprocity, practices of accountability, and procedures for mitigating risk and uncertainty.

Mutual knowledge, coordination, truthfulness and trust are therefore regularities of a language system, but they are *precarious* regularities. Because such conditions are precarious — because they are not automatic and not guaranteed — we developing practices and activity (e.g. *labor)* to sustain them, the system they support, and the re- sources they provide. Such practices and activity can involve justification, explanation, reasoning, expressions of concern, accountability, amends-making, and so on: the things we do with each other to remake the sociolinguistic world such that it has the properties we value (that is, such that it can be used to pool information, solve prob- lems, express concern, and so on). Such practices and norms serve as the informal structure of institutions and communities: e.g. rule making, accountability procedures, graded sanctions, and so on for resolving disputes, organizing action, and repairing mis- takes.[71]

Finally, even once conditions of coordination, mutual knowledge, truthfulness and trust are achieved in one state of a language system, there is no guarantee that they will persist to future states. Language systems are not static. This is clear because we are constantly (1) losing and gaining members of the language system (e.g. speakers and conversational participants) as well as (2) products of the language system (e.g con- cepts, terms, propositions, and so on). Regarding (1), the immaterial labor of cultivating such conditions of a language system is the work of language acquisition and admis- sion. We typically require some initiation, training, and nurturance in developing our

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[71] Ostrum (1990)

knowledge of and ability to use a language. If a child does not receive adequate socio-pragmatic input before the critical period, they will not develop the language faculty. This is uncontroversial, but what it means is that we don't have a language in the absence of reproductive immaterial labor — teaching, playing, *care*. Regarding (2), the immaterial labor involved is the expense of energy toward bringing new terms into the lexicon, expressing thoughts, and disseminating information throughout a community — by, e.g., assertion and the production of common knowledge.[72] I will have more to say about this shortly.

Note that such an analysis explicitly describes what it takes to have a *functional* natural language system: e.g. one that does not routinely fail, is not degraded beyond performing its characteristic tasks, and is capable of sustaining use by multiple agents with divergent interests. For a natural language system to do the things characteristic of a *well-functioning* natural language system, agents must be able to rely on each other to act predictably and reliably, to meet expectations, to enter into and honor commitments, to attend to, acknowledge, recognize and assist with each other's first order individual goals, to consider problems and concerns jointly, and to generally support rather than undermine the background conditions necessary for entering into and exiting from higher order joint projects. To the extent that agents systematically or routinely fail to organize themselves in ways that meet these challenges, a language system will fail to do the very things that make it valuable: to allow us to learn from each other, to inquire and deliberate together, to pool information, to coordinate action, to express care and concern, to reflect on and solve common problems, and so on. Insofar as we value lan-

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[72] through what e.g. Sandy Goldberg calls 'diffuse epistemic dependence.' See Goldberg (2010).

guage systems for their ability to perform these sorts of tasks, we ought to reflect on the kind of activity that supports and sustains them.

The activity described above is immaterial labor, but it is immaterial labor of a reproductive sort: activity that seeks to create, sustain or improve a system for human life and use. However, in order to show how my theory of labor works with regard to communication, I will focus below on *productive* immaterial labor: namely, the activity of developing and disseminating immaterial entities for human life and use. The products of such immaterial labor here are familiar from the philosophical lexicon: they are assertions, sentences, propositions, concepts, frames, words, thoughts, judgements, and so on.[73]

In order to show how my theory of labor works, then, I will explore it with the test case of a particular kind of immaterial labor: what I call *communicative* and *interpretive* labor — the work that goes into understanding, being understood, and acting on the basis of this understanding within the language system of a conversation. I will argue that in natural language, the function of communication is facilitated in particular by norms that place agents A and B under rational pressure to mutually exert effort toward understanding each other and acting on the basis of this understanding. In addition to norms that guide communicators in their role as speakers (e.g., truth-telling and sincerity), I argue that agents also find themselves under norms in their role as hearers and interlocutors — in particular, those norms appropriate to the activity of listening: e.g. observing a rule of accommodation, a principle of charity, and various conventions regarding turn-

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[73] Philosophers have explored the 'division' of such linguistic and epistemic labor for concepts and terms, though they have not inquired into what such labor might amount to. See e.g. Putnam (1973).

taking. Repeated, systemic, or wide-spread failure of such norms degrade the natural language system in its role supporting communication by unnecessarily increasing the amounts of effort, attention, risk-aversiveness, and contingency-planning required of agents. This in turn undermines the value of the language system: the things that language system is *good at* and *good for.*

1.5.1 Communicative Labor

In good faith conversation, listeners and speakers perform both productive and re-productive immaterial labor as I have characterized it toward the joint project of conversation. As Hardt and Negri note, immaterial labor is importantly work done *with others*.[74] Agents typically have two roles that they switch between: that of listener/interlocutor/addressee and that of speaker. Both tasks require certain kinds of actions on the part of the agent.

On the one hand, agents seek to manifest their individual communicative intentions in a conversation (e.g. to express their intentions through utterances and have their addresses understand and act on these intentions). As such, they may engage in individual processes of instrumental reasoning and action to perform communicative tasks such as asserting, asking, or requesting -- for instance, deciding which words to use based on the expectations they have about their audience's vocabulary. On the other hand, in communicating, agents expect and require various conditions of their conversational co-participants *insofar as they are co-participants:* that their interlocutor speaks

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[74] Hardt and Negri agree with Grice that conversation *qua* immaterial labor is essentially co-operative. I don't go that far here, but only aim to show that many of the conditions of COORDI-NATION are undermined in noncooperative contexts. This doesn't mean conversation is essentially cooperative — it could just be like traffic or queuing for the bank. But it does mean that conversations that fail to be cooperative are *less functional* for the purposes we usually value them for.

the same language, that they can and will accurately and reliably recover jointly accessible and manifest communicative intentions, that understanding what is said will influence their interlocutor's attitudes and behavior in ways characteristic of such intentions, and so on. Meanwhile, hearers expect speakers to say what they mean, to speak truthfully and sincerely, to generally obey the linguistic conventions of the language system (e.g. to use "dog" rather than "cat" when referring to dogs), and so on. Both roles in the communicative relation — speaker-side and hearer-side — come with particular expectations of attention, coordination, understanding, identification, trust, truthfulness, good faith, and recognition. Typically in communicating, agents meet such expectations by balancing the individual and joint work of the conversation: that is, by doing what they can to understand each other, to be understood by one another, and act on the basis of such understanding.

I will characterize the things people aim to do with their speech as *communicative tasks*. Recall above that on my picture, a labor task is an activity with a particular structure: it is a (component of an) intentional social practice, evaluable by others, that aims at improving a system or product for human life and use. To describe what I am calling *communicative tasks* I will provide a broadly Gricean framework.

On a Gricean approach, the goal of a communicative task is a state of affairs with a particular reflexive structure among agents: a speaker S means that her audience is to φ in uttering u just in case there is some property F such that (i) it is mutually known that that u is F and that being F is correlated with p (or with φing) and S utters u intending that upon speaking, S's audience H recognizes that S has such an intention; the recog-

nition of this intention becomes mutual knowledge between S and H; and this mutual knowledge gives H a reason to φ.[75]

The states of affairs that a speaker aims at in speaking (e.g., getting an interlocutor to recognize her communicative intentions and then to develop attitudes -- or perform actions -- on the basis of such recognition) comprise the goal of the communicative task (e.g., in my description above, that at which the speaker aims). The actions a speaker takes toward reaching this goal (e.g. deliberating upon, planning, and producing an utterance) comprise the labor of the communicative task insofar as I characterize such labor above in terms of tries, attempts, or endeavors.

Such labor, insofar as it is effortful, intentional and instrumentally rational, is an activity that demands practical reasoning (e.g. deliberation and planning) of an agent. We might analyze an individual's potential utterances that aim to perform communicative tasks on the model of one type of practical reasoning, that of a hypothetical imperative.[76] Under such a model, a speaker uses her words to achieve a particular extra-communicative goal: for instance, to realize some effect in the world, to instantiate an attitude in her interlocutors, to express care or concern, and so on. A speaker's utterance serves as the means to this end. Such a structure might look like this:

For some speaker S, their attitude A, intended audience R, action φ and utterance U:

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[75] Grice (1989). Thanks to Gary Ostertag.

[76] This labor is in one sense an immaterial activity. But of course communication labor is not merely immaterial: it also results in the creation of a spatiotemporally located (e.g. material) object: the event of a speech act, the inscription of marks on a page, and so on. Later we will describe such goals/intended states of affairs in terms of intended updates to a conversational record and common ground.

In C, if S intends (1) that R recognize S's attitude A, and (2) if S intends for R to recognize that S intends R to recognize A, and (3) if S intends that R perform φ in virtue of (1) and (2), then S ought to utter U.

The ends of having R recognize and respond to A on the basis of an utterance U would then be S's intended state of affairs, and U the practical means to achieving this state of affairs. Usually U will be a vocalized linguistic expression (e.g. a sentence or word) of the language in use in the conversation, but it might also be some operation on a linguistic expression --e.g. a pause, silence, or absence.

"φ" in the schema above represents the speaker's intended perlocutionary effects in performing the speech act -- what the speaker, in speaking, aims at. For instance, intended perlocutionary effects may include the audience's development of attitudes like belief and desire on the basis of recognizing S's communicative intentions, their actions on the basis of such attitudes, and so on. It is plausible that intended perlocutionary effects will correlate with speech act type. An assertion that P, for example, plausibly aims at the intended perlocutionary effects of updating an interlocutor's beliefs (or giving them a reason to do so). Different speech act types will vary with regard to φ — requests and commands will aim at actions, questions will aim at eliciting information through answers, and so on. Regardless of the particulars, such an instrumental structure provides an agent with steps to realizing a context (e.g. a state of affairs) with particular features: namely, a state of affairs such that an interlocutor understands the

speaker's thought and manifests a particular response as a result. Such a schema is similar in spirit to those in the literature on speech act realization.[77]

On this model, in deciding what to say, a speaker formulates a thought that would meet her communicative ends (e.g., the attitude, action, or response she intends to engender in her interlocutor) and then refines this conceptualization online through a process of articulation.[78] Call *articulation* the process a speaker engages in when she identifies a thought and then works out an appropriate utterance to express this thought -- for instance, an utterance U.[79]

The transition from A to U varies with regard to how much energy and effort we want, can, or need to expend toward U. The process can be more or less direct or circuitous, difficult or easy, deliberative or automatic. We may think carefully about elements of U (word choice, volume, tone, calibration to genre conventions and the needs of particular audiences) or we may offload such deliberation to downstream automatic processes (e.g. habits and dispositions).

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[77] "The convention view of meaning is crystallized in the notion of semantic formulae, or speech act realization strategies. Semantic formulae combine to speech act sets, the collection of semantic structures by which a particular speech act can be performed (e.g., Olshtain & Cohen, 1983). Speech act sets have been proposed, among others, for apologies (Meier, 1998, for review), complaints (Olshtain & Weinbach, 1987), refusals (Beebe & Cummings, 1985/1996; Beebe, Takahashi & Uliss-Weltz, 1990), requests (Blum-Kulka, House, & Kasper, 1989), and thanking (Eisenstein & Bodman, 1986)." (Kasper 2009, pg 296)

[78] On my view, this practice of articulation is a productive rather than reproductive activity of immaterial labor. That is: it is an activity that seeks to create, develop, or form some object — a thought, a proposition, a question — for human life and use. This is contrasted with that labor which seeks to create, sustain, or improve a *system* for human life and use. Articulation is properly a practice of the former type rather than the latter.

[79] See e.g. Levelt (1989) and Bever (1970). I want to remain neutral on the status of such a 'thought' — leave open the possibility that these are nonpropositional frame or aspects, etc. See also Eli Alshanetsky "Articulating a Thought" (ms).

Phenomenologically, things rarely feel particularly effortful, involved, or deliberate. When conversations are going well (when conditions of coordination, mutual knowledge, trust, and truthfulness are met) our linguistic choices (e.g. selection of linguistic variants available) can be largely automated -- we can and do rely on dispositions, habits and skills to carry us most of the way toward reaching our communicative goals. We don't usually have to consciously consider and evaluate alternatives — we don't actually wonder "what word would Sarah best understand here?" or "what can I say to get the secretary to sign this form in lieu of her boss?" — but rather we automatically calibrate to alternatives that we think are likely to meet our goals.[80]

This is at least partially because we can usually expect our interlocutors to hold up their part of the communicative bargain — to speak our language, to reliably and predictably interpret what we mean and act on the basis of understanding us, to listen in good faith, and so on. In Chapters 2 and 3 I will discuss failures in such conditions, and how such failures manifest in language systems.

1.5.2 Interpretive Labor

As I remark above, in the sustainable, well-functioning use of a natural language system, both roles of speaker and listener have distinct expectations and responsibilities within the space of the practice. Listening and interpreting, for instance, are *themselves* a kind of labor, and it is to this that I now turn.

Call *interpretive labor,* following David Graeber, the work of figuring out what someone means, what their goals and problems are, and why someone does or says what

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[80] it is worth noting particular contexts that will NOT be automatic or easy — e.g. code-switching from one's 'home' linguistic variant to those of a different (perhaps higher status) register.

they do.[81] Graeber identifies two main aspects of interpretive labor: the first is what he calls the *process of imaginative identification.* By this he means, roughly, the practical activity of figuring out what someone means (e.g by what they say), what they might be trying to do (e.g., with their words), what their likely goals and expectations are (e.g., in speaking), and so on. Philosophers typically understand such activity in terms of phenomena like perspective-taking, intention recognition, and mind-reading.

But interpretive labor also involves what Graeber calls *sympathetic identification:* that is, taking another's concerns on as one's own, interpreting another's likely goals and removing obstacles to them, and acting in service of another's interests. This aspect of interpretive labor involves not just understanding, but also orientations of mutual aid, beneficence, care, and empathetic engagement and action on the basis of such understanding.

It makes sense for Graeber to include both (1) perspective-taking/intention recognition/mind-reading and (2) empathetic engagement as constitutive of interpretive labor. In order to see why, it will be helpful to consider briefly a rational reconstruction of the needs and capacities of the sorts of agents that we in fact are, and how principles placing us under rational pressure to act in some ways rather than others might arise given these needs and capacities.

First, the fact that a group of agents exist nonviolently in the same environment and use the same resource system creates a need for *intersubjectivity.* Agents must be able to coordinate the use and management of communal spaces and resources, to set up stable conventions supporting such use and management, to resolve conflicts or dis-

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[81] Graeber (2015). Compare José Medina on receptivity in Medina (2012)

putes about such resources, and so on. It is therefore not surprising that capacities such as joint attention would arise: if we are to all use the same resources, and do so nonviolently, we require the means to figure out how to do so.[82]

Second, agents do not just share a physical milieu (e.g. an environment) but also a *social* milieu (e.g. a community). Agents embedded within a milieu are not automata — they have minds. This puts pressure on agents to interpret and respond to others *as agents.* People do and ought to see others as the sorts of entities that have their own intentions, plans and projects, ends, needs and interests, and as the sorts of entities capable of making claims on each other, their attention, concern, consideration, and activity. In coming to relate to one another as agents, we develop the ground for attributing attitudes to one another, to providing reasons for action, and for anticipating the likely responses of others with minds like ours.[83]

In addition, we do not enter this world as fully developed, ends-driven beings, but rather require quite a long period of help while becoming agents. Further, even once a person has become the sort of entity that has her own plans and interests and can formulate her own ends, she can only meet such ends in the context of interaction and cooperation with others. Many of the things I want and need can only be achieved conditionally with the support and assistance of those around me, and likewise for everyone else. As a result, there arises a need for addressing such *mutual dependence* — not just for children, but for all, insofar as all require the action and consideration of others

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[82] Tomasello (2008)

[83] Tomasello (2008)

to achieve individual and joint goals.[84] Thus it is not surprising that Graeber includes both a condition of understanding and a condition of doing what such understanding calls for — typically acting in another's interest — in his analysis of interpretive labor.[85] This dual nature of interpretive labor will become important later when we explore the practice of *accommodation*: not just of understanding someone else's goals, but acting so as to eliminate obstacles to them.

The fact that such activities as communication and interpretation constitute labor comes to the foreground when we consider *difficult* conversations. Difficult conversations — ones where conditions of coordination, mutual knowledge, truthfulness, and trust are not met, where stakes are particularly high, where we aren't speaking the same language or 'playing the same game' as our interlocutors -- demand more from us both as speakers and as listeners. In these sorts of conversations, we may not be able to rely on each other to do the things characteristic of understanding what we mean, and thus must "choose our words carefully." These are the sorts of interactions that I am particularly interested in, and that I pursue in detail later in chapters 2 and 3.

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[84] Hrdy (2009), Mackenzie & Stoljar (2000)

[85] The most important thing Graeber notes about interpretive labor is an insight he adopts (perhaps unwittingly) from standpoint theory. Such labor and the epistemic orientation it requires is asymmetrical: those on the bottom tend to do more than those at the top, and thus to know more than those at the top. Those on the bottom both know more about those at the top (their interests, actions, what they are likely to do, and so on) than those at the top know about those on the bottom, and those at the bottom are also better able to (perhaps because socialized to) care for those at the top than those at the top are with those at the bottom. This claim is familiar from the literature on standpoint theory: insider-outsiders such as domestic servants know more about the daily routine of the house than will their masters (Wylie, Hartsock, Harding, Hill Collins, etc). Their own safety, privacy, and sanity depend on it. This also makes it the case that those who care for the bodies and beings of others are more capable of feeling empathy for those who are being cared for. Those who do not perform such labor — including interpretive labor — do not develop such capacities.

1.5.3 Communicative Tasks: Interpretative and Social Success

The above schema deals with the individual intentions of a speaker producing an utterance in an attempt to perform a communicative task. Attempts of such tasks may be done by individuals, but *success and completion* of such tasks requires the participation of *both* speakers *and* interlocutors. Notice the antecedent of our above hypothetical imperative for communicative labor explicitly mentions an intended addressee R: "If S intends that R recognize S's intention and (takes this intention as a reason to believe, desire, or perform action φ) in C..." This is where interpretive labor comes in.

