

Sneaky Assertions*

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Abstract

Some speech acts are made indirectly. It is thus natural to think that assertions could also be made indirectly. Grice's conversational implicatures appear to be just a case of this, in which one indirectly makes an assertion or a related constative act by means of a declarative sentence. Several arguments, however, have been given against indirect assertions, by Davis (1999), Fricker (2012), Green (2007, 2015), Lepore & Stone (2010, 2015) and others. This paper confronts and rejects three considerations that have been made: arguments based on the distinction between *lying* and *misleading*; arguments based on the ordinary concept of assertion; and arguments based on the testimonial knowledge that assertions provide.

Keywords: assertion; implicature; semantics/pragmatics; indirect speech acts; testimony.

1. Introduction: Assertion and Indirection in Core Cases

Theorists of speech acts assume that some of them are made indirectly. To illustrate, an utterance of ‘Thanks for not browsing our magazines.’ found in the train station kiosk is not an expression of gratitude, nor is ‘Could you pass the salt?’ typically a question; instead, both are indirect ways of making requests. Searle (1975) provides an influential account, which I take to generalize (even if along ways specific to Searle’s own views) the influential proposal by Grice (1975) for conversational implicatures. Conversational implicatures would be a particular case of indirect speech act – one in which a constative act is indirectly made by means of a declarative sentence.¹

What is guiding us in selecting these examples of indirect speech acts? We need an initial characterization assuming as little theoretical baggage as possible – one that even writers such as Davis (1998) or Lepore & Stone (2015), who would be sceptical about the phenomenon if we already initially characterized it as involving, say, Gricean calculability, could accept as actually instantiated.² It should be possible to provide one, because ordinary speakers are sensitive to the phenomenon; as I will argue below, the intuitive distinction between *lying* and *misleading* is a manifestation of this, for the specific case of indirectly made assertions.

I will assume that indirection, like kinds such as *water* or *elm*, has a “nominal essence” distinct from its “real essence” to be only theoretically determined, along the familiar Kripke-Putnam lines – which Gelman’s (2003) and related psychological research shows to be deeply ingrained in folk implicit assumptions.³ Roughly, I take indirection to be a specific way of conveying meaning. I will make a proposal about its nominal essence, on the further assumption that there are speech acts that well-formed sentences might be used to make (perhaps unsuccessfully), given their mood, their constituents, and the way they are

compositionally put together, in *central (default) cases in default contexts* (Charlow 2018, 72-4; Roberts 2018, 320). These are contexts in which no more is assumed than sharing a public language, and whatever is required for disambiguation and context-dependence resolution.⁴

To illustrate the idea with the case that will be occupying us, I assume that we have a pre-theoretical notion of assertion, on which this is an act that we perform in central cases by uttering declarative sentences. I take such central cases to be those in which we intend to be “taken at our word”, such as using as literally and explicitly as possible a declarative sentence to answer a request for information, or to tell somebody how our day went. I’ll assume that the distinction between *nominal* and *real* essence equally applies here. I will mention three features of the nominal essence of the kind I aim to pick out, which I take to guide our selection of instances like the ones just indicated. (i) The point of the relevant act is to produce outright belief. (ii) In performing it, speakers present themselves (perhaps insincerely) as believing what they say. (iii) It has a “word-to-world” direction of fit.

These features manifest themselves in our normative practices: in our finding appropriate to criticize, or required to excuse, assertions when what is said is false, when the speaker doesn’t believe it, etc. Conversely, there are uses of declarative sentences that fail to be central because they clearly lack some of these features. Thus, e.g., cases in which the sentences occur in a fiction, or in which the speaker adds an appositive ‘I guess’, ‘I promise’, ‘I assume’ or ‘I conjecture’; cases in which the sentence occurs embedded as the antecedent of a conditional, a disjunct *o* after ‘it might be that’; explicit performatives such as ‘I hereby promise that ...’; or, indeed, cases in which the speaker manifestly doesn’t aim to be believed merely because she is saying so, like many of the claims literally made by means of declarative sentences in this paper.

As indicated, this characterization is only intended to elucidate the intuitive features of a pre-theoretically familiar kind. It is part of the idea that the kind in question, like indirection,

is *natural* in that it is presumed to have an essence or nature “hidden” in not being immediately accessible to intuition, and available only, if at all, after theoretical scrutiny. The Gricean and normative proposals to be discussed below are attempts at theoretically specifying it;⁵ but such research might well conclude that there is after all no kind shared by central cases, but merely a disunified motley (Cappelen 2011). If, however, the assumption is confirmed, it might turn out that, given the true nature of assertion, we also make it in non-central cases. For instance, it might be that we should conclude that in the explicit performative case the speaker is not just *promising*, but also *asserting* that he is promising: perhaps promising indirectly, in virtue of his assertion.⁶ I will also be assuming that there are similarly central cases in default contexts for acts we make with sentences in the imperative and interrogative moods (a specific sort of request and question, respectively).⁷