Most communicative goals can only be met -- communicative tasks only completed — *with* hearers, audiences, and addressees. Usually this requires some kind of willingness on their part: collaboration, co-participation, cooperation — rather than bare force, intimidation, fear, duress, and so on. Speakers *engage the agency* of listeners, audiences, and addressees, and for the most part audiences are happy to play their role in performing the interpretive labor necessary for such communicative acts to succeed. Communicative tasks are then, in an important sense, *collaborative* with other participants even when the intentions animating them originate from one agent.[86]

Speakers can fail to complete a communicative task in at least two respects. They can fail to be *interpretively successful* or they can fail to be *socially successful* (or, if they're especially unlucky, both). That is: in uttering U, S can fail to bring about recogni-

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[86] A purely instrumental analysis of such activities, then, may misdescribe much communicative behavior: we're not trying to push or pull our audiences one way or another (not merely trying to change or influence behavior), but rather to engage their will and agency in the manifestation of a particular state of affairs. We typically don't (and ought not) regard interlocutors with the objective attitude, but rather as subjects. I do not take such concerns lightly. However, I don't think there is anything particularly objectionable with a hypothetical imperative analysis of communicative labor as long as agents are not regarding their interlocutors as *mere* means to their own narrow ends.

tion of their attitude A, or they can fail to bring about their (intended, desired, expected) effects on the basis of the audience's recognition of A. Both interpretive and social success typically require at least some effort on the part of an interlocutor —- communication is a balance of labor on both the speaker and listener's sides.

An interpretively successful utterance is fairly straightforward: call *interpretive success* that condition that obtains when a hearer correctly recovers what a speaker means. Once a speaker has succeeded in being adequately understood, they have achieved interpretive success. Interpretive success is, therefore, usually fairly automatic among speakers in nondefective contexts — e.g., contexts where speakers share presuppositions, a language, common objects of attention, and so on. Most of the time this is just what we mean by 'communication.'[87]

Social success, on the other hand, is not achieved automatically at the moment of and on the basis of being understood. It requires something else to happen on the part of an interlocutor once she has recognized a speaker's meaning. Call *social success* that condition that obtains when a hearer φ's on the basis of understanding that a speaker intends her to φ on the basis of what the speaker means: e.g., R comes to hold a belief, or she performs some action φ, on the basis of S's intention that she do so because of what S meant.

The idea here is that social success consists in the hearer first actually recovering the speaker's meaning, and then *also acting as though* she has actually recovered the speaker's meaning: e.g. responding to the speaker as though she has understood her (or, perhaps, as though she is an agent who has a claim on her understanding, and thus

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[87] see e.g. Bach and Harnish (1979) and Searle's (1969) critiques of Grice (1989)

deserves interpretive effort, charity, etc). Such activity is the result of interpretive labor on the interlocutor's side— both the recognition of what the speaker means, and acting in service of this meaning.

Much has been made of this distinction, and whether it does or does not serve as an indicator of the illocutionary/perlocutionary distinction.[88] For my purposes, though, all that matters is that speakers expect and rely on the assumption that listeners will engage in some amount of interpretive labor such that social success is likely. When it is not at first clear what a speaker means by what she says, an interlocutor will do what they can to figure it out. This may take the form of inference, charitable re-articulation, or consideration of multiple possible disambiguations.[89] A regularity of social success is the main interpersonal condition that make it the case that it is rational for agents to orient themselves to each other with particular communicative aims in mind — to, that is, speak at all in the first place — and so it is not unreasonable for agents to expect each other to meet reasonable expectations of interpretive labor.

For interpretive success, speakers rely on conditions like speaking the same language, adequate acoustics, coordination on common objects of attention, and so on. For social success, they rely on conditions like attention, cooperatively, reciprocity, and trust. Failures in these conditions make communicative tasks more difficult, and require speakers to exert more effort to achieve them.

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[88] See, e.g., Green (1998); Langton (2009); Maitra (2009)

[89] Note that not everyone agrees that this is what interpretation looks like. Indeed, many contend that the most characteristic property of understanding is its automaticity (see e.g. relevance theory). I agree that many times such processes seem to be and indeed perhaps are automatic. But for the contexts I am interested in — difficult conversation — they explicitly are not.

In light of this, I propose the following definitions of communicative labor and interpretive labor:

A speaker S performs *communicative labor* when she exerts effortful practical activity meeting labor conditions above, aiming at (i) having her attitude A understood by an audience H on the basis of S's utterance U and (ii) having H use (i) as a reason to act as though she has understood U (by, e.g., φing, or acknowledging that she has a reason to φ, etc).

A listener R performs *interpretive labor* when she exerts effort practical activity meeting labor conditions above, aiming at (i) understanding S's attitude A on the basis of an utterance U; and (ii) using (i) as a reason to act as though she has understood U (by, e.g., φing, or acknowledging that she has a reason to φ, etc).

In what follows I explore difficult conversations — those where failures or refusals of interpretive labor have distinct consequences for speakers — and try to give an analysis of the effects such practices have on language systems.

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CHAPTER TWO: UNCOOPERATIVITY, DISCOURSE AND ACCESSIBILITY

> *Winnie the Pooh: What day is it?*
> *Piglet: It's today.*
> *Pooh: You know what the fuck I mean.*
> *(Facebook meme)*

Conversations can be hard work — and the behavior of our interlocutors can make them even harder. Some kinds of conversational behavior, I will argue, are objectionable because they undermine the epistemic, practical, and social goods of conversation — the sorts of things that conversations are characteristically *good at* and *good for.*

Examples are ubiquitous, especially on 24 hour cable news. Consider a recent piece of discourse from Sean Hannity:

(1) UNDUE SKEPTICISM

Context: Sean Hannity has a local political leader, Patricia Bynes, from Ferguson, Missouri on his show to discuss the shooting of Michael Brown.

Hannity: Commiteewoman, you've said this is an issue of police brutality. Were you there at the shooting?
Bynes: Was I there at the shooting? I was not present for the shooting.
Hannity: You weren't there. So you don't *know* if this case is about police brutality, do you?
Bynes: Um, no, I *do* know that this case is about police brutality —
Hannity: —but you weren't there! Let me educate you, commiteewoman…[1]

Call Sean Hannity's behavior above *conversational uncooperativity.* What is most recognizable about such behavior is how frustrating it is — the disorientation, fatigue

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[1] "11/24/2014." *Hannity.* Fox News. 24 Nov. 2014.

and anxiety it causes, the barriers to articulation, expression and knowledge it sets up, and the detrimental long-term effects it has on future problem-solving, discourse and interaction. In this chapter I am interested in diagnosing the harms of conversational un-cooperativity — in particular, how such practices degrade the value of conversation by making it less functional for information pooling, action coordination, inquiry, and problem solving — that is, the sorts of things we value conversation for in the first place.

Here I argue that conversational uncooperativity undermines important features of communication. In order to explain what goes awry in conversastionally uncooperative contexts — including antagonistic, disagreeing, inattentive, uncoordinated and/or deceptive discourse (what we might call *non-ideal natural language discourse*) — we need to consider not just the assumptions that are operant in conversation, but also how those assumptions come to be used and modified by conversational participants. Thus I propose we think of conversations in terms of what I call their *accessibility conditions* — how available the conversation is to the use and modification of the set of assumptions in play by various participants who have a claim on such use and modification.

The plan for the chapter is as follows. First I discuss a mechanism antagonistic interpreters use to prevent speakers from updating contexts in ways they have a *prima facie* claim on. This mechanism is regularly deployed in cases of what I call *willful obtuseness, affected misunderstanding,* and *undue skepticism.* I then connect these practices to similar ones like *bad listening, ignoring,* and *intrusive interruption.* While not an exhaustive taxonomy, these practices help us get a grip on what is at stake in discourse failure. Then I describe the functioning of conversations in terms of orientations toward participants and interlocutors: what is distinctive of conversation is that participants have

prima facie claims on interlocutors' attention, participation, coordination, and accommodation within the domain of a conversation. I then propose that in order to explain how things go awry in antagonistic contexts and to provide us with resources for describing the distortions of uncooperativity, we need to augment our pictures of a context to include not just the set of assumptions that are in play in a conversation, but also those conditions that guide the modification and use of such assumptions by various participants.

2.1 Pedantic Literalism and Friends

Elizabeth Camp has argued that uncooperative discourse contexts gives us good reason to distinguish various features of a conversational score — the set of assumptions at play in a conversation, and how these assumptions shift as a conversation progresses.[2] Below I will briefly describe the model of conversational score she adopts, and expand her insights about the antagonistic interpretation of figurative and metaphorical language to literal, explicit speech.

Camp adopts a picture of communication developed by Robert Stalnaker according to which speakers aim to use and modify an evolving set of mutual assumptions through communication.[3] On this model, speakers keep track of a variety of information as conversations proceed: who has said what, what questions are under discussion, various salient objects, and so forth.[4] In addition to the information specific to the particular conversation at hand, conversational participants are also equipped with shared

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[2] Camp (2014), ms.

[3] Stalnaker (1978); (2002)

[4] Stalnaker (1978); (2002). See also Lewis (1979); Thomason (1990); Roberts (2012).

background information — assumptions about the way the world is, how people typically interact, implicit associations, and so forth.[5] Call this set of propositions mutually treated as true by the participants of the conversation for the purposes of the conversation the *common ground,* or *CG*.[6] This set is — for the most part — mutually available and manifest to conversational participants, and — for the most part — reflexively accepted as mutually available and manifest.

We typically adjust this set of mutual assumptions through speech. Call this — the utterances we produce in a conversation — the *conversational record.*[7] The relationship between the common ground and the conversational record is an important one, and much of the legwork in philosophy of language has been in figuring out how various mechanisms on the conversational record — e.g., implicature, presupposition, metaphor, sarcasm, generics— systematically (aim to) modify the CG.[8]

Almost exclusively, discussion of these mechanisms focus on conversations that are cooperative, where interlocutors have common goals, and where interlocutors share relevant mutual attitudes.[9] Camp here is a notable exception. She describes how antagonistic speakers take themselves to be committed merely to what's on the conversational record, and appeal to this (e.g. what is explicitly "on the record") to resolve con-

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[5] Searle (1978)

[6] "Treating P as true" here for Stalnaker is roughly equivalent to "ignoring the possibility that P is false." See Stalnaker (2002).

[7] Camp (2014), ms., Green (1999)

[8] Camp (2006); Leslie (2007); Simons (2003); von Fintel (2008); etc.

[9] Stalnaker sets the course here by defining a "defective context" as one in which the participants' presuppositions differ. A "nondefective context", then, is one in which the participants' presuppositions do not differ enough to render the conversation unstable (pg 85). Of course, such 'unstable' conversations are exactly our object of inquiry here.

testation over the set of propositions in the CG — e.g. what a speaker is mutually understood to have meant. In antagonistic contexts, practices such as sarcasm and plausible deniability allow speakers to exploit the gap between what they leave on the conversational record (what they say) and the content of the common ground (what they are mutually understood to have meant). For instance, *sarcasm* allows speakers to modify the CG without committing themselves to a particular claim. A sarcastic reply such as "Oh yeah, he comes around here ALL the time," in response to the question "Has Tim been here today?" allows the sarcastic speaker to successfully (1) *deny* that Tim was there without (2) *committing herself* to the claim that he was not. In this way, speakers in antagonistic contexts can craft their utterances so as to preserve plausible deniability about what they actually mean without technically lying.[10]

In addition to strategic antagonistic speech, Camp also considers antagonistic interpretation such as what she calls *pedantic literalism.* Pedantic literalism is a strategy in an interlocutor's role as a hearer that is importantly different from other similar practices such as *silencing.*[11] This practice allows speakers to exploit the same distinction as plausible deniability, often to comedic or subversive effect. Consider an example:

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[10] Camp, ms. pg. 17.

[11] Silencing — at least in its canonical form as illocutionary disablement — is the manifestation of a speaker' inability to be understood as performing the speech act she intends to perform (MacKinnon 1993; Langton 1993). Women under patriarchy, for instance, are *silenced* in their attempts at sexual refusal. Illocutionary disablement in this sense is a form of failed communication at the level of understanding (see Maitra 2009 for discussion). Pedantic literalism, on the other hand, is precisely *not* a failure of understanding. Pedantic literalists *do* understand what a speaker means, but *pretend* not to.

(2) PEDANTIC LITERALISM

(Context: Lucy is trying to convince Desi that they ought to buy a new freezer)

Lucy: Look, it says right here: "This freezer pays for itself!"
Desi: Oh, well, let me see…Hey, maybe we ought to get one.
Lucy: Really?
Desi: Sure….As soon as it gets through paying for itself, tell it to give us a call and come over![12]

Of course Desi understands what Lucy *means* by gesturing to the ad's claim that "the freezer pays for itself": roughly, that they will save more money in the long run than what the item costs in the short term. Desi responds sarcastically by (pretending to) take the metaphor literally in order to express rejection of the suggestion to buy the freezer. Hence, pedantic literalism.

Responding to metaphor with pedantic literalism is one form of low-grade (and fairly innocuous) conversational uncooperativity that turns on the gap between what is literally said and what is (mutually manifest to have been) meant. To understand how such practices work, it is useful to frame the usual process of communication as one of fine-grained intention recognition and collaborative meaning modulation among conversational co-participants.[13] Speakers typically rely on interpreters to (1) understand, comprehend, or recognize what they mean, and to (2) adjust their mutual attitudes and behavior in ways characteristic of the recognition of such meanings (e.g., to update their beliefs, to shift their plans, and so on). For instance, If I say "Julia can't make it," in a

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[12] "The Freezer." *I Love Lucy.* CBS; 1952. Television.

[13] As may be clear, I am sympathetic here to a view of conversations as 'microlanguages' that require fine-grained meaning modulation among conversational participants. See e.g. Ludlow (2014) but also Clark, Schreuder, & Buttrick (1983) and Giles, Coupland, & Coupland (1991).

conversation where we are discussing today's meeting of the History Department, of which Julia Smith is a member, I clearly mean, *Julia Smith can't come to the History Department meeting today at 3 PM*. This is clear, because all the participants of the conversation have at their disposal the background information that makes *Julia Smith* the most salient Julia (rather than *Julia Roberts* or *Julia Childs*), the practice of attending a meeting the most salient way a person could fail to 'make it' (rather than sculpt a clay statue), and *the 3 pm History Department meeting* the most salient event to fail to attend (rather than *the Faculty Senate Meeting at 5 pm*). Further, (a) all participants *know* that all other participants have this information (i.e., it is mutual knowledge); and (b) all participants have a reason to adjust their behavior in ways characteristic of what I meant on the basis of what I said (i.e., to not treat it as unexpected when Julia doesn't arrive, to organize eight chairs around the table instead of seven; to order less coffee, etc).[14] On this intentionalist picture, the correct assignment of semantic value to lexical items at a context requires recognizing and accommodating a speaker's (manifest, accessible) intentions — constrained by linguistic conventions and against a background of mutual assumptions.[15]

The above example — "Julia can't make it" — is a fairly straightforward assertion aimed at adding the proposition *Julia Smith won't be coming to the History Department meeting today at 3 PM* to the CG. In asserting this, I trust interlocutors to do a few things. First, I trust them to understand what I mean by "Julia can't make it." This includes arriving at the specifications of "Julia" and "can't make" and "it" that I clearly in-

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[14] Grice (1989)

[15] Neale (2004), Schiffer (1972, 1981), Strawson (1965)

tend. I need my interlocutors to be communicatively competent, attentive, and coordinated enough to reliably arrive at *Julia Smith won't be coming to the History Department meeting today at 3 PM* rather than *Julia Childs can't make it to the History Department meeting today at 3 pm* or *Julia Smith can't sculpt the statue today*.[16] I also trust them to figure out some other things: that I was *asserting* that Julia can't make it (rather than *asking* whether she can — compare: "Oh, Julia can't make it?" uttered with rising terminal intonation), that I was *being sincere* (not sarcastic, coy, or play-acting), and that I was *speaking with a high degree of credence* in the fact that she can't make it (compare: "Julia maybe can't make it"), and so on.[17] In short, I rely on my interlocutors to understand what I meant by what I say on this occasion, and -- for the most part — such understanding is automatic, spontaneous, and fairly unreflective.[18]

In the previous chapter I discussed such activity in terms of *interpretive labor,* which may at this point seem a bit of misnomer since phenomenologically things might usually feel fairly effortless*.* But what is interesting about antagonistic contexts, as we will see, is that the distinct refusal of one party to uphold their part of the bargain regarding such activity creates burdens of *communicative* labor for other participants.

This is because I don't *only* trust my interlocutors to understand what I mean. I also trust them to *do something* on the basis of this understanding — to manifest particular attitudes and behavior as a result of what I've said. Speech is almost always a means to some further end involving particular responses from our interlocutors. In the terms of

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[16] Bach & Harnish (1979)

[17] Stokke (2014); McGowan (2013); Maitra (2009); Yalcin (2011)

[18] Sperber & Wilson (1986)

the framework sketched above, such response can be understood as adjustments to the CG in the ways characteristic of meanings of the type of speech act performed. In the case of assertion, for instance, I rely on my interlocutors to treat what I manifestly meant as a reason to believe what I've expressed. In the Stalnakerian framework, this involves updating the CG to include what I manifestly meant (an assertion that Julia Smith can't make it to the history meeting) rather than something else (a question about whether Julia can make it to the history meeting, an assertion that Julia Child cant make it, whatever).

Thus I trust my interlocutors to do two things. First, I trust them to understand what I mean (to uncover the communicative intentions I have made mutually manifest), and, second, I trust them to undertake attitudes and behavior characteristic of meanings of that type.[19] Correspondingly, there are two ways that interlocutors can fail us. They can fail to understand what we mean, and they can fail to manifest the attitudes and be-havior characteristic of meanings of that type. Garden variety misunderstanding and il-locutionary disablement are failures in the first sense: a failure to understand what a speaker means. Pedantic literalism and perlocutionary frustration are failures in this second sense: a failure to adjust the CG in the ways characteristic of what a speaker means.

Pedantic literalism is only one manifestation of this failure (or perhaps: refusal) on the part of our interlocutors. It also includes *undue skepticism.* Consider the Sean Hannity example above. The conflict in this example isn't over whether Michael Brown died of police brutality, but what, in this context, the correct modulation of the term

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[19] This mirrors the two kinds of "success" discussed above in Chapter 1: what I have called *interpretive* and *social success.*

'knows' is or ought to be. Suddenly, what is at issue is not the fact of the man's death and the conditions under which it occurred, but what epistemic standards there should be for making such judgements in the first place. Sean Hannity's opening move is that of the skeptic: "Were you there? If you weren't there, how could you know?" Bynes then finds herself thrown into a conversation where the modulation of "knows" is set artificially high. And once 'knows' is set to such skeptical standards, the conversation and its assumptions become almost irrevocably skeptical. It's hard to see what -- short of eye-witness testimony — could satisfy "knows" in such a context.[20]

It bears noting, then, that Camp's insight about the antagonistic interpretation of metaphorical speech can be replicated for fully literal, explicit speech for a number of different expressions, including context-sensitive terms, vague predicates, demonstratives, and definite descriptions:

(3) Meaning Modulation of Vague Predicate ("Tall")

Context: Annie runs into her young neighbor Bill and his little brother John at the grocery store.

Annie: John is getting so tall!
Bill (deadpans): Well, not really. He's only 5 foot.
Annie:…I meant tall *for his age.*

(4) Meaning Modulation of Context-Sensitive Term ("Knows")

Context: Susie and Han are at the Natural History Museum looking at an exhibit.

Susie: Look, here's a Coelophysis footprint! This guidebook says we know dinosaurs once walked here!

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[20] Compare Lewis (1979) on the phrase "France is hexagonal."

Han: We don't know that. We don't even know if my hand exists! Come to think of it, *you* don't even know if *I* exist!

(5) Definite Description

John owns John's Towing Company. Fred owns and runs a business that has an attached parking lot. Whenever a car parks in Fred's lot without a permit, Fred calls John and has him tow it away. John secretly resents Fred for calling him so frequently over cars illegally parked in the lot, but puts up with it because the money is good.

Fred drives a BMW with a parking pass, but today forgot to hang his parking pass up on his rearview mirror (where it is supposed to be displayed). When he gets to work, Fred sees a Toyota Corolla, a Honda Accord, *and* a Kia Sorento without parking passes in the lot. Fred is angry to see these cars, so he calls John and says:

Fred: Come down here and tow away every import without a parking permit!

Upon reaching the parking lot, John sees the Corolla, the Honda, the Kia and the BMW and immediately notices that *none* actually have a permit displayed. He remembers that Fred's exact words were an instruction to "tow away every import without a parking permit." John decides to follow him to the letter, and to tow away *all* the imports with no parking permits, including Fred's BMW. Fred sees his car has been towed and, furious, heads to the impound lot. Upon arriving, Fred has to pay to get his car back, and no amount of explaining to the manager of the impound lot makes a difference.[21]

(6) Demonstrative Reference

Lucia and Keisha are out at dinner at a Thai place, and there are a number of plates on the table that they are sharing: cold peanut noodles, veggie pad thai, and massaman curry. While eating, they brainstorm a menu for the dinner party they're having next week where they have invited their friend Sebastian. Sebastian is friends with Lucia, but Keisha can't stand him. Sebastian is allergic to peanuts, which everyone knows. Lucia, enjoying a bite of the massaman curry, and says:

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[21] thanks to Daniel Harris and Gary Ostertag for help with this example.

Lucia: How about we make this? It's great and I bet we have all the ingredients.

Keisha, on the assumption that Lucia is referring to the curry, agrees.
The night of the party, Keisha (passive aggressively) prepares a different Thai dish that was also on the table that night -- pad thai. When Lucia and Sebastian find out the dish has peanuts in it, Lucia gets understandably angry with Keisha for not making the curry she clearly referred to when they were preparing the menu the week before. Keisha, though, says (under cover of deniability) "But you didn't say WHICH Thai dish you wanted me to make - I thought you were talking about the pad thai!"[22]

The cases above all have the same structure as pedantic literalism, yet are neither pedantic nor literalist. In all these cases, A says U, meaning P. B understands that A means P, but A *acts as* though B actually means something slightly different — Q. Both P and Q are consistent with U. B then acts as though the CG contains Q rather than P.[23] But of course it is P that A manifestly meant by U. Because P and Q are both consistent with U — and because the differences between P and Q are so fine-grained — B can more or less plead ignorance on knowing whether A meant P rather than Q by U.[24]

What is crucial here is that these cases are *not* cases of misunderstanding, uptake failure, or illocutionary disablement. We have stipulated that the interpreter in these cases correctly understands what the speaker means — illocutions and all. However, these cases are ones where what the speaker means — even though made manifest and understood — does not have the effects characteristic of meanings of that type.

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[22] This example is similar in spirit to one by Jennifer Saul (2012). Compare also Jeff King (2013) on reference and 'conflicting intentions.'

[23] Or: acts as though it is the case that those worlds where Q is true are ranked higher, or where the salience ranking is different than that actually proposed, or what have you.

[24] See discussion in Camp (ms).

This is true whether we describe such effects in terms of the use and modification of the CG or in more theoretically neutral terms of directing or coordinating action, informing, and so on. The interlocutor fulfills S's reflexive communicative intention, we might say, but does not do what S can rationally expect their utterance to get H to do (to believe, to comply, to acknowledge, to answer, etc).[25] On the contrary, H *pretends* as though the speaker has meant something slightly different from what they actually meant, and updates the context with *that* meaning instead.

What such cases highlight is the importance of —and limits on — the practice of *accommodation.* There are a few different analyses of accommodation on offer in the literature, but the most plausible (I think) is Rich Thomason's. Thomason presents linguistic accommodation of the type we have been discussing as a manifestation of a general social tendency to recognize the plans or goals of others, and to eliminate obstacles to them when we can:

> Most generally, accommodation consists in acting to remove obstacles to the achievement of desires or goals that we attribute to others.

> I am accommodating you, for instance, if I open the door when I see you approach it with your hands full of packages. We can gain important insights into pragmatics by noting that accommodations can affect conventions, norms, or data structures, as well as states of nature. A hotel in the Caribbean might accommodate a German tour by accepting German currency, and the US Internal Revenue Service accommodates the public by allowing income figures to be rounded of the nearest whole number. These examples of accommodation involve temporary or permanent modifications of rules, but accommodation can be spontaneous and ad hoc; discovering that I am a dollar short, a shopkeeper may decide to mark off the price of the item I have bought.[26]

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[25] Bach & Harnish (1979)

[26] Thomason (1990)

Recall above our discussion of David Graeber on interpretive labor: not only does interpretive labor involve uncovering a speaker's communicative intentions, but also *acting on behalf of* these intentions. When I ask 'can you pass the salt?' you recognize my intention, but in addition to such recognition you also typically act on behalf of it — by passing the salt, rather than merely responding "yes" while remaining still. This is even though responding "yes" while remaining still is a move technically available to you given the literal meaning of what I've uttered.

Unlike passing the salt (e.g., physical action on the basis of intention recognition) linguistic accommodation can seem a bit magical: all we have to do to remove obstacles to our interlocutor's communicative goals (for instance, the goal of informing us of something) is to *act as though* those obstacles were not there in the first place.[27] For instance, in the case of informative presupposition, eliminating an obstacle merely requires us to *act as though* the information presupposed is already true at the context. When asked if I will be at the faculty meeting, I respond, "I have to pick my sister up at the airport," even if I know you *don't* know I have a sister, intending you to recognize that picking her up at the airport is a reason I won't be able to make the faculty meeting. Everyone involved knows you didn't know about my sister, but the typical response is to accept the information into the CG without a second thought.[28]

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[27] As Rich Thomason says, "Opening a door for someone is a form of obstacle elimination. So is adding p to the presumptions when someone says something that presupposes p.The difference between the two has mainly to do with the social nature of the conversational record. In the case of the door, we simply don't have the practical option of acting as if the door were already open." Thomason (1990)

[28] von Fintel (2000/2008)

Failures and refusal of accommodation is thus seriously disruptive to linguistic exchange, even while it may technically 'count' as fair play. Camp again:

> …[A speaker] speaks, as Grice says, "'under license' from other participants" (1989, 45). Accommodation is precisely the willingness (and ability) to grant such a license, by playing along to the best of one's abilities in determining the content of the speech act being undertaken.

> …The role of accommodation in determining meaning can seem like a merely technical fact if we attend exclusively to cooperative contexts, where there is considerable pressure for the interlocutors to be maximally charitable, and not disrupt the conversational flow.…In interpretively antagonistic contexts, interlocutors are prepared to drag their interpretive feet by merely 'working to rule' in moving the conversation along; as a result, failure to accommodate is a live possibility, either by shifting among candidate pragmatically-derived meanings, or by insisting upon a literal interpretation.[29]

Camp's point here about 'working to rule' is crucial. The beauty of the work-to-rule strike is precisely that it falls within the dictates of the rulebook.[30] Failures and refusals of accommodation such as pedantic literalism are just such maneuvers: because rules do not apply themselves, but rather require practical discretion in their application by agents under judgement of the *ad-hoc* constraints and requirements of particular situations, it is up to agents to act in good faith when applying the rules (in the case of, e.g., interpretive labor). I will have more to say about this shortly.

I have so far argued that the mechanism behind one kind of conversational uncooperativity — pedantic literalism — is actually a fairly general maneuver open to antagonistic interlocutors for fully literal, explicit speech that can manifest itself in other guises: undue skepticism, affected misunderstanding, willful obtuseness. What I would like to

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[29] Camp (ms)

[30] Early (2006)

do now is argue that conversational uncooperativity is a fairly general phenomenon characterized by failure to meet one's responsibilities of interpretive labor. It therefore also includes failures to realize the *preconditions* of accommodation — that is, attending to one's interlocutors, participating with them in the conversation game (rather than some other language game), and coordinating one's attitudes and activities to what they manifestly mean. I will diagnose such failures of interpretive labor in terms of a more general orientaton: failure or refusal to treat conversational participants *as conversational participants* — that is, as people who have a *prima facie* claim on an expense of effort toward attention, participation, coordination, and accommodation within the domain of a conversation.

2.2 Attention, Participation, Coordination, Accommodation

What I would like to do now is argue that, at base, conversational uncooperatively results from interlocutors failing to meet the reasonable expectations of interpretive labor within the domain of the conversation. I will describe such expectations in terms of understanding of and action on the basis of the legitimate claims other conversational participants have on our attention, understanding, participation, coordination, and accommodation. The performance of interpretive labor in terms of both understanding and action on the basis of such understanding is integral to the functioning of conversation as a language system that enables us to do the sorts of things we use conversations to do: pool information, deliberate, coordinate action, and guide inquiry.

Communication is an enterprise premised on accommodation, but such accommodation comes fairly late in the game of interaction. Indeed, before accommodating, you must notice or attend to another, appreciate them as the sort of entity that

makes claims on you, understand what their likely goals are, see what steps they are taking to reach those goals, and figure out what removing obstacles to those goals might require of you. If this is the case, prior to accommodation in conversation, we also trust our interlocutors to orient themselves toward attending, participating, coordinating, and acting in good faith toward us as conversational participants *even when* their first-order goals may not align with ours. That is: even when we disagree, are in conflict with, or do not *like* our interlocutors, they nevertheless make claims on us in terms of attention, participation, coordination, and good faith within the space of the conversation. This is, indeed, what makes it possible for us to *trust* competing parties even under conditions of conflict, negotiation, bargaining, and parley. If such parties *didn't* make such claims on us — if we *weren't* under *any* normative constraints regarding attention, participation, coordination, or accommodation when disagreeing, negotiating, or bargaining — there would be no reason to engage in *conversation* in the first place, rather than force, violence, or duress.

On this note, failures and refusals to realize adequate attention, participation, coordination and good faith are arguably as conversationally uncooperative as refusals of accommodation. Consider:

(7) Bad Listening
Shayla, Jim, and Jane are cleaning the bathroom together. Trying to figure out how they will do this, Shayla utters the following:

Shayla: Remember, we need to get this done today, but don't mix the bleach and ammonia.

Jim and Jane, however, don't listen to Shayla -- they resent having to clean the bathroom in the first place, are playing Candy Crush on their phones, or just zoning out. Shayla repeats herself:

Shayla: Guys, are you listening? Even if you think you need something strong, don't mix the ammonia and bleach.

About 20 minutes later, Jim decides he needs something extra-potent to clean the shower, and mixes the ammonia and the bleach. The chemicals react and cause awful fumes (just like Shayla knew they would), so all three have to stop working to air out the room. As they all move into the living room, Shayla says:

Shayla: Didn't you hear me say not to mix the ammonia and bleach?!
Jim: Yeah, but I didn't think it would be a big deal!

The bathroom doesn't get cleaned that day.

(8) Ignoring

Miako, Seth, Jamal, Cassie and Chris are all working together on a class project. The assignment is to research the history and culture of Madagascar, and to do a class presentation the following week. Seth writes down the suggestions the group brings up while they brainstorm.

Chris: We should make a flag!
Cassie: A flag would be cool. Oh! Let's look up a food from there and bring some to share with the class when we present!
Miako: We could do that. Or what about bringing a CD with Madagascan music and play it in the background while we talk?
Jamal: I know — we can teach everyone to say something in Malagasy!
Chris: Or we could show a video of Moraingy fighting!

After the brainstorming session, Seth's notes look like this:

> *Ideas:*
> *- make a flag*
> *- bring food*
> *- teach a sentence of Malagasy?*
> *- show a video of Moraingy fighting*

Notably, Miako's suggestion to play a recording of Madagascan music is not on the list. Looking over Seth's shoulder and seeing that it is missing, Miako says, "What

about what I said about playing music?" Feeling a bit embarrassed, Seth says, "Oh! I'm sorry Miako. I didn't mean to leave you out. But we only have 30 minutes to present, and I thought the other ideas were easier to do."

(9) Intrusive Interruption

Charles, Sakura and José are in a philosophy seminar about Locke on property.

Charles: …it seems clear that he's committed to that position.
José: Well but if you look at what he says in his correspondence with —
Charles: The correspondence doesn't matter, it's too late in the corpus and nobody in the literature cares about it anyway. We should really just—
José: But here on page 176 he says —
Sakura: No, Charles is right. Besides, it's well established in the literature that he doesn't endorse that.
José: I don't know, it seems important to also think about what he was saying to his interlocutors and…
Charles: Let's move on. Prof. Crane, is it ok if we look at Chapter 5?

In the first case, Bad Listening, it seems as though even though Jim and Jane hear and understand Shayla, they fail to adequately attend to what she says. I think this is a common enough phenomenon — we tune in and out of conversations, especially conversations we don't particularly have an investment in, and while we hear and understand our interlocutors on some basic level (we know what they are talking "about," perhaps we could repeat what was said with more or less accuracy), the content that is conveyed doesn't really register in our working memory. I take this to be the case in the above example: Jim understands what Shayla means, but *fails to adequately attend to it.*

In the second case — Ignoring — everyone, including Seth, clearly hears and understands Miako. If asked, the other students would report that Miako suggested playing

music during their presentation. However, the other students (or at least Seth) do not accept what she has said — her suggestion is understood, but then rejected without being signaled that it is so rejected. I will have more to say about this example later.

Finally, in our last case — Intrusive Interruption — we have a failure of coordination in turn-taking. Charles and Sakura do not even let José get his words out, and attempt to change the subject before he can make his contribution. We will explore this example, too, in more detail later.

I take these examples to show that conversational uncooperativity is a broad phenomenon where the attitudes and behavior of interlocutors displays (systematic) failure not just in accommodation, but in some of the preconditions required for accommodation — for instance, joint attention, coordination, participation, and understanding.[31] This is an important point — what is notable about conversational uncooperativity is how *difficult* it is to tell where in the process of normal communication the interpreter fails to hold up their part of the bargain. One of the key features of the antagonistic cases Camp discusses is that they trade on the difficulty of discerning whether interpreters are just *acting* as though they are obtuse, or *actually being obtuse.*

What I am going to argue now is that conversational uncooperativity in this broad sense— failure or refusal in the attention, coordination, participation, and accommodation due to an interlocutor— are failures to meet one's responsibilities to perform good faith interpretive labor within a language system (e.g. a conversation or linguistic community). Conversational uncooperativity like I have been exploring above amounts to a failure to uphold one's part of the bargain in the game of conversation. When pervasive

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[31] Tomasello (2008)

enough, such uncooperativity results in system failure: that is, a situation where the language system is so degraded that agents cannot rely on it to do the things they usually depend on it to do: e.g. to pool information, deliberate, and coordinate action. In order to argue this point, I will present some thoughts on what it is to be a conversational participant, and the conditions under which refusals of accommodation might be apt. This, in turn, will shed light on the value of particular features of conversations that allow them to do the things we use them to do (in particular, what I call a conversation's *accessibility*).

2.3 Conversations and Norms

Let us reflect on accommodation and its preconditions — attention, coordination, participation, and understanding. To whom do we owe such activity? As discussed above, it seems as though we owe such orientations to interlocutors even when we disagree or are in conflict with them (this is the basis for preferring negotiation or bargaining, after all, over force or violence). So it can't be that we only owe attention, accommodation, and so on to those who already share our presuppositions. Instead, I think claims of attention, coordination, understanding, and accommodation are predicated on an agent's *status as a conversational co-participant*, independently of whether or not they share presuppositions with other interlocutors — that is, independently of any facts about the CG. Agents make claims on our interpretive labor even before we know where they stand on the content of the conversation.

But what makes someone a co-participant of a conversation? And how can we tell? I admit that this is a very difficult question, and I do not yet have a fully satisfying answer.

What I do have are a couple examples that might help illuminate what might ground conversational participation and, in turn, responsibilities of interpretive labor.

Consider, on the one hand, billboards. It seems pretty clear to me that advertisements don't make legitimate claims against agents for their interpretive labor. Ads manipulate, trick, cajole and distract — they *vie f*or your attention and action because they otherwise *don't* have a claim on it. But contrast this to a YIELD sign at a busy intersection. It does seem that, if any inanimate object has a claim on your attention, understanding, participation, coordination, and accommodation, such a traffic sign does: it instructs you on road conditions to coordinate action such that you and all other drivers can go about your business safely. This is (a) an interest that you share with other drivers and with the institution (e.g. state) that provides the yield sign, (b) an interest that, even if you did not share it, would still be compelling (e.g. would still provide you with reasons to act on it); and (c) an interest that comes from a legitimate source.