What is then an indirect speech act, in the intended pre-theoretic sense? I will take it to be one made with a sentence whose central use in a default context would be to make a different one, in force or content (cp. Sadock 1974), in part by deploying it.⁸ Consider these standard putative examples of indirect assertions: rhetorical questions (1), irony (2) and metaphor (3):

- (1) Utterance: ‘Who the heck wants to read this book?’; putative assertion: *Nobody wants to read this book.*
- (2) Utterance (with sarcastic intonation): ‘Paul is a good friend’; putative assertion: *Paul is disloyal.*
- (3) Utterance: ‘Nuclear reactors are time bombs’; putative assertion: *Nuclear reactors might disastrously fail at any moment* (Bergmann 1982, 231).⁹

In these cases, the speaker doesn’t make the central speech act indicated by default by uttering the relevant sentences. It is manifest that the speaker of (1) lacks proper erotetic goals, and those of (2) and (3) assertoric commitments, with respect to the literal content. As

indicated, I take this to capture merely the “nominal essence” of indirection, on the assumption that it might have a “hidden” one to be theoretically articulated. I will not try to make a proposal here about its “real essence” (see García-Carpintero ms).

Now, some writers (e.g., Alston (2000, 116-120); Hindriks (2007, 400); Jary (2010, 15-16); Pagin (2011, 123); Stokke (2013, 49)) advance accounts of assertion that imply that this act cannot be indirectly made, by stipulating an assertion to be the communication of the proposition *p* by means of a sentence that (literally, I take it) means it.¹⁰ This makes it impossible to make assertions of *p* with sentences that mean something else, or of course with non-linguistic means. Given that, on the assumptions I have made, this is not just a merely terminological issue, this view requires argument. First, examples like (1)-(3) make an intuitive case against it. Second, many accounts of assertion at the very least worth considering do not exclude the *prima facie* intuitive view that it can be done indirectly. These include the Gricean intentionalist views and the normative accounts to be presented below, and the alternative accounts by Brandom (1983), Dummett (1973, ch. 10) or Stalnaker (1978). Finally, it appears to be possible to make other speech acts indirectly, as in the initial request examples; why should assertion be special?

The definitional condition on assertion making indirect assertions impossible is usually not backed with argument, but motivated in ways that appear *ad hoc*. Thus, suppose that one is attracted by the Fregean view that asserting *p* just is *putting forward p as true*. There are clear counterexamples to this – cases in which intuitively a proposition *p* is put forward as true that intuitively are not assertions of *p*. To wit: cases in which *p* is merely guessed or conjectured, cases in which it is presupposed, cases in which it is promised, and so on. Adding the condition that we are discussing – that it is an additional necessary condition to use a sentence that means the proposition – would allow one to stick to the core of the Fregean view.¹¹

Without some independent justification, and on the assumption that these authors are not just

stipulating how they use ‘assertion’, but trying to capture the nature of an act picked out by the pretheoretical intuitions articulated above, this just is an *ad hoc* manoeuvre to rescue the Fregean view. Why not instead look for a better account of assertion?

Bach & Harnish (1979, 15-6, 42) offer one – a paradigm Gricean account of assertion. ‘R-intending’ here is to be explicated in terms of Gricean *communicative intentions* (*op. cit.*, 15):

(GA) To assert *p* is to make an utterance thereby R-intending the hearer to take it as a reason to think that the speaker believes *p* and intends the hearer to believe it.

Bach & Harnish’s GA is a *descriptive* account, not a *normative* one: unlike normative accounts, by itself it does not mention norms, but only certain psychological states of speakers and their intended audiences.¹²

In contrast with descriptive accounts such as GA, Williamson claims that the following norm or rule (the *knowledge rule*) is constitutive of assertion, and individuates it:

(KR) One must ((assert *p*) only if one knows *p*).

In the course of the debate that this proposal has generated, other writers have accepted the view that assertion is defined by constitutive rules, but have proposed alternative norms; we don’t need to go into them for our present purposes. The obligations these rules impose are *sui generis*, like those constitutive of games, the model on which Williamson bases his account: they do not have their source in norms of morality, rationality, prudence or etiquette. They are not *all things considered*, but *prima facie*; in any particular case, they can be overruled by stronger obligations imposed by other norms. They are intended to characterize what is *essential* or *constitutive* of *assertion* (and not, as it may seem at first glance, of *correct assertion*). The view is that assertion is an act essentially constituted by its being subject to the relevant norm: the unique representational act such that, if one performs it without knowing the intended proposition, one is thereby contravening an obligation. There are

additional features or rules contributing to a full characterization of assertion, as in Searle's (1969) well-known account or in Alston's (2000) elaboration, i.e., "sincerity" or "preparatory" conditions. KR is intended to characterize what an act must "count as" for it to be an assertion, i.e., what Searle describes as its "essential rule".