First, it is in both your and other drivers' interests, as well as that of the state, that everyone coordinates their activity so as to use roads safely, reliably, and so on. This strikes me as obvious. Everyone who uses the road has a stake in the road's safety, reliability, and maintenance — such conditions are a public good. Second, even if this were *not* the case — even if on some occasion you *did not* have an interest in the road's safety and reliability, or in using the road for yourself in such a convention-governed, safe, reliable way — there would still be other reasons for you to do so. For instance, you would have a reason for stopping or slowing at the yield sign because the safety of other people is a compelling concern. Even if you don't particularly feel like yielding, it's still the case that you have a *prima facie* reason to yield based in the well

being of others. Third, the interest behind the YIELD sign placement comes from a legit-imate source — because the roads are under the purview of an institution the responsi-bility of which is to coordinate such action for safety, reliability, stability, and so on, and to the extent that the state is legitimate (perhaps because everyone is better off with such an institution), the yield sign is legitimate.

I do not think (a)-(c) apply in the case of the billboard. First, it is not in your interest that you pay attention to, coordinate with, or accommodate the billboard — you don't particularly care about Pepsi or Ralph Lauren, and you don't *prima facie* benefit from coordinating your behavior with them. Second, there are no independent reasons over and above your own interest that would compel you to realize Pepsi or Ralph Lauren's interests — you do not have any over-riding reason to care about their profit, whereas you *do* have a reason to care about the safety of other drivers in the YIELD sign case. And third, Pepsi's interests are not a legitimate source for a claim against your buying behavior. Your buying behavior is not under the purview of Pepsi's say-so. Pepsi is not properly in charge of what you drink or how you spend your money. You are.

This distinction between a billboard and a yield sign helps us, I think, get a grip on what it is to have a claim on another's attention, understanding, coordination, and ac-commodation, and thus what it is to have a responsibility of interpretive labor. What grounds one's participation in a conversation, and what grounds the fact that one has claims against others' behavior in terms of interpretive labor, is whether or not there is mutual interest in the activity in question, whether or not there is a compelling interest above and beyond such mutual interest, and whether or not one is a legitimate source for such claims in the first place. The fact that you ought to work to understand what is

going on and what it may require of you is based in the fact that such work sustains a system by which all can trust all even under conditions where interests are not mutual.

Think of some *ad-hoc*, ephemeral conversational cases. On the one hand, consider a street harasser, and on the other, a tourist asking for directions. I do not think that the targets of harassment are under rational pressure to respond with attention, under-standing, coordination, participation or accommodation to (that is: perform interpretive labor on behalf of) their harassers, yet I think we *are* under rational pressure to so re-spond to people who are lost.

Here's why. Street harassment is, by definition, *unwanted* sexual attention. Women who receive unwanted "compliments" presumably do not have any intention in favor of the shared activity of a conversation with the person 'complimenting' them. It is there-fore not a *mutual* interest. Second, if there is not mutual interest there is no other com-pelling reason to help realize the street harasser's intentions: the street harasser's sex-ual interest is not a compelling reason to act thus-and-so in the way another driver's in-terest in safety (in the yield sign case above) is. And third, the street harasser has no legitimate standing in attempting to get a woman's attention or coordinate her behavior. Just as in the billboard case above, harassers *vie* for a woman's attention because they otherwise *don't* have a claim on it. Brooklyn artist Tatyana Fazlalizadeh makes this point forcefully in her street art project STOP TELLING WOMEN TO SMILE, including a wheatpaste graphic with the caption "WOMEN do not owe you their time or conversa-tion." Street harassers — in their social role as such — are not the right kind of source to demand interpretive labor.

In the billboard case, the mere fact that the company wants to sell you something does not give them a claim on your attention, accommodation, consideration. Ralph Lauren's interest is commercial: to make a profit. The street harasser's interest is sexual: to (charitably speaking) express attraction. In neither case are such interests *mutual* and in neither case are such interests of a kind which, absent such mutuality, generate claims on others. A person's one-sided sexual interest, just like the company's one-sided commercial interest, does not engender a responsibility to act under the norms of conversation (to perform the interpretive labor of attending, understanding, coordinating, participating, or accommodating).

Think now of a set of lost tourists asking for directions. There you are, in the West Village, and these poor German vacationers ask you where Grove Street is, because they are hopelessly lost trying to find their restaurant before missing a dinner reservation. In such a case, my intuition is that you *do* (*prima facie*) owe these folks interpretive labor — they do have a claim on your attention, participation, and so on. Unlike the yield sign case, of course, this is not because the tourists have any special authority or play any administrative coordinating role, but because they are subjects of care and concern — because aid and instruction to help someone who is lost is a consideration worthy of your time, care and attention (whereas, above, someone else's unreciprocated sexual interest typically isn't). It is also arguably in your interest to do so, because you have an interest in a world where you, too, could ask someone for directions if you needed to. Further, even if it *wasn't* in your interest to do so, there would still be compelling reasons for you to do so: because patience, care for others, and generosity of spirit are virtues worth cultivating, and civic-mindedness and reciprocal moral respect are worth acting

on. This is in contrast to the commercial and sexual interests of the billboard and street harasser which are not, I think, of a kind that are worthy or coordination, attention, consideration, and accommodation — that is, not worth your interpretive labor.

This contrast I think provides us with at least some provisional ways of limning what is at the heart of being a 'participant' in a conversation — that one is in the position to make *prima facie* claims against another for interpretive labor on the basis of mutual self-interest (in, e.g., coordinating action), compelling interests over and above such mutual self-interest, and one's status as an agent worthy of consideration, respect, and recognition.[32] This in turn explains the wrongness of ignoring, bad listening, willful obtuseness, and other kinds of bad faith conversational uncooperativity: what is bad about such behavior is that they represent failures to treat one's interlocutors *as interlocutors* — as the sort of people who make claims against one's attention, participation, understanding, coordination, and accommodation, and as the sorts of people who deserve one's time, energy, and effort toward such activity.

2.4 Accommodation and Prima Facie Claims

But now, an objection. It is certainly true that *sometimes* we ought to perform interpretive labor for a person who is speaking, just as it is surely nice or considerate to hold the door open for a person carrying packages, or to let a driver merge into our lane. Similarly, it is certainly nice or considerate to accept a speaker's proposed update to a conversation's CG. But why think that there is anything wrong with failing — even

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[32] Nevertheless, I grant that while conversational participants have *prima facie* claims on our attention, coordination, participation, and cooperation that non-conversational participants don't, it is still an open question how to distinguish conversational participation from eavesdropping, "lurking," or *potential* conversational participation.

straightforwardly *refusing* — to do so? Why isn't interpretive labor in its guise of accommodation merely supererogatory?

Even stronger, there are times when refusing to perform interpretive labor is exactly what we ought to do: when what a speaker means is clearly false or pernicious, for instance, and allowing what they mean to go uncontested communicates that thought's acceptability, licenses the expression and proliferation of future unacceptable thoughts and acts, and so on.[33] We need resources for critique and contestation — and it looks as though refusing accommodation is exactly what we have on offer for this.[34]

Consider, in this vein, the speech act of *challenging.*

(12) Challenge

Priya and Corscia both have Modern History, though at different periods — Corscia has it in the morning, and Priya has it in the afternoon. Priya asks Corscia how the Modern History midterm exam was. Corscia responds, "Oh, even Jane could pass it." Priya correctly understands that by this Corscia "presupposes, implies, or suggests that Jane is comparatively incompetent." Priya responds, "Whaddya mean, 'even Jane'??"[35]

Given the fact that the world and our interlocutors are flawed, and given the fact that some of the aims of conversation (e.g. knowledge production and ideology critique) may be only achievable through refusal, rejection, contestation, and challenge, why defend the practice of accommodation? What value is it? Put another way: doesn't my account entail the unacceptable result that we ought to shut up and cooperate, no matter what?

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[33] Maitra (2012); Tirrell (2012)

[34] see, e.g. Haslanger (2011); Ahmed (2010); Maitra (2012), Anderson (forthcoming)

[35] adapted from West & Langton (1999)

I take this objection very seriously, and I agree that such a result would be massively unacceptable on epistemic, moral, and political grounds. But I do not think my account entails this. On my account, conversational co-participants have *prima facie* claims on us to perform interpretive labor — to pay attention, attempt to understand, coordinate, participate, and accommodate with our communicative intentions. There are lots of cases where these claims remain merely *prima facie,* or where they are outweighed by other considerations. I think, then, that my account merely entails that refusing accommodation is *pro tanto* objectionable. But in this way a (regulative, not constitutive) rule of accommodation is on all fours with other more familiar regulative sociopragmatic rules, such as those governing honesty and sincerity. We already know that such rules ground the conventions of truth-telling and trust-worthiness necessary for the social practice speech; it would not be surprising, then, for a norm of *receptivity* or *good faith* to ground conventions of attention, understanding, and accommodation for listeners.[36]

To see how this works, we can review a variation on the classic Kantian argument against lies and false promises.[37] Imagine a discursive state of nature where agents lied whenever it was advantageous, or whenever they falsely believed they were justified in lying. What would such a world look like? Most notably, agents wouldn't be able to trust anyone as either informants or sources of testimony, and they would lose out on the epistemic and practical benefits of pooling information and coordinating action.

Something similar is true of sincerity. Imagine a discursive state of nature where everyone spoke insincerely whenever it was advantageous, or whenever they falsely

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[36] see also Medina (2013).

[37] Kant (1785)

believed they were justified in speaking insincerely. What would such a world look like? Pretty similar, I think, to our Liar's World. But in this case not only do we have no trustworthy informants or sources of testimony, we also have no reliable practices of trust-making such as promising, swearing, or commitment-making.

Finally, imagine a discursive state of nature where everyone is conversationally uncooperative whenever it is advantageous, or whenever they falsely believed they are justified in being so. Suppose also complete communicative success — that is, all members of this community understand what each other mean when they speak, but do not feel any particular pull toward treating what each other mean as a reason to manifest the attitudes or behavior characteristic of meanings of that type. Trust is, I think, again undermined — agents in such a regime would have no reason to rely, expect, or depend on others to do things like honor requests and refusals, answer questions, or believe what they are told. It seems likely that agents would no longer have any reason to speak to each other at all.

Based on this, I think a rule of accommodation is just as justified as — and no more problematic than — a rule of truth-telling or a rule of sincerity.[38] The rule is still justified even though exceptions to it might be permissible (sometimes even obligatory). Again, compare: there are times when precisely what we ought to do is lie — when the murderer comes to our door, for instance. And their are times when precisely what we ought to do is speak insincerely — when outright refusal or confrontation is so dangerous that it leaves pretense our only form of resistance or meaning-making.[39] Similarly, there are

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[38] Even though the rule governs listening activity rather than speech activity.

[39] James C. Scott (1990); Seligman, Weller & Puett (2008)

times when exactly what we ought to do is refuse to accommodate our interlocutors —

when, instead, we ought to challenge them, to reject their assertions, to play dumb, to

interrupt, and so on. None of this, I think, counts against either a justification for a rule of

accommodation, or the fact that refusals of accommodation are *pro tanto* objectionable.

2.5 The Commons and the Common Ground

Recall my discussion of collective pool resource systems above in Chapter 1. Such

systems are precisely those where we cannot otherwise rely on other participants to

share our first-order goals or projects, but where all involved nonetheless have impor-

tant reasons to sustain the system itself because it provides all with resources for life

and use. If you and I are both fishers who depend on the same coastline for our own

catch, our interests are not aligned — rather, we are in competition with each other for

fish. Nevertheless, it is important for both of us that the commons we share — the

coastline — not become degraded *via* overfishing.[40] Such systems call for a normative

scheme proper to sustaining and maintaining the value of the system in the face of

competing uses of it, as well as in the face of errors, mistakes, and deviations from the

norms that govern such use. In the case of a language system, we need a normative

scheme that allows the system to do the sorts of things it's good at — pooling informa-

tion, guiding inquiry, coordinating action, expressing concern, solving common prob-

lems, and so on — under the challenges of competing individual motives, interests,

needs, and goals. This normative scheme cannot be one that simply requires action in

accordance with particular conventions (e.g. coordination with others under a set of syn-

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[40] Ostrum (1990)

tactic, semantic and pragmatic conventions), but must also involve trustworthy, recipro-cal, and good faith judgment and discretion.

Consider the problems highlighted above that are native to conversations: willful ob-tuseness, antagonistic interpretation, pedantic literalism, and the like. Suppose conver-sations were mere coordination problems. Here is a popular way to solve a coordination problem: institute conventions that establish regulative rules for action within the space of that coordination-requiring activity. So, for instance, the conventions *drive on the right side of the road* and *stop at intersections* solve some of the coordination problems as-sociated with driving on roads (e.g. traffic and car accidents). Similarly, the convention *rotate from location to location along the coastline* solves some of the problems associ-ated with overfishing.[41]

However, scenarios such as antagonistic interpretation and pedantic literalism are precisely *not* the sort of problem that can be solved by instituting more conventions. This is because they arise from the space between convention and action: they are a manifestation of *discretion* in the application of the conventions in play. Recall that Camp aptly calls pedantic literalism "working-to-rule." The beauty of the work-to-rule strike is precisely that it falls within the dictates of the rulebook.[42] Rules do not apply themselves, but rather require practical discretion in their application by agents under judgement of the *ad-hoc* constraints and requirements of particular situations.[43] This is, I think, precisely the lesson to draw from practices like willful obtuseness and pedantic

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[41] Ostrum (1990)

[42] Early (2006)

[43] Wittgenstein (1953), Brandom (1994).

literalism. These are cases where interlocutors obey the 'rules of the game,' but with disastrous consequences.

If it's not the case that instituting more conventions can mitigate conversational un-cooperativity, what could? What sort of model ought we use for thinking about language systems such as conversations, evaluating behavior within them, and explaining what has gone wrong when they fail?

As I have tried to express, I think one useful point of departure is in taking the "Common" in Common Ground fairly seriously. As I explored in the previous chapter, common pool resource systems require cultivation and upkeep, trust, reciprocity, and good faith interaction *in addition to coordination* in order to function in the face of human errors and deviations. This sheds light on the significance and value of interpretive labor, and also tells us why it is *pro tanto* objectionable to fail to perform such labor on behalf of those who have a claim on conversational membership — even when doing so appears to respect other 'rules' of the language game (e.g., is consistent with what has been literally said). It is because such refusal undermines the function of conversation as a common pool resource system — that is, as a space that functions for the sorts of things we use conversations for.

In an Aristotelian mode, we might say that such accommodation is the arete of communicative conversation. Speech acts such as assertion, advice, request, and so on are valuable acts within conversation, but their value is not derived merely from communication and understanding (e.g. from agents achieving mutual recognition of the intentions animating each other's utterances). As I have tried to show, a speaker whose meaning is understood but consistently refused acceptance (is, e.g., met with a wall of

resistance to the meaning modulation they manifestly intend) is not able to do with their words what is (perlocutionarily) characteristic of words of that type. I take it that these characteristic perlocutionary effects involve shifting the attitudes and behavior of one's interlocutors in expected ways distinctive of the type of move made (e.g., shifting what interlocutors treat as true, what they treat as action-guiding or under discussion, and so on). This means that accommodation isn't a necessary condition of a speech act (because a speech act is communicatively or interpretively successful just in case it is understood) but is rather an *enabling* condition: what allows it to fulfill its characteristic function — e.g. it's social success. And, uncontroversially, this function is what makes it valuable in the first place.

At the risk of veering into the metaphorical, think of an artifact such as a knife. The conditions that enable a knife to perform its characteristic function (cutting vegetables, carving meat) is mainly attributable, *ceteris peribus,* to that knife's sharpness. While sharpness is not a necessary condition of knifehood, it is still that property that is distinctive of knives, and that make a knife good at its job. A knife is still a knife even if it is dull or broken (just as a speech act is still an act of that type even if it is refused, a conversation is still a conversation even if it is uncooperative, and so on).[44] But it is a *defective* sort of knife — one that is flawed in ways connected to its characteristic capacities, role, and value. What makes a knife important to us is, generally, what it can do, and what it can do depends on its characteristic excellence, virtue or arete: its sharpness. Similarly, this is what make speech acts such as assertions, directives and questions valuable: their *function.* The fact that such speech acts reliably work — to transmit and

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[44] contra Aristotle!

pool information, coordinate action and open inquiry — is constitutive of their value. Factors that short-circuit these characteristic functions undermine the value of the objects (e.g. speech acts, conversations) to which this characteristic function applies.

So the value of a speech act inheres in its function — that is, it's ability to do the things characteristic of speech acts of that type. Accommodation — recognizing another's goals and acting so as to remove obstacles to them — is the enabling condition of such a function. Communication is still communication even if the thought conveyed is not believed or acted upon — that is the point of distinguishing interpretive success from social success, intention recognition from action on its basis. But in order for communication to do what it does, and to do what makes it valuable, it must manifest its characteristic excellence or virtue. The whole point of communicating is to influence the attitudes and behavior of the people we communicate with. As such, the value of speech inheres in that factor that allows people who use speech acts (presumably, almost all of us) to meet the goals characteristic of the speech acts we perform. So while communication might merely consist in understanding (reflexive intention recognition), something extra is what gives communication its distinctive value. Accommodation — in Thomason's sense above, of recognizing another's goals and removing obstacles to them — is the factor that allows communication to serve its functional role in conversation: e.g. sharing information, coordinating action, and opening inquiry.

2.6 Interpretation and Common Ground Updating

Above I have provided a discussion of a kind of discourse activity I have called conversational uncooperativity. I then tried to diagnose what is bad about such activity:

namely, that it represents a failure to live up to one's responsibilities of interpretive labor within the space of a conversation, and that such failures undermine the function and value of conversations: the sorts of things conversations are good at and good for. On the basis of these insights, I think we need to add some things to the model of conversational score we started out with at the beginning of the chapter.

As we have seen, conversational uncooperativity affects a conversation by altering the membership of propositions of the CG *via* inattention, coordination failure, misunderstanding, lack of participation, or rejection of speakers' contributions for which they otherwise have a claim on acceptance by virtue of their status as a conversational participant.[45] This can happen either *covertly* or *overtly.* That is, an interlocutor can *mark* rejection through, e.g, challenge (which leaves a trace on the conversational record) or they can just proceed as though the contribution was never made in the first place (e.g. through ignoring).

But in addition to this, I will argue that conversational uncooperativity affects what I call the *auxiliary properties* of a conversation, namely its *accessibility* — e.g., the availability of the CG for use and modification by participants who have a claim on such use and modification. These last considerations are admittedly speculative, but I think they provide us with some useful resources for theorizing about the role of communicative and interpretive labor in conversation.

One important point that Camp makes about antagonistic contexts is that they give agents 'wider interpretive berth' than cooperative contexts — participants act as though

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[45] such uncooperativity can also affect the *ranking* of such propositions in the CG *via* rejection of imperatives and not-at-issue content. I do not explore this here.

the speaker's intended target proposition/thought is slightly different from what it actually is. Quoting Camp again:

> In effect, the recalcitrant party pretends to be in a slightly different conversational context, with respect to crucial but relatively intangible interpretive features: features such as the conversation's ultimate purpose and what subsidiary questions most directly conduce to achieving that purpose; or which features of a situation under discussion are most salient or relevant to the immediate question under discussion; or what subjective probabilities it is plausible to assign to various counterfactual possibilities.[46]

As discussed above, this is the case when, in conversation, a speaker S has used U to mean P, but the hearer H acts as though S actually conveyed a slightly different thought — the thought Q. The hearer H then attempts to update the CG with Q rather than P. Achieving an update of P (S's actual intended meaning) rather than Q (the meaning H has substituted) then requires the speaker to divert attention, energy and effort (that is: perform more and unnecessary communicative labor) to repair the misconstrual. The speaker must back-track and reassert, rearticulate, or repeat — and must phrase their reassertion carefully in order to guard against other, new, possible misreadings. Because almost all utterances require coordinated meaning modulation for the particular lexical items that appear within them, it is possible to iterate affected misunderstanding to maximum effect:

(10) AFFECTED MISUNDERSTANDING

Simona: Did you see Jane's beautiful wedding pictures? She was like a dewy long-

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[46] Camp ms. pg 14.

stemmed rose.
Hannah: Oh so you think she was prickly and sweaty?
Simona: No, I was saying she was tall and elegant and glowing.
Hannah: Oh so you think she was sweaty and 6'7" in her heels?
Simona: No…

On one interpretation, all Hannah is doing here is iterating challenge — a perfectly legitimate conversational move when considerations dictate it, as discussed above. What is characteristic of challenge — I take it — is that it *marks provisional rejection* of a speaker's proposed update to the CG *via* a contribution to the conversational record. It is one way that an interlocutor *signals* that they are not (open to) letting the information asserted, implied, or presupposed enter or remain in the set of things mutually accepted for the purposes of the conversation.

Here is one interpretation of what happens in such a case of challenge. A speaker contributes an utterance to the conversational record ("Even Jane could pass that exam,") and — if the utterance is heard and understood — thereby *proposes* that the content be added to the CG.[47] Of course, in (attempting to) update the CG this way the speaker does something a little sneaky. They are also *making use of* and *re-affirming* assumptions that they *take* to be (or want others to take to be) shared by the other participants in the conversation — say, the assumption that Jane is not a strong student. If

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[47] this is taking seriously the interpretation of assertions as proposals to use and modify the Common Ground, rather than "straightaway" modifying them once understanding has occurred (for such an analysis, see Stokke 2013). I don't think the difference between an interpretation on which assertion is a proposal to modify the CG and and an interpretation on which assertion is a "straightaway" modification to the CG matters here. If it is the case that CGs update "straightaway" once a speaker is understood, then challenge merely constitutes a marked provisional rejection of content already included rather than content proposed to be included.

the speaker is not challenged, both pieces of information ostensibly remain in the set of what is accepted by the participants for the purposes of the conversation.[48]

In challenging the speaker ("Whaddya mean, 'even Jane could pass'?!") the interlocutor signals that they *don't* accept the information proposed. I take it that this *registers* the interlocutor's (intended) rejection of assumptions that have been submitted for proposal into the CG: she does *not* intend to allow the information to be assumed for the purposes of the conversation — to stay in the set of things taken as true. If the first speaker acquiesces or back-peddles ("oh, you're right, I just meant the exam was easy — I didn't mean to insult Jane. Anyway…") the conversation will ostensively continue without assuming the rejected information (that Jane is not a good student). If the first speaker sticks to their guns, the conversation might derail into sustained contestation over the target presupposition and what it represents ("Well, we both *know* Jane isn't a very good test-taker. Anyway, what I was trying to say was…")[49]

What I want to highlight here is that, in challenge, an interlocutor *signals* their provisional rejection of proposed content. Challenge is thus typically an *above-board* communicative practice: it serves to make mutually manifest the fact that a speaker's contribution is (attempting to be) provisionally rejected.

On the other hand, there are also practices of *tacit* or *unmarked* rejection. In practices like ignoring or bad listening, the interpreter understands an utterance — a speaker asserts it and is understood as asserting it. He thereby successfully proposes to add

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[48] Many have concluded that this — failing to challenge such a move — constitutes *licensing* the attitudes expressed by the move. See Langton & West (1999); Maitra (2012); Haslanger (2011)

[49] for more on 'semantic contestation', see Ludlow (2014)

it to the CG. Then, as with cases of challenging, the interpreter refuses the assumption's admission into the CG. But he *does not signal their rejection.*

Consider again our Ignoring example. In it, Miako contributes a suggestion to the conversational record — "How about teaching everyone a sentence in Malagasy?" — and assumes she has updated the CG to include the idea (because, well, that is what suggestions typically do, and she has no reason to suspect it wouldn't do so in this case). But, as it happens, Seth (aided and abetted, perhaps, by the other students) hears and understands the suggestion, but then makes as if to reject it — but *without making it mutually manifest that is doing so.* He of course *could* have made it mutually manifest fairly easily — for instance, by saying something like, "No, Miako, I don't think that would work. Any other ideas?". In such a case — when an interlocutor makes as if to reject without marking rejection on the conversational record — a speaker may not know whether they haven't been heard, or whether they have been heard but ignored and their utterance thereby covertly rejected.[50]

At other times, a rejection is signaled, but it is a rejection of a thought *other than what the speaker has actually communicated.[51]* Return again to Simona and Hannah discussing Jane's wedding pictures. In this case, Hannah understands what Simona means by the first utterance: a compliment to the effect that Jane looked elegant or sun-

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[50] I'm reminded here of State Senator Leticia Van De Putte's pointed question after being denied the floor during Wendy Davis' filibuster in the Texas legislature in 2013: "Did the President not hear me, or did the President hear me and refuse to recognize me?"

[51] remember: communication is successive. It entails understanding what a speaker means. To the extent that a case of affected misunderstanding is *affected* rather than genuine, communication has been achieved. But again part of the way these practices work is by trading on the difficulty of establishing whether a hearer is genuinely too obtuse to understand what the speaker meant, or is merely pretending to be. And nobody, of course, wants to accuse a speaker of either.

kissed. Hannah, however, rejects *this* manifest meaning (call it P) and attributes to Simona a *different* thought Q (that Jane is 'prickly and wet'). Q is mutually manifest to be not what Simona meant, but is broadly compatible with what Simona uttered. Hannah then challenges *this* thought — Q — without signaling that the switch from P to Q has occurred at all.

Failures (or more accurately: *refusals*) of accommodation thereby modulate what we might call the *population* of the CG: the set of propositions that it includes. It shapes and constrains the set of things taken as true (or at-issue, or action guiding) for the purposes of the conversation, often without signaling that it is doing so*.* Uncooperative interpreters can thereby surreptitiously alter the CG of a conversation. Such interlocutors effectively filter out the thoughts that speakers express intending to guide the beliefs, actions, and inquiry operant within a conversation (when they have a *prima facie* claim on such intentions guiding the beliefs, actions, and questions operant), or effectively replace such thoughts with their own. And, as has been seen, they do not always signal that they are doing so. Sometimes in filtering out this information they engage in some sleight-of-hand — attributing to speakers content that is different from what they have obviously expressed — and then challenge or explicitly reject *this* content.

These examples show how uncooperativity can prevent the inclusion of propositions into the CG that otherwise ought to be included (because the speaker has a *prima facie* claim on the use and modification of the CG according to her status as a conversational co-participant). In this way uncooperative interlocutors can shift the set of things taken

as true, action-guiding, or under discussion in a conversation in ways manifestly differ-ent from what speakers intend and can rationally expect.[52]

Such phenomena, I think, give us good reason to focus on features of a conversa-tion other than the set of assumptions in the CG, and the ways that mechanisms in the conversational record shift this set. The interesting, epistemically valuable, and philo-sophically significant features of a conversation are not exhausted by a mere list of the propositions within its CG and their relations. Also important are various facts about whether, in what ways, by whom, and how easily such a set can be used and modified. Call these latter features the *auxiliary properties* of a conversation: those properties of a conversation that determine the use and modification of the CG. Below I focus on one particular auxiliary property: a conversation's *accessibility.*[53] Conversations that are cali-brated so as to be appropriately accessible are better — I will argue — than conversa-tions that are not so calibrated. Failures and refusals of interpretive labor (e.g. uncoop-erativity) are a key mechanism for denying access to a conversation that agents other-wise have a claim on.

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[52] and, again, it is plausible this is also true of shifts in the ranking of various propositions in the CG.

[53] I do not take these accessibility to be exhaustive of what I'm calling the "auxiliary properties" of a conversation. Consider also what we might call a conversation's *pliability* and it's *porous-ness.* A conversation can be more or less *pliable* in the sense that interlocutors are willing and able to allow various propositions to "stick" in the common ground: for instance, a brainstorming session may be particularly *pliable* in the sense that many contributions count as "fair game" and change the common ground. Conversations can also vary in their *porousness:* their ability to influence future attitudes and behavior. Porousness might be understood as that gradable property of a common ground such that changes to the local conversation have effects on future contexts (whether through changing what is mutually believed in future contexts, mutually ac-cepted, or mutually acknowledged). Speech acts such as promises and mental processes like memory make it such that conversations typically have effects outside their most local context — we act in the future based on things we learn from our current interlocutors.

First, allow me to stress that my normative claim here is that conversations that are calibrated to be *appropriately* accessible are better than those that are not so calibrated. I am *not* arguing that maximal accessibility is the best "setting" for conversation *as such.* Rather, the degree of accessibility plausibly ought to be constrained by conversation type and the actual purposes of the conversation as determined by the participants of that conversation, stakeholders to it, and so on. It is quite likely that some conversation types ought to have constrained accessibility — that is, only a subset of proposed updates to the CG ought to remain in them. For instance: courtroom cross-examinations plausibly ought to be less accessible than brainstorming sessions, given the purposes of such exchanges determined by the participants and institutions that create them. But principles for determining proper calibration for accessibility are a project for another time; all I require now is that the reader grant me the obvious claim that it is better, *ceteris peribus*, for a conversation to be calibrated appropriately in terms of accessibility than not.

Intrusive interruption might be a useful case study for why we need to appeal to something other than the Common Ground itself in explaining a conversation's accessibility. This is because some practices shape and constrain the set of assumptions treated as true in a conversation (that is: the CG) without directly operating on this set itself. Sometimes uncooperative interpretation proceeds fairly *indirectly* — through, e.g. preventing speech from being produced in the first place. Recall our above example with Charles, Sakura, and José:

(9) Intrusive Interruption

Charles, Sakura and José are in a philosophy seminar about Locke on property.

Charles: …it seems clear that he's committed to that position.
José: Well but if you look at what he says in his correspondence with —
Charles: The correspondence doesn't matter, it's too late in the corpus and nobody in the literature cares about it anyway. We should really just—
José: But here on page 176 he says —
Sakura: No, Charles is right. Besides, it's well established in the literature that he doesn't endorse that.
José: I don't know, it seems important to also think about what he was saying to his interlocutors and…
Charles: Let's move on. Prof. Crane, is it ok if we look at Chapter 5?[54]

We usually think of conversation as an orderly process of turn-taking: first I speak, then you. Perhaps I ask a question, then you answer. But actual discourse includes a lot of overlap and cross-talk. Indeed, much of this overlap is important for signaling attention and interest — typically in speaking we pause for breath at the end of clauses, and our interlocutors use vocalization to signal their attention as we continue to hold the floor. Interlocutors use discourse markers such as "uh-huh" and facial gestures such as nods ubiquitously to show speakers that they are listening and following what is being said.

More disruptive overlap is also common. Many of us know the feeling of being so excited or engaged in what our interlocutor is saying that we can't wait to jump in. This is a common enough phenomenon. But linguists typically distinguish *cooperative* interruption from *intrusive* interruption. Deborah Tannen, for instance, defines (intrusive) interruption as when a second speaker usurps another speaker's right to continue speaking by taking the conversational floor in the absence of any evidence that the other speaker intended to relinquish their turn. This is contrasted to overlap (interruption)

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[54] Again, this case can also be described as a kind of silencing. It falls under what Langton calls *locutionary silencing.*

which typically describe "high-involvement" speakers as they participate in a conversation.[55]

But this is not the case in (9) above. (9) is a clear example of intrusive interruption.[56] Here, Charles and Sakura disagree with the point they think José wants to make, and effectively shut him out of the conversation before changing the topic. As a result, José fails to even get his words out — not only is he prevented from updating the CG, he can't even update the conversational record!

I think the phenomenon of intrusive interruption shows why we need to appeal to something other than the Common Ground itself to describe the effects uncooperative interpretation has on a conversation. In this case, Charles and Sakura prevent José from using and modifying the CG — they prevent him from changing the population of the CG — but only do so *indirectly.* By preventing José from getting his words out in the first place, they block his access to the CG — access he has a claim on by virtue of his status as a conversational participant. This is a case of altering the auxiliary properties of the conversation (it's accessibility) without directly altering the population and ranking of the CG, because there were no full propositions expressed to either reject or accept into the CG!

So call *accessibility* that gradable property of a conversation such that a CG can be (easily) used and modified by *various appropriately situated participants of that conversation.* Accessibility is here a function of both the institutional, formal and explicit rules of conversation-type *and* the attitudes/behavior of participants within the conversation.

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[55] Tannen (1996)

[56] Intrusive interruption usually falls into one of three categories: topic-changing, floor-taking, and disagreement interruptions. This example displays all three types. See Murata (1994).

Key to this is the idea that the attitudes and behavior of interlocutors, in addition to a formal social or institutional role, make it possible for speakers to change the CG in ways they have a *prima facie* claim on (e.g. through updating information *via* assertion or presupposition introduction, opening inquiry by asking questions, or directing and co-ordinating behavior *via* advice, request, or order).

Of course, speakers who occupy different social and institutional roles will differ in the amount and kind of access they have to conversations. Authorities, for instance, are able to change permissibility and necessity facts operate in a conversation in ways that non-authorities cannot.[57] To use David Lewis' classic example, when the Master tells the Slave not to cross the line, the conversation shifts to make it the case that the Slave cannot (or ought not) cross the line. The Slave is not able to do the same with his words.[58] In the vocabulary that I'm providing here, we might say that differences in authority make a conversation *asymmetrically accessible:* the CG shifts to render what some speakers say accepted or true, but fails to do so for others.[59]

Here it is important to distinguish what we might call *de facto* accessibility from *de jure* accessibility. Consider again our example of the students brainstorming their class presentation on Madagascar. In this example, though both Miako and Chris have the same *de jure* ability to use and modify the CG, Chris has some *de facto* abilities which Miako does not: namely, the ability to (easily) add suggestions to the list of brainstorming ideas for the presentation. When Chris uses his words to make a suggestion that the

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[57] J.L Austin and Mary Kate McGowan call such utterances *excercitives.* See, e.g. Austin (1962) and McGowan (2003)

[58] Lewis (1979). For discussion see West & Langton (1999)

[59] See also West & Langton (1999).

group show a video of Moraingy fighters, Seth the notetaker responds with the interpretive labor owed to Chris. That is, he pays attention, tries to understand what Chris means, coordinates to this meaning, and accommodates it by adding Chris's suggestion to the IDEAS list. We might say that because of this, Chris is able to access the CG's set of assumptions in order to use and modify them. Miako, on the other hand — though situated in the same institutional role as Chris (e.g. a student in the group assigned the presentation on Madagascar)— does not seem to be able to use or modify the CG in the same way.

As far as the formal, explicit rules of the conversation game are concerned, both speakers are situated in the sale institutional role (e.g. students in the group assigned a presentation on Madagascar): their *de jure* access is the same. The institutional matrix in which the students reside provide them, on paper, with the same assignments, due dates, responsibilities, and classroom privileges. For instance, at this point in the assignment's progression, if the teacher or another student were asked to list the responsibilities and privileges that Miako and Chris have within the space of the assignment, the lists would look identical ("must follow directions on assignment sheet, can use the atlas and computer in the back of the room, cannot take a nap instead of participating.")

But within the *actual practice* of the classroom and the interactive behavior of their peers (e.g. Seth), there are clear differences under the rules. Chris and Miako do not occupy the same *de facto* role and so the brainstorming conversation is not equally accessible to them, even though both have *prima facie* claims on the use and modification of the CG. Even though Chris and Miako are both participants of the same institutional role type within the brainstorming session, the fact that Chris's suggestion makes

it to the note-taker's list of ideas while Miako's does not is evidence that — for practical purposes — this institutional role type is not what sets the conditions of participation — and thus accessibility — to the conversation. Accessibility, rather, is set *both* by the institutional structure (the conventions and rules of the classroom) *and* the behavior and attitudes of the other students, especially those playing gatekeeping or pseudo-authoritative roles (e.g. Seth the note-taker).[60] Thus, while Chris and Miako's *de jure* access to the set of assumptions operant in the conversation is the same (or similar), their *de facto* access is quite different: it is easier for Chris to modify this body of assumptions than it is for Miako (for instance, Miako must do more communicative labor to perform the same actions, e.g. must re-assert her suggestion privately to the note-taker).[61]

The above serves to show that the accessibility conditions of a conversation cannot be accurately described merely with a list of the formal, institutional, explicit rules of the conversation type. Accessibility is also a function of the operant, implicit, informal attitudes and behavior of interlocutors — that is, their action and discretion in applying such rules. Thus uncooperative interpretation by other participants can change a speaker's access to a conversation — their ability to use and modify the set of assumptions operant within it.