I take to be common ground among participants in these debates that assertion is the salient act that we pre-theoretically characterized above: namely, what is done by default (i.e., unless conditions in an open-ended list apply, such as those creating irony, fiction, or the presence of canceling parenthetical remarks such as 'I conjecture') by uttering declarative sentences: "In natural language, the default use of declarative sentences is to make assertions", Williamson (*op. cit.*, 258). Here I will work under the assumption that assertion is indeed a "natural" (i.e., real) social kind, a normative one, and that the rule KR articulates its constitutive norm.¹³ As I announced, this view is entirely compatible with the intuitive impression that the speakers in examples (1)-(3) are making assertions. For instance, the speaker of the ironical assertion might be intending to provide information about the disloyalty of Paul that her audience would have had otherwise. We can challenge them to give reasons to justify the putative assertions, or criticize them if they are false. As said, the psychological, "belief expression" views, Gricean or otherwise, are equally compatible with this intuitive presumption.

Now, different writers have in fact provided arguments that assertions cannot be made indirectly, including Davis (1999), Fricker (2012), Green (2007, 2015), Lepore & Stone (2010, 2015) and Soames (2008). To clarify this issue is important to account for assertion and speech acts in general. The nature of indirection and its reach is also of core philosophical interest. In this paper I want to confront what I take to be the three strongest sets of reasons to be found in the literature for the claim I'll be opposing, that assertions cannot be made indirectly. In the next section I'll critically discuss arguments by Green (2007, 2015) based on the distinction between *lying* and *misleading*. In the third I'll discuss the argument that it is

simply obvious that assertions cannot be made indirectly. In the fourth section I'll discuss arguments by Fricker (2012) to the same effect, based on the testimonial role of assertion.

2. Indirect Assertion, Lying and Misleading

In this section I will discuss an argument against indirect assertions based on the need to capture the intuitive distinction between lying and misleading. To anticipate: these accounts assume that insincerely asserting suffices for lying. In reply, while I'll agree with these theorists (against Mahon (2016), for one) that lying requires asserting, I'll suggest that what suffices for lying is not insincerely *asserting*, but insincerely asserting *in an explicit way*. This makes the view that one can make indirect assertions compatible with the lying/misleading distinction: in making an indirect assertion, one doesn't lie but merely misleads.

Green (2015, 22-3; see also Green 2007, 102-3) articulates the sort of argument I want to dispute. He writes:

While indirect communication is ubiquitous, indirect speech acts are less common than might first appear. Consider an example of a type often used to illustrate indirect speech acts. A asks B, 'Can you come to dinner with us tonight?', and B replies, 'I have to study.' B makes it clear that she is too busy to join A for dinner. However, must we conclude that she has done this by illocuting, for instance stating that she is too busy to join A for dinner? This seems unlikely. After all, if B did not think that her studying would prevent her from joining A for dinner, she would be misleading in saying what she does, but not a liar; yet if in answering as she has, she is asserting that she is unable to join A for dinner, she would be lying if she took her study plans not to interfere with dinner plans.

In a nutshell, Green's argument goes like this: intuitively, those indirectly conveying putative assertions of contents they know to be false are not lying, but merely misleading their audiences; hence they cannot be asserting, because asserting what one believes to be false suffices for lying. If S implicates *p*, while S doesn't believe *p*, S misleads but doesn't lie about *p*. Hence, S doesn't assert *p*, for otherwise S would be lying.

The problem with this argument lies in the assumption that asserting what one believes to be false *suffices* for lying. The condition that has been traditionally considered necessary for lying regarding *p* on account of the intuitive distinction between lying and misleading, is not (plainly) asserting *p*, but rather *stating* or *saying* it, this taken in a very specific, technical sense: something like *putting forward a sentence whose literal and direct use would be to assert p*, whether or not one does *assert* it – cf. Chisholm & Feehan (1977, 150-1), Mahon (2016, 4). Mahon in fact *rejects* the necessity of an assertion condition for lying. I'll go into a small digression to explain why I do not agree with him that dropping the assertion condition is a good idea. I'll come back after the digression to the main point I need – the view I do share with Mahon, that lying with respect to *p* requires *saying p*, not (just) *asserting* it.

A good reason for keeping an assertion condition, against Mahon, is that if, having dropped it, we also drop the *intention to deceive* condition on lying – i.e., that the speaker intends her audience to believe what she says – we are left just with the *saying* condition and the *deceit* condition – i.e., that the speaker disbelieves what she says. But these two conditions do not jointly suffice for lying, because the utterers of (2) or (3) are not liars – although both say (in the technical sense) what they believe to be false. However, against Mahon, I think we should drop the *intention to deceive* condition