It is worth saying a bit about why I take such a feature to be auxiliary rather than primary — that is, why I don't think it's adequate to appeal to the relationship between the conversational record and the CG in describing accessibility. I take the difference

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[60] Again: think of the insight from the work-to-rule strike: rules (in this case institutional ones) do not apply themselves!

[61] This discussion of de facto accessibility is a roughly Foucauldian concern with the significance of local knowledges in micro-political formations such as e.g. bureaucracies and institutions. See also Haslanger (2005); Haslanger (2014). For a different take, see Graeber (2015).

between changes to the primary properties of the CG (e.g., the members of the set and the ranking of them) and changes to the auxiliary properties of the conversation (e.g. accessibility) to consist in the following. Change to the primary properties of the CG is typically a direct, categorical operation on the first-order contents of the CG: it's membership *via* adding propositions through acceptance or subtracting them through rejection, lapses of memory, inattention, and so on.[62] Change to the auxiliary properties of the conversation, on the other hand, is typically a less direct, continuous, higher-order operation. I have already discussed what I take to be the indirect quality of changes to the accessibility of the conversation rather than the directness of changes to the population of the CG briefly in the above analysis of interruption (that is: intrusive interruption makes conversations less accessible, but not in terms of a manipulation of the relation between the conversational record and the population/membership of the CG. This is because there are no complete propositions offered *via* expression for inclusion in or exclusion from the CG). Now I will address the first-order/higher-order distinction and the categorical/continuous distinction.

First, whereas use and modification of the primary properties of a CG operate on single propositions (*via* inclusion by acceptance of the proposition asserted or presupposed, in the canonical case, or rankings for imperatives), modifications to the accessibility of the conversation operate on *classes, kinds,* or *types* of propositions. In changing the population of the CG, the object of inclusion or exclusion is typically an individual proposition offered *via* utterance ("Stephanie is coming over" updates the CG to include the information that *Stephanie is coming over to 30 Tehama Street*). On the other hand,

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[62] Or a ranking of those members *via* imperative or not-at-issue content.

modification to the accessibility of the conversation typically operate on *many possibly contributed propositions*, unified by some feature. In our intrusive interruption example, any possible proposition José (tries to) contribute is more difficult to update with (because he is prevented from uttering the sentences in the first place). What matters is that the conversation has been made less accessible with regard to a class of propositions unified by some feature (for instance: who is attempting to express something).[63]

Second, modifications to the CG are typically *categorical,* while modifications to the accessibility of a conversation are typically *continuous.* Because a proposition is either treated as true or not treated as true, modifications to the population of the CG is presumably an either/or, binary affair — either a proposition makes it up on the scoreboard, or it doesn't. However, modification to the accessibility of the conversation means the inclusion of an individual proposition is more or less *likely,* more or less *easy,* more or less *rational to expect.* A conversation that is not accessible with regard to feature X is one where it is *more difficult* to update with regard to feature X, where a speaker is *less likely* to update with regard to feature X, or where it would be l*ess rational to expect* to update with regard to feature X.

2.7 Conclusions

This chapter has covered a lot of ground, most of it in admittedly provisional form. First, I described one picture of communication in the context of conversation in order to provide some background into failures and refusals of pragmatic accommodation. I argued that Elizabeth Camp's description of one phenomenon that arises from

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[63] Relatedly, modifications to the CG at the level of its population may or may not be systematic, but I take it that modifications to the pliability of a CG are systematic.

such refusal — what she calls pedantic literalism — can be extended to fully literal speech. I then attempted to diagnose the harms of such behavior in terms of failures to treat conversational participants as conversational participants — that is, as those to whom we *prima facie* owe interpretive labor in the form of attention, understanding, participation, coordination, and accommodation. I then argued that conversations are like other kinds of common pool resource systems, and the norms that ought to guide behavior in such contexts are those that aim at the preservation and cultivation of the enabling conditions of the resource system as well as the resources which it provides. Accommodation, I argued, is just such an enabling condition. I then proposed that failures of interpretive labor constrain and distort not only the content of a conversation's CG, but the auxiliary properties of the conversation as well. I focused on one such property: a conversation's accessibility. Adjusting our understanding of the common ground to include this feature allows us to see how uncooperativity undermines communication and the value of conversation by refusing to honor an interlocutor's *prima facie* claims on access to the resources of a conversation: in particular, to the use and modification of the Common Ground.

CHAPTER THREE: EXTRACTED SPEECH

3.1 Introduction

In 1989 a group of Black and Latino boys, aged 14 to 16, were detained in connection with the rape and attempted murder of a 28 year old white woman in Central Park. Five of the twenty or so young men held for questioning were arrested and wrongly charged with the crime. The major piece of evidence against the young men – later known as the Central Park Five – was a series of videotaped confessions issued within police custody.

The videos themselves are remarkable in how unremarkable they are.[64] Each shows one of the boys in conversation with detectives and prosecutors as they are asked to describe the crime and their (putative) connection to it. On tape, none of the boys appear as though they are being explicitly forced to speak — there is no gun to their heads, they are calm and collected, and many have their parents supporting them in the interrogation room. They respond cooperatively to the questions, describe details both consistent and inconsistent with the physical evidence, and o↵er testimony on who else was supposedly involved. One of the suspects, Antron McCray, is recorded saying the following:

(1) Antron McCray: I grabbed her arm. This other kid grabbed one arm. He grabbed her legs and stuff...and then we, like, all took turns getting on her, like, getting on top of her.[65]

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[64] Davies (2005)

[65] Burns, Burns & McMahon (2012)

Such utterances – and the conditions under which they emerged – formed the linchpin of the case. Antron McCray and the other young men recanted the confessions, claiming they were both false and wrongly obtained. Nevertheless, all five were convicted in a trial characterized by racism, fear mongering, and media frenzy. All five served significant prison sentences. Only years later, while the Central Park Five were still in prison, was physical evidence recovered that would prove the men's innocence.

The Central Park Five were uncontroversially wronged by police, prosecutors, courts, and media. In this chapter I argue that one of the ways they were wronged was with regard to their status as *communicative agents* — as people capable of choosing when to speak and what to say. Such wrongs are characteristic of practices of subordination (such as manipulation, forced confession, mandatory self-disclosure, and coerced "consent") that rob individuals and groups of the intentional agency normally required for communication. This is an aspect of the relationship between speech and power that hasn't received much philosophical attention, but bears significantly on how we understand and model the nature and origin of speech acts in non-ideal, defective, and subordinating contexts. Extracted speech – as I call it – is speech that an agent is (in some sense) made to produce. Subordinating extracted speech is speech that an agent is made to produce that also subordinates her. This is the topic I pursue in this paper.

The paper proceeds as follows. First I give some brief comments describing the phenomenon and scope of extracted speech. I then zero in on one particular kind of extracted speech: what I call subordinating extracted locution. I provide an analysis of this kind of speech. As the Central Park Five case makes painfully clear, being made to

speak plays a significant role in framing and directing agents' lives, selves, and communities. Power – of course – doesn't just keep us from speaking, but also makes us speak. Subordinating extracted locution, then, serves as critical data for explaining the relationship between power and speech.

3.2 The Nature and Scope of Extracted Speech

Communication is, by and large, an intentional activity. In typical cooperative conversation, we speak under command of our own beliefs, plans, and interests, in collaboration and deliberation with our interlocutors.[66] We manifest our agency through speaking — our words are an extension of our attitudes and intentions as we wish them to be revealed to others. Most of the time we can expect this process to go fairly smoothly — we rely on conversational co-participants to prompt, understand and cooperate with what we rationally intend our speech to do, and to interact with us under conditions of mutual honesty, sincerity, charity, and trustworthiness.[67] Indeed, this is the model of linguistic interaction that most speech act theory explicitly presumes.[68]

Yet our speech can also be (as the phrase goes) used against us. Our interlocutors can get us to do things with our words that we otherwise wouldn't: to speak because it is our only option, to produce words on the basis of fear or deception, to express things without deciding to do so. In such cases we may speak, but not with the intentional

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[66] Throughout this chapter I will use "speech" and "speaking" as short-hand for linguistic communication broadly construed (including, e.g., sign languages, written texts, and the like). The differences between written and oral linguistic communication are important, but I will sidestep the distinction for now.

[67] Grice (1989)

[68] Lewis (1979); Searle (1969); Thomasson (1990); Stalnaker (1978)

agency usually required for such speech. Rather than choosing whether, how, and what to say, our speech is – in a sense – chosen for us. When this happens, our words can serve as the vehicle for our own subordination. Michel Foucault's discussion of the nature of confession is a classic point of reference:

> [O]ne goes about telling, with the greatest precision, whatever is most dicult to tell. One confesses – or is forced to confess. When it is not spontaneous or dictated by some internal imperative, the confession is wrung from a person by violence or threat; it is driven from its hiding place in the soul, or extracted from the body. Since the Middle Ages, torture has accompanied it like a shadow, and supported it when it could go no further: the dark twins. The most defenseless tenderness and the bloodiest of powers have a similar need for confession. Western man has become a confessing animal.[69]

As Foucault takes care to illustrate, in confessing, an agent is *induced* to communicate — is made to do so in certain ways rather than others, with certain goals and objects of attention, and toward certain audiences. Being compelled to speak fits with the model of power that Foucault develops: power is not only a force that keeps us from doing things, but also *gets* us to do things.[70] In this case, power doesn't just keep us from speaking – it also makes us speak. Following Foucault, I will call such speech – speech one is (in some sense) made to produce – extracted speech.

Return again to the Central Park Five. On the face of things, it's puzzling why someone would confess to a crime they didn't commit. If you know that you're innocent and that such a confession is likely to result in conviction — and if the threat of violence is not compelling you to do so — it seems straightforwardly irrational to confess to police.

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[69] Foucault (1978, pg. 58)

[70] Foucault (1978); Foucault (2014)

If Antron McCray knew he had nothing to do with the crime in Central Park, and if he knew lying about it was not in his interest, why did he utter (1)?

(1) Antron McCray: I grabbed her arm. This other kid grabbed one arm. He grabbed her legs and stuff...and then we, like, all took turns getting on her, like, getting on top of her.[71]

One set of questions, then, is about the physical and psychological conditions underlying such contexts: what made it the case that confessing seemed like the right thing for McCray – and the other four young men in the Central Park Five – to do? Here we can appeal to evidence from social psychology on the effects of authority on individuals under conditions of stress and anxiety.[72] W can also appeal to particular facts of the case: the Central Park Five were all under 18, they were lied to about the possibilities of being let go if they confessed, and they were interrogated for around 15 hours each.[73] All the above are significant considerations in describing and explaining what they said and why they said it. While I do not provide a full account of the psychological conditions underlying such contexts, I do provide a framework for thinking through the social and linguistic features of the particular kind of speech that occurs in such contexts: what I will call *subordinating extracted locution.*

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[71] Burns, Burns & McMahon (2012)

[72] Milgram (1978); Kelman & Hamilton (1989); Blass (1999)

[73] Davies (2005)

First, the term extracted locution is meant to refer specifically to the words or sentences a speaker is made to produce.[74] Extracted speech also has important illocutionary and perlocutionary features (e.g. an agent may be made to perform some act in uttering certain words, or to cause certain effects by uttering certain words), but here I am concerned specifically with locution — the verbal production of the words, phrases, or sentences themselves.

Second, this framework also focuses on that subset of extracted locution that is subordinating. Subordinating extracted locution refers to the function of an utterance to unjustly wrong the speaker of that utterance herself. Such subordination can be either causal or constitutive in nature. Extracted locution can subordinate a speaker causally by licensing future wrongs against her: e.g. by changing a context or making future contexts such that wrongful, unfair, or unjust action against her is permitted. In the Central Park Five case, for instance, the boys' confessions licensed their unjust punishment via incarceration. Extracted locution can also be constitutively subordinating: through the very process of having their speech elicited, a speaker may be subordinated. Such processes include, e.g., coercion, manipulation, deception, trickery, and intimidation under unjust conditions. In the Central Park Five case, for instance, the boys' confessions were elicited via processes that significantly and unjustly undermined their agency (communicative and otherwise) under conditions of racist ideology and structural violence.

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[74] Following J.L. Austin, speech act theorists typically distinguish three aspects of an utterance: its locution, illocution, and perlocution. An utterance's locution is the literal words or sentences expressed: roughly, the utterance's content. An utterance's illocution is the act the speaker performs in uttering these words: for instance, requesting or asserting. Finally, an utterance's perlocution is the effects enacted by the speaker's performance of the speech act — for instance, persuading or frightening an audience.

Third, in describing subordinating extracted locution, I defend a broad view of the scope of subordinating extraction. If subordinating extraction is a wrong done to speakers in their capacity as communicative agents, we have good reason to include in the concept's extension not just cases of being forced to speak, but also some cases of ("merely") being caused to speak. While speakers are surely sometimes explicitly coerced into speaking by threats or driven to do so through the "dark twin" of torture (as Foucault says above), these are – as the Central Park Five case shows – not the only or main mechanisms by which power gets us to speak. An agent may also speak because it is the only way to access some resource, or because she is so frustrated and exhausted by a context that she doesn't have the energy to do otherwise. When we look at the actual conditions under which people produce speech they wouldn't otherwise produce, we will see that a broad view of extracted speech (one that considers cases where power makes us speak even when it does not explicitly force us to do so) is the one most adequate to describe and explain how fairly routine conditions can and do erode our communicative agency. I will have more to say about this in the section on constitutively subordinating elicitation below.

Finally, this investigation of extracted speech is a distinct departure from current work in philosophy of language and epistemology, which has largely focused on how power constrains speech and testimony. For instance, Rae Langton, Jennifer Hornsby, Ishani Maitra, Mary Kate McGowan and others explore the phenomenon of *silencing:* how a speaker may be communicatively disabled within a community by being subordinated.[75] A woman's utterance "No!" isn't treated as a refusal of sexual advance because

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[75] Langton (1993); Langton & Hornsby (1998); Maitra (2004, 2009); Maitra & McGowan (2010)

men's consumption of pornography has socialized them to think that when a woman says "no," she does not mean it.[76]

Similarly, Miranda Fricker and José Medina have explored *testimonial injustice* – when a speaker's credibility is unjustly judged to be so low that her testimony is discounted or ignored completely.[77] When Marge Sherwood in *The Talented Mister Ripley* voices her suspicion that Dickie Greenleaf has killed her fiancé, she is met with dismissal and told, "Marge, there is woman's intuition, and then there are facts."[78]

Kristie Dotson has described *testimonial smothering* – when subordinated speakers preemptively withhold valuable speech because they have good reason to suspect their interlocutors would not be competent receivers of it. Dotson recounts an interaction Cassandra Byers Harvin describes in a public library with a white woman who asks Harvin what she is working on. Harvin responds that she is researching "raising black sons in this society," to which the white woman promptly demonstrates her testimonial incompetence for the conversation by asking, "Well, how is that any different from raising white sons?"[79]

Finally, Rebecca Kukla has discussed *discursive injustice* – a phenomenon where an utterance's performative force is modified by the interpretive resources of an audience influenced by identity prejudice. When Celia, the floor manager at a heavy machine factory, tells her employees, "Please put that pile over here," her workers take her

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[76] Langton (1993); Maitra (2009)

[77] Fricker (2007); Medina (2013)

[78] Highsmith (1992)

[79] Dotson (2011) Harvin (1996)

to be merely requesting – rather than ordering – them to do so. Her words are thus robbed of their performative force, and compliance is low.[80]

I take it that silencing, testimonial injustice, testimonial smothering and discursive injustice all constitute micro-political obstacles to articulation, expression, and communication. Speakers are rendered communicatively, epistemically, or discursively incapacitated by their interlocutors because of persistent violence, prejudice and ideology. As a result, they find their speech unable to do the things they intend and expect it to do. But this is, crucially, not the only significant manifestation of violence, prejudice and ideology with regard to speech. Cases like the Central Park Five show that power does not just keep us from communicating. Power also *gets us* to communicate.

3.3 Defining Subordinating Extracted Locution

With these considerations in mind and the Central Park Five case above as a paradigm example of the phenomenon under discussion, I want to offer a framework for thinking about such speech: instances of being made to speak that results in the subordination of the speaker. Consider the following definition of subordinating extracted locution.

Subordinating Extracted Locution. A speaker's utterance U is an instance of SEL in context C within community A =def (1) U is elicited from S in C; and (2) U either (a) causes S's subordination in A; or (b) itself constitutes S's subordination in A.

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[80] Kukla (2012)

The definiendum sets up the key factors: a speaker S, their utterance U, a context C (which can be more or less rich depending on one's preferred theory of communication), and a community A. Presumably, A contains other agents, groups, and institutions – interlocutors in the immediate conversation and outside of it – as well as various relations between them. I take it community A further includes sets of rules, conventions, and norms that agents act in accordance with, as well as various artifacts, objects and resources that they bring to bear on their interactions with each other and the world.[81]

The definition's first condition is that, in order to be an instance of Subordinating Extracted Locution, S's utterance U must be U elicited. Call an utterance elicited when it is uttered in response to the communicative, perlocutionary and collateral intentions of another speaker, or a structure that functions similarly enough to an interlocutor's intentions such that a speaker treats them as "input" that guides response.[82]

The definition's second condition isolates Subordinating Extracted Locution as elicited locution that subordinates the speaker. This means that the elicited speech either licenses subordination of the speaker, or that the speaker is subordinated through the very act of elicitation itself. Thus subordinating extracted locution is elicited speech that either causes or constitutes subordination of the speaker.

In what follows I discuss each of these conditions and the picture they provide of Subordinating Extracted Locution.

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[81] Thus I take it that a community is not merely comprised of individuals and their attitudes, but also a social structure. In communities (such as ours) defined by white supremacy, patriarchy, and capitalism, such a social structure is hierarchically organized. Of course, social structures differ among communities, may change over time, and need not be hierarchical. For discussion here, see Haslanger (2012).

[82] Here I appeal to Gricean accounts of communication. Other frameworks appealing to, e.g., Austinian or inferentialist theories may also available, but I do not have space to offer them here.

3.4 Elicitation

3.4.1 What is Elicitation?

All speech is in some sense elicited — we constantly use language to respond to others and the world around us. While this might be a difficult condition to precisify, we can gesture at an analysis. Here I define elicited speech as speech that is a response to a special set of intentions of an interlocutor, or a procedure that functions as such.

Most of the time discourse takes something like the following form. When a speaker, call her A, produces an utterance directed at an interlocutor B, she does so with a particular intentional structure. In producing an utterance — say, "Gee, it sure is hot in here!"— A intends, first, that B recognize that A intends to express an attitude with this utterance. Perhaps in this case — an indirect request — the attitude involved is something like, "I would like you to open the window." Second, A also intends that the recognition of this intention (i.e. the attitude "I would like you to open the window") become reflexive mutual knowledge between both A and B (that is: that B recognizes that A has this intention, that A recognizes B recognizes this intention, and so on). Finally, A intends that this mutual knowledge gives B a reason to do something – to manifest an attitude or perform an action. In this case, A intends B's recognition of A's attitude to give B a reason to to open the window. This is the general structure of a communicative intention.[83]

Many times, the thing that A intends her speech to give B a reason to do involves B speaking — usually responding, through speech, to what A has expressed. Such re-

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[83] Grice (1989)

sponsive speech usually, in cooperative circumstances, is an effect an interlocutor in

tends once mutual understanding of her communicative intentions is achieved. That is,

in seeking a verbal response from B, A isn't just seeking to communicate some attitude

to B, but to have B perform some further action on the basis of understanding A's atti

tude.[84] A therefore has a set of intentions in mind specifically regarding what effects

their speech has on B: not just communicative intentions directed at achieving mutual

intention recognition with B, but categorically perlocutionary intentions directed at B's

subsequent (speech) behavior as well.[85]

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[84] For discussion on this point, see (Searle 1969, pg. 42-50)

[85] (Searle 1969) and (Bach & Harnish 1979) both critique Grice for describing perlocutionary effects as part of the satisfaction of a speaker's communicative intentions. Communication, they argue, only consists in mutual recognition of reflexive intentions— what an interlocutor does on the basis of this mutual recognition is beyond the scope of communication. Complying with an order, for instance, is a perlocutionary effect of mutual recognition of reflexive intentions, not what it consists in. However, see (Maitra 2009).

For what it's worth, I take what I am calling a *perlocutionary intention* to be distinct from a communicative intention insofar as a speaker A may have a perlocutionary intention to get interlocutor B to actually perform some action, not just to have a reason to perform some action (which is all that is required of a communicative intention, and could be overruled or defeated by other reasons B has). Insofar as a speaker A has the perlocutionary intention to get B to φ, A doesn't just intend that she give B a reason to φ, but that this reason *causes B to actually φ* (perhaps, that it is determinate of B's all-things-considered reason in favor of φ). A's perlocutionary intention will thus be distinct from the third condition of her communicative intention.

To see how this might work, consider the following pairs of dialog:

A: When are you flying out?
B: Tuesday, though I might have to change my flight.

A: Gee, it sure is hot in here!
B: Oh, I'll open the window.

A: Hi Mabel! Good to see you!
B: Hey John! Good to see you too!

In the above examples (called *adjacency pairs*), the second turn of the discourse constitutes speech that has been offered to either fulfill speaker A's mutually recognized communicative and perlocutionary intentions directed at B's speech behavior, or to signal such fulfillment. In the examples, A produces an utterance with the intentional structure described above, and seeks a response action from B. The second turn in the above adjacency pairs (B's utterances) are good candidates for what I am calling *elicited speech.* More formally:

Elicitation$_1$: U is elicited from S $=_{def}$ for some R, the production of U is a response to R's communicative and perlocutionary intentions toward S.

Though the examples and definition above correctly describe much (cooperative) discourse, there are two considerations that bear on its adequacy for the broad view of extraction. First: we should consider whether speech can only be elicited via response to mutually recognized communicative and perlocutionary intentions. Second, we should ask whether elicited speech needs to be offered in response to intentions at all, or whether it might also be elicited via nonintentional mechanisms. I will argue that speech may be elicited on the basis of intentions other than mutually recognized com-

municative and perlocutionary intentions, and that it may be elicited from nonintentional procedures that mimic agential intentions.

First, there are times when people surreptitiously aim at getting their interlocutors to φ (for instance, to utter U) not on the basis of mutual recognition that they intend (want, expect) them to φ. Sometimes an interlocutor elicits action (including speech action) not via an audience's recognition of all of the intentions animating her utterance, but only a small subset of them. Such cases include practices like trickery, manipulation, dog-whistling, and brainwashing. When a speaker is *tricked* into speaking, for instance, she does not produce an utterance in response to the (mutually recognized) communicative and perlocutionary intentions animating their interlocutor's speech directed at them.

The film *The Great Escape* provides a good example. In one scene, two Allied P.O.W. are attempted to leave Germany by pretending to be French. Roger Bartlett (played by Richard Attenborough) and Flight Lieutenant Andy MacDonald (played by Gordon Jackson) attempt to board a bus. A German police officer looks at their ID cards as they board and after switching from speaking German to speaking French, the officer casually says to McDonald, in English, "Good luck." The Brit — automatically and with-out thinking — replies (in English), "Thank you." This reveals that the two speak English (and are thus presumably Allies). Their cover blown, the two flee on foot.

Now, in this case, the German police officer has elicited an intended response of speech action from the escaping Brit (McDonald replied, in English, and thus betrays that he is British), but he did not do so on the basis of some mutual recognition between the two of them that he (the German) intend him (the Brit) to do so (that is, speak Eng-lish). Rather than giving McDonald a reason to respond in English, the German got him

to do so by *bypassing* his intentional agency. The police officer wasn't at all interested in having McDonald realize what he was up to in wishing him, in English, good luck (in fact, he had an intention that he not recognize his intention that McDonald respond in English). Rather, the German police officer was just interested in getting McDonald to perform a specific action with his words in response to the utterance: to utter a reply in English, and thereby expose his origin. This was the German police officer's goal whether or not McDonald realized what he was up to in speaking.

Kent Bach and Robert Harnish call such a maneuver a *covert collateral speech act.*[86] In trying to get McDonald to respond in English—but not on the basis of mutual recognition between the two of them that this is his intention— the police officer per-forms an act in lieu of his literal speech act of wishing good luck. He tricks MacDonald in addition to (or maybe instead of) wishing him good luck. The success of this collateral act further requires that McDonald *not* recognize the German's intentions in speaking— thus it is a *covert,* rather than overt, collateral act. Since this kind of intention is not ful-filled on the basis of mutual intention recognition in the way that communicative inten-tions are, we need to add a third kind of intention to our analysis of elicitation.

Elicitation$_2$: U is elicited from S =$_{def}$ for some R, the production of U is a response to R's communicative, perlocutionary, and/or collateral intentions toward S.

Ideally, among agents who respect the intentional agency of each other and who are cooperative, trustworthy and honest, speech is only elicited on the basis of mutually recognized intentions among the participants. I recognize what you are trying to do with

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[86] Bach & Harnish (1979)

your speech, and this recognition gives me a reason to help you reach your goal.[87] But there are also cases where participants use each other as mere means to their individual perlocutionary ends, as in the *Great Escape* example. In such cases elicitation occurs *without* mutually recognized intentions. Such cases usually happen under conditions of manipulation, coercion, or intimidation, and can constitute subordination of the elicited speaker. We will further discuss such cases later.

3.4.2 Elicitation in the Absence of Perlocutionary Intentions?

Such an analysis of elicitation through fulfillment of an interlocutor's intentions has both costs and benefits. One cost is that it is an explicitly agential model of elicitation: it does not allow for a speaker's utterance U to be elicited in the absence of any specific individual speaker R's intentions that they do so. This would seem to be a significant lacuna: not all elicited speech is speech elicited by a specific individual person on the basis of some specific (set of) intentions.[88] For instance, consider the following.

Mandatory Self-Disclosure

Bill is applying for a job at HandyMart. He is an honest and trust- worthy candidate with superior skills and training, glowing references, and an impeccable resume of relevant related work experience. While filling out the HandyMart application, Bill sees the following question: "Have you ever been convicted of or pleaded no contest to any violation of the law other than minor traffic tickets?" Bill has a minor nonviolent conviction of drug possession on his record from high school. The question on the application is mandatory, and followed at the bottom of the form with a clause saying "I hereby testify that all of the above is true to the best of my knowledge." Bill can either truthfully answer the question, lie in his answer to the question, or not complete/ submit the application. He decides to truthfully answer the question and submit the

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[87] see, e.g., Thomason (1990)

[88] Further, it is explanatorily important for a theory of power to retain schemes accounting for both agential and structural practices of subordination. See, e.g., Fricker (2007).

application, hoping it will not negatively impact his consideration. Bill is rejected for the position he is otherwise qualified for on the basis of his response to this question.

Suppose the author of the job application wasn't a single individual, but rather a committee at Human Resources Products. ACME Corp, the company that owns HandyMart, contracts out to Human Resource Products to supply their forms and paperwork. The shift manager at the West Haven branch of HandyMart, Jim, then gives the form to Bill to fill out, though Jim does not have ultimate power over personnel decisions: this is decided by the franchisee and the branch manager.

In this case, it appears as though Bill's speech act of arming that he has been convicted of a crime has not been offered in response to an individual speaker, and will not be interpreted by an individual speaker. Therefore, it seems as though it does not fulfill any individual speaker's intentions (communicative or otherwise). But it is (I think) nonetheless clearly elicited. What to say about such a case?

First it is important to recognize the ubiquity of such circumstances: bureaucracy, complex supply chains and connected human trade create conditions of diffused agency that are notoriously difficult to analyze *vis a vis* liability, responsibility and transparency. My impulse in the face of such complication is to provide a *functionalist* analysis of the sources of communicative (and other) intentions. We might say that — for the purposes of the speech Bill produces— the various actors *function collectively* to get Bill to speak as though he was responding to the intentions of a particular individual speaker. That is, Bill's speech resembles, close enough, that which would fulfill a set of communicative, collateral, and perlocutionary intentions had by a single, normal agent. Bill

speaks in response to a source that functions, for him, as an input of (communicative and otherwise) intention.

This position is not nearly as wild as it may seem. To see how entities without intentions can nevertheless function as a source of communicative "intention" toward an agent, consider "dialog" with a digital personal assistant, bot, or GPS system, such as Siri. If such an application doesn't understand a command, it may follow up with a suggestion or request for further information: "What time did you want me to set an alarm for?" or "I don't know what you mean by 'Radiohead new album.' How about a web search for it?" Such an application might also ask for disambiguation: "There are two Chipotle restaurants near you. Did you want directions to the one on S 7th Street or the one on 8th Ave?"[89]

Functionally, such systems plausibly serve as sources of "intentions" toward us in our every day lives. From the perspective of a speaker, it doesn't matter that Siri and her ilk don't actually have intentions that we aim to fulfill: we treat such input as functionally equivalent to that issued in conversational interaction with real agents. They prompt us, we respond to them, provide information and feedback, in order to go about our day.

A similar analysis can be given for a collection of agents. Just as Siri can functionally serve as a source of intentions that a speaker can aim to fulfill in dialog, so can the diffused agglomeration of Human Resource Products, ACME Corp, and various agents within Handymart functionally serve as a source of "intention" toward Bill. The procedure that leads to the speech is functionally similar enough to that of a traditional conversa-

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[89] Similar stories can be given for prompts from automated telephone operators, ATM machines, and the like.

tion with an individual person that, for Bill, the question on the form is treated as prompting a response that fulfills the "speaker's intentions" (that is, an accurate answer to whether he has been arrested).

So we might amend our above analysis of elicitation$_2$ to the following:

Elicitation$_3$: U is elicited from S $=_{def}$ either (1) for some R, the production of U is a response to R's communicative, perlocutionary, and/or collateral intentions toward S; or (2) U results from a procedure functionally similar enough to that of (1).

Elicitation is therefore a very thin notion: speech is elicited insofar as it is a response that meets an agent's intentions regarding their interlocutor's speech behavior, or functions as doing so. Note that our object of analysis in this paper is that subset of elicited speech that is normatively loaded in a particular way – e.g., is *subordinating.* While elicitation itself is a fairly neutral condition, what we are interested in here is elicited speech that has a particular normative status.

3.5 Subordination

Recall our definition of subordinating extracted locution.

Subordinating Extracted Locution. A speaker's utterance U is an instance of SEL in context C within community A $=_{def}$ (1) U is elicited from S in C; and (2) U either (a) causes S's subordination in A; or (b) itself constitutes S's subordination in A.

Condition 2 is disjunctive, and specifies U's status with regard to subordination. An elicited utterance U is an instance of subordinating extracted locution, on this account, just in case U either (a) causes subordination of the speaker, or (b) is elicited in a way that itself constitutes subordination of the speaker. The key idea here is that in extraction, a speaker's utterance is made to operate against the speaker herself in a way that

is subordinating. I will argue that this can be accomplished either by licensing future un-just wrongs against the speaker of extracted speech, or by undermining, bypassing, or overwhelm- ing her agency and expressing, creating, or sustaining a relation of domina-tion through the eliciting such speech.

3.5.1 Causing Subordination

Condition (2a) specifies a social function of U. It says that U is an instance of SEL if the utterance causes subordination of the speaker. That is: on this condition, the speak-er's speech plays a role in her own future or continued subordination.

Here I wish to appeal to the function of some speech in rendering future acts of sub-ordination apt, appropriate, or acceptable. For instance, Mary Kate McGowan, Ishani Maitra, and Lynne Tirrell identify how hate speech *licenses* violence: such speech serves to permit and enable future action against the targets of that speech.[90] Tirrell, for instance, offers an inferential role analysis of licensing to show how linguistic inputs (racial slurs) feed into extra-linguistic action (violence).[91] On Tirrell's account, slurs li-cense violence insofar as they enable and permit acts of violence. Oppressive slurs create the conditions under which "empty" speech (name-calling, bullying, propaganda, etc) results in extra-linguistic action – sexual assault and genocide. A similar analysis in terms of legitimation or excercitive speech is also available.[92]

For our purposes, the important difference between licensing as a function of hate speech and licensing as a function of extraction is the entity to whom the licensing ap-

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[90] McGowan (2003, 2004); Maitra (2012); Tirrell (2012)

[91] Tirrell (2012)

[92] Langton (1993); McGowan (2003, 2004)

plies. While in the case of hate speech an utterance licenses action against the target of that speech (depending on the form of the utterance, this may be its intended referent ["The bitch in Apt. 23"], addressee ["Hey bitch!"] or object of description ["That bitch over there"]), in extraction the utterance licenses action against the speaker herself.

The self-licensing nature of subordinating extraction in the Central Park Five case above is instructive. Antron McCray's utterance in (1) above ("I grabbed her arm. This other kid grabbed one arm. He grabbed her legs and stuff...and then we, like, all took turns getting on her, like, getting on top of her.") is used as a justification for doing further (racialized) violence to him— violence that is wrongful insofar as it is actually unjustified. When the case goes to trial, (1) counts as a (component of) a confession, and serves as evidence of McCray's guilt. This guilt (when judged beyond a shadow of a doubt by a jury informed by racial bias) justified McCray's punishment (e.g., incarceration). Similarly for the Handymart case: Bill's ticking the "YES" box next to the "Have you ever been convicted of a crime?" question licenses the removal of his application from the short list to which he is otherwise an excellent candidate.[93] So where hate speech licenses acts of subordination against an external target of an utterance, we might say that, in extraction, the target of subordination is not external, but rather is the speaker herself. That is: in cases of SEL that meet condition (2a), the speaker's utterance targets the speaker herself for subordination.

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[93] Note that this is a picture about what is accepted by a community, not what is, in the final analysis, acceptable. For an act to be licensed by speech is not for that act to be ultimately appropriate or permissible. To say that U licensed violence against S is not to say that that violence was permitted *simpliciter.* Rather, it is to say that it was permitted within the presumptions and norms under which U operates (which can be distorted in all sorts of ways). It is consistent with the set of propositions operant— whether or not those propositions are true is a separate question.

The claim that extracted speech licenses subordination of the speaker is causal: for speech to license further action is for speech to play some causal role in the performance or acceptability of that future action. But not all cases of extracted speech cause subordination. The very process of extraction can itself *be* subordinating.[94]

3.5.2 Constituting Subordination

Wrongly getting people to produce utterances through explicit threats and intimidation (as well as through more implicit mechanisms like manipulation, trickery, and deception) plausibly contribute to what it is for a process of elicitation to be subordinating.[95] The basic idea that I will develop is that the elicitation of an utterance from a speaker constitutes subordination of that speaker when the utterance is elicited through a process (e.g. a discourse strategy) that does two things. First, the process significantly and wrongly undermines, bypasses, or overwhelms the speaker's communicative agency. Second, the process exerts wrongful domination of the speaker: e.g., it expresses, creates, or sustains a relation of power over them. More formally:

Constitutively Subordinating Elicitation. The eliciting of U from S in C itself constitutes subordination of S in A =$_{def}$ (1) S's communicative agency is significantly and wrongly undermined, by- passed, or overwhelmed by the elicitation of U; and (2) The elicitation of U in (1) expresses, creates or sustains a relation of wrongful domination over S in A.

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[94] Sometimes both causal and constitutive subordination are evident in the same case (e.g. both conditions (2a) and (2b) are fulfilled). In such cases the speaker is doubly subordinated: both at the moment when their speech is elicited and later when the consequences of their speech are experienced. This is the case, I take it, in the Central Park Five example.

[95] Whether such subordination is also oppressive (e.g. whether it is an instance of a pattern of conditions that a speaker experiences regularly on the basis of their identity or membership in a social group) is an important question we will take up shortly.

The first condition in the definition above describes the nature of the process of elicitation involved in the production of S's speech. A full account of what "communicative agency" consists in is beyond the scope of this paper. But for our purposes call communicative agency the ability of an agent to express attitudes to others (usually, but not only, using language) and the ability to do so *voluntarily.* To see the importance of such an ability, consider the following case.

Contract Negotiation

Tony the mafia don and Jeff the deli owner are on opposite sides of a heated extortion/"protection" conflict. After weeks of a protracted stalemate, Tony goes to Jeff's building with an offer Jeff can't refuse— Tony brings a verbal list of demands explaining his preferred set of conditions, and a gun. When he finds Jeff, Tony says, "You better agree to this now, or I might do something I'll regret." Jeff utters the sentence, "Yes, I'll do everything you say," thereby "agreeing" or "consenting" to the conditions listed.

In Contract Negotiation, Jeff acquiesces to Tony's conditions because Tony threatens him – he literally holds a gun to Jeff's head. In this case, Tony elicits Joe's "agreement" to his demands through the conversation strategy of *coercing* him: by forcing Jeff to speak in the face of the (presumable) alternative that he be shot. Jeff chooses to speak, but his choice is not fully voluntary. It strikes me as plausible that this case is one where Jeff's utterance is coerced insofar as the choices available to him regarding his speech activity are unfairly limited.C[96] Jeff has to speak because the option of not speaking is his only alternative, and it is an unacceptable one; not speaking entails being shot! Jeff's agency is thus significantly undermined and Jeff is (presumably) wronged.

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[96] Cudd (1992; 2006)

Now recall our discussion of the speaker who aims at having her communicative, perlocutionary and collateral intentions fulfilled but without activating the mutual recognition of her interlocutor. In the *Great Escape* example above, the German police officer doesn't want MacDonald to recognize that he wants him to speak in English: presumably, recognition of such intentions would make MacDonald *less likely* to do so. The officer's intentions aiming at getting MacDonald to speak are thus covert collateral intentions. Such a mode of eliciting speech gets an interlocutor to produce words, but not on the basis of mutual recognition of the speaker's communicative or perlocutionary intentions that she do so. Such modes of elicitation thus get an agent to speak, but only at the cost of undermining, overriding, or bypassing her intentional agency— an agency usually required to produce such words. But in this case this is not through unfairly limiting his alternatives. It is, rather, by *bypassing altogether* the process by which he chooses to speak.

Condition 1 of the above definition can be met, then, in at least two ways. A person can be wronged through having their speech elicited when they are wrongly *coerced* into speaking (that is: when their alternatives to speaking are unfairly limited), or when they are wrongly *manipulated* into speaking (that is: when the information available to or decision-making processes of the speaker are unfairly structured such that they are more likely to speak).[97] Subordinating elicitation, then, consists in processes that direct a speaker's behavior either manifestly by shifting what alternatives are available to her or operantly by shifting her decision-making about those alternatives. When the process of elicitation significantly undermines some aspect of the speaker's communicative

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[97] Much recent work on manipulation has explored this topic. See for instance (Coons & Weber 2014).

agency to which they are otherwise entitled, it meets one of the conditions for constitutive subordination.[98]

The point that speech can be extracted through either explicit coercion or more implicit manipulation is an important one: not all agency-undermining elicitation works through fear-based duress. Extraction can be (and often is) based on actions and environments that merely make agents behave in ways they wouldn't otherwise behave.

Consider the bureaucratic mechanism of the "behavioral change intervention" or "nudge."[99] A nudge is a way that an institution shapes an agent's choice architecture by making some alternatives appear as the easiest, best, most convenient or preferable option (perhaps without the agent being aware of such framing) – all without unfairly *limiting* those alternatives.[100] Such mechanisms alter an environment to encourage a certain course of action without forcing such action. For example, placing fruits and vegetables at eye-level at the entrance of a grocery store while taking junk food out of the line of sight may shift agents' behavior such that they 'default' to the fruits and vegetables. Institutions like casinos do similar sorts of things — by introducing multi-line slot machines, for instance, players can place multiple bets at the same time and experi-

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[98] It should be noted that explanations of coercion and manipulation may vary; what is significant here is the distinction between them rather than any particular theory of either.

[99] For an introduction, see Thayler & Sunstein (2008).

[100] Consider the difference between a car that will not start unless the driver puts on her seatbelt and a car that will start even if the driver doesn't put on her seatbelt, but will emit an annoying beep until she does so. The latter is a case of a "nudge" because it allows the agent to do otherwise, though it harnesses her preference for non-beeping environments to encourage her to put on the seatbelt. How manifest the encouragement is to the actor is an important consideration for those endorsing nudges in policy. Some theorists consider "nudges" to only be those behavioral change interventions that allow an agent to do otherwise. For our purposes here, the above example serves merely to illustrate how framing effects can change choice behavior. For more see (Selinger & Whyte 2010; 2012).

ence the same adrenaline rush as a full win. This makes them more likely to bet more money and stay at the slot longer— that is, it facilitates addictive behavior. Mechanisms like physical placement in an agent's line-of-sight or technological innovations like allowing multiple low-attention transactions structure what we might call an agent's *deliberative context:* an agent's information about and representation of various alternatives. Deliberative contexts can be (and routinely are) shaped such that agents default into options that institutions frame as preferable.

It is notable that many contexts of extraction use or mimic these mechanisms to shape agents' deliberative contexts (perhaps without having been intentionally designed to do so). For instance, police detention is a legal con- text – and police precincts are built environments – that function as leverage on the automatic cognitive and bodily processing of people under stress. One thing we know about human psychology is that even slight adjustments to our physical and psychological state can undermine our decision-making capacities. We are not at our most careful, willful, or attentive when distracted, tired, hungry, and scared. In the context of police detention these effects are both present and magnified: suspects are frightened and disoriented, and are not able to sleep, eat, or use the bathroom when they need to. They may lack access to needed medication. They don't know when or if or under what conditions they will be allowed to leave. This influences when, how, and what suspects say. The context of interrogation within detention can prompt agents to (choose to) speak, but not on the basis of deliberation: rather, they do so on the basis of exhaustion, low information and the background radiation of authoritative pressure. Such conditions do not limit an agent's choices because the alternative of remaining silent is still technically available and ac-

ceptable; the context may not amount to coercion. But such contexts still significantly (and wrongly) bypass suspects' communicative agency in speaking by altering their decision-making capacities

It bears repeating that this function of framing effects and low information to direct behavior need not be intentional. A person's undermined agency in police detention may just be an unintended consequence of the built environment, legal context, and effects of authority.[101] Regardless, by placing agents under even relatively low conditions of cognitive, emotional and physical strain, the space of the police precinct influences and directs the actions of suspects in ways that plausibly distort their practical reasoning.[102] Such undermining of suspects' agency is, further, wrongful; it can and does unfairly "nudge" innocent suspects into confessing and implicating themselves, as in the Central Park Five case. This is wrongful because, presumably, innocent suspects are entitled not to be manipulated into falsely implicating themselves (and, further, because being manipulated into falsely implicating one's self is not a matter of 'bad moral luck' – given what we know of human psychology, it is a foreseeable, even if unintended, consequence of detention).[103]

We are now in a position to see why the broad view of extraction is warranted. The broad view of extraction recognizes that power influences agents both explicitly

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[101] Compare, for instance, the structural analysis of coercion that (Cudd 1992) offers. The suggestion here is that a similar structural analysis can be given for manipulation.

[102] Note that this discussion is a significantly normative departure from Foucault. A thorough-going Foucauldian account might explain such phenomena in terms of the manifestation of an agent's agency rather than its undermining or bypassing. But in order to explain why such practices are objectionable and constitute wrongs, we need to appeal to the ways in which they distort valuable human abilities – e.g., agency, practical rationality, autonomy, etc.

[103] Fricker (2007)

(through, e.g. coercion) and implicitly (through, e.g. manipulation). Institutions regularly direct our behavior without unfairly limiting alternatives to that behavior. Sometimes this distorts our decision-making and wrongly undermines or bypasses our agency. When such cases involve getting us to speak, it is our *communicative* decision-making and agency that is significantly and wrongly undermined. If we were to describe only cases of explicit coercion, force, and duress as instances of extracted speech (that is, if we adopted a narrow view of extraction), we would surely miss the fact that speakers can also have their communicative agency wrongly undermined through "mere" manipulation, trickery, and deception.

3.5.3 Subordination as a Relation of Power-Over in a Community

Finally, recall our explication of acts of elicitation that constitute subordination:

Constitutively Subordinating Elicitation. The eliciting of U from S in C itself constitutes subordination of S in A =$_{def}$ (1) S's communicative agency is significantly and wrongly undermined, by- passed, or overwhelmed by the elicitation of U; and (2) The elicitation of U in (1) expresses, creates or sustains a relation of wrongful domination over S in A.

Having briefly discussed how elicitation can wrongly undermine, bypass, and overwhelm a speaker's communicative agency, I want to turn to the question of when such practices constitute subordination. This will help explain how some cases of elicitation that wrongfully undermine a speaker's communicative agency also establish relations of domination, and so constitute subordinating acts, while others do not.

Plausibly, an act of elicitation that wrongfully undermines a speaker's communicative agency is not *thereby* an act of subordination. A child needling her mother into buying her a candy bar may undermine her mother's agency by wearing down her patience, but

she does not thereby *subordinate* her mother. The question of whether a particular in-
stance of elicitation that undermines a speaker's communicative agency constitutes
subordination is a question that can only be resolved by looking at the broader function
and social context of the interaction.

In subordinating others, agents or institutions manifest power over them— they con-
trol a person's actions and behaviors, reduce their ability to meet their needs and further
their interests, and frustrate their access to important resources.[104] It is natural, then, to
think of subordination as a relation of domination— the condition of expressing, creat-
ing, or sustaining power over someone. It's plausible that relations of domination are at
least partially constitutive of the "faces" of oppression, understood in terms of, e.g.,
marginalization, exploitation, violence, cultural imperialism, and powerlessness.[105]

But domination or power-over is not sufficient for oppression. Many people find
themselves, from time to time, on the losing end of relations of domination. But only for
some agents are these relations systematic enough to render them oppressed.[106] The
mugger who stops the wealthy white man on the street and says, "Give me your wallet
or I'll shoot!" plausibly subordinates him insofar as the mugger exerts his power over the
man in the form of physical intimidation and violence. However, the mugger's actions
are isolated and context-specific, rather than a token of the type of violence members of
the white wealthy man's social group are unfairly or unjustly subjected to on a regular
basis by virtue of who they are.

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[104] Frye (1983)

[105] Young (1992)

[106] Frye (1983)

Contrast this to the street harasser who stops a young woman on the street and says, "Hey baby you're looking good today, where you going? Mind if I come along?" and then proceeds to follow her down the block. I take it this action (also) subordinates the young woman insofar as the street harasser exerts his power over her in terms of sexually objectifying her, exploiting her energy and attention, and physically intimidating her. But here the subordination is part of a larger framework of practices that the woman unjustly experiences— or is at risk of unjustly experiencing — *regularly.* The street harasser's actions are not isolated, one-off or context-specific. They are part of a pattern of harassment that women are wrongly subjected to on a regular basis *because they are women.*[107] Thus having power over someone can be either an instance of systemic, social structural subordination (that is: oppression) or an instance of isolated or accidental individual subordination.

For our purposes I will describe the distinction between the subordination experienced by, e.g., the mugged white man, and the subordination experienced by, e.g., the street harassed woman, in terms of the following. In the first case, I think the act of subordination is one that expresses, creates, or sustains a relation of wrongful domination *only at that context.* In the second case, I think the act of subordination is one that expresses, creates, or sustains a relation of wrongful domination in the agent's *broader community.*

Remember our definiendum of Subordinating Extracted Locution above: "a speaker's utterance U is an instance of SEL in conversation/context C within community A." This distinction between a conversation/context C, on the one hand, and a community

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[107] Frye (1983)

A, on the other, allows us to distinguish cases of one-off, isolated wrongful subordination from longer-term, systemic wrongful subordination (i.e. oppression). This distinction speaks to the intuition that social oppression is a repeated set of experiences in a person's life (obstacles, aggressions and micro-aggressions, violence, etc) that systematically target them for unfair, illegitimate, and/or unjust treatment. I take it that relations among agents in a community are longer-lived, more stable, and more structurally manifested than those that apply merely at a single context. Thus the above definition of constitutive subordination requires a relation of domination that is created, expressed, or sustained within a community A rather than at a (mere) context C.

Let's return now to the Central Park Five. Antron McCray and the other young men were uncontroversially subordinated at the particular context of the interrogation room. However, they were also uncontroversially subordinated within the broader community of New York City and the United States in the year 1989. That is: the fact that they were manipulated into speaking was also an act of oppression. The conditions underlying their detention, arrest, confession, and sentencing clearly victimized them on the basis of their racial identities: the experiences the boys faced were manifestations of larger systems of racialized violence, marginalization, cultural imperialism, exploitation and powerlessness that wrongfully targeted them.

Kimberle Crenshaw describes the cultural narrative around the boys in her discussion of Valerie Smith's work on the subject:

> As Valerie Smith notes, "a variety of cultural narratives that historically have linked sexual violence with racial oppression continue to determine the nature of public response to [interracial] rapes." Smith reviews the well-publicized case of a jogger who was raped in New York's Central Park to expose how the public discourse of the assault "made the story of sexual victimization inseparable from the rhetoric of racism."

Smith contends that in dehumanizing the rapists as 'savages,' 'wolves,' and 'beasts,' the press ''shaped the discourse around the event in ways that inflamed pervasive fears about black men." Given the chilling parallels between the media representations of the Central Park rape and the sensationalized coverage of similar allegations that in the past frequently culminated in lynchings, one could hardly be surprised when Donald Trump took out a full page ad in four New York newspapers demanding that New York "Bring Back the Death Penalty, Bring Back Our Police."[108]

The Central Park Five case illustrates the necessity of sustained sociological and discourse analytical inquiry into the dynamics of subordination. The distinction between domination at a context and domination within a community requires complex and nuanced attention to the particularities of cases to describe and explain. We must ask questions like: what are the social roles of the actors? What is their relationship to one another? How are the practices at the immediate linguistic context related to other practices, experiences, and narratives of the wider social community? The answers to these questions are rarely cut and dried, and not merely a function of the relative social positions of the interlocutors. We require complex social analysis to uncover the motivations and experiences of the various actors and to help us understand how they fit into larger structures.

To sum up, then: what I have shown here is that it is possible for elicitation to constitute subordination by significantly undermining, bypassing, or overwhelming a speaker's agency and manifesting a relation of domination over her within the community in which she finds herself. In doing so I have estab- lished that not only can extracted speech cause a speaker to be subordinated in the future, it can also itself constitute subordination of that speaker at the time.

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[108] Crenshaw (1991; pg 1267). Crenshaw's discussion here quotes (Smith 1990).

3.6 Concluding Remarks

Above, I have discussed a phenomenon I have called subordinating extracted locution. I argued that in addition to constraining speech, power also elicits and produces speech. I explored some examples of speech elicited under conditions of subordination, and described plausible conditions on the category of such speech.

Let's now return to our point of departure: the productive power of speech. Foucault again:

> One has to be completely taken in by this internal ruse of confession in order to attribute a fundamental role to censorship, to taboos regarding speaking and thinking; one has to have an inverted image of power in order to believe that all these voices which have spoken so long in our civilization— repeating the formidable injunction to tell what one is and what one does, what one recollects and what one has forgotten, what one is thinking and what one thinks he is not thinking— are speaking to us of freedom. An immense labor to which the West has submitted generations in order to produce— while other forms of work ensured the accumulation of capital— men's subjection: their constitution as subjects in both senses of the word.[109]

Foucault's point here is crucial. Focusing only on constrained speech (in this case: silencing, testimonial injustice, testimonial smothering, and discursive injustice) provides us with an "inverted image of power." Power is not merely a story of repression, restraint and rule. Power also makes, produces, and enacts: it gets us to speak, to perform, to engage, and controls the ways and conditions under which we do so. A feminist and anti-racist analysis of the effects of power on speech – like that on offer in the literature by MacKinnon, Langton, Hornsby, Maitra, Dotson, Medina, Fricker, Kukla, and others – must address this function of power if it is to adequately describe the role that speech plays in the social world.

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[109] Foucault (1978, pg. 60)

CONCLUSION

This project has covered a lot of ground, much of it in admittedly provisional form. It would now be useful to provide some summary and to see where we are left.

In Chapter One I provided a theory of labor that does not rely on assumptions of productivity, materiality, or employment. Such a theory allows us to characterize labor's centrality and significance in human life, to distinguish it from other kinds of human action, to evaluate it accurately, and to differentiate it from commodities. On the theory defended — the Value Theory of Labor — labor is a social practice, evaluable by others, that aims at maintaining or improving a system or its resources for human life and use. I then argued that this account of labor helps make sense of the work of communication. I proposed that languages are common pool resource systems — like a canal that supports irrigation among a coalition of farmers or a coastline ecosystem that supports a group of heterogeneous fisheries — and that all speakers therefore have an interest in providing for conditions that sustain, maintain, and/or improve the system. Such conditions require coordination, mutual knowledge, truthfulness and trust — conditions that do no arise *ex nihilio*, but rather require sustained human activity (e.g. labor) to preserve.

Then, in Chapter Two, I looked at conversations where such conditions fail: where speakers respond to each other with undue skepticism, pedantic literalism, ignoring, intrusive interruption, and bad listening. I described such contexts as manifestations of failures or refusals of accommodation and its preconditions toward those who have a

claim on the use and modification of the 'common ground' of a conversation. Such phenomena are significant because they degrade the value of the language system: they make conversations less good at the sorts of things we use them to do (e.g. pool information, coordinate action, direct inquiry). Because of this, I proposed we augment current theories of linguistic context to include features that describe the availability of a conversation for those who have a claim on the use and modification of a common ground (what I call auxiliary properties such as accessibility).

Finally, in Chapter Three, I looked at one particular manifestation of such failure: what I call extracted speech. Extracted speech is speech produced by a speaker against her will and interests, under cover of obfuscation, manipulation, or trickery, and that serves to support her own subordination in a system or community. I provided a theory of one particular kind of such speech — subordinating extracted locution — and show how, in cases like that of the Central Park Five, agents are wronged in their capacity as communicative agents.

These three chapters serve to provide a framework for understanding the work of communication, the conditions of its failure and success, and how such work impacts the lives of agents under nonideal sociopolitical circumstances. It describes communication and interpretation as particular forms of immaterial labor and natural language as a particular kind of common pool resource system. By using the tools of political economy, I have hoped to shed light on some important phenomena of language and its use by communicative agents — both from within mainstream philosophy of language, and from outside by appeal to work in feminist and critical theory. It's my hope that the efforts here contribute to further inquiry on the nature, distribution, and limitations of

communicative labor.

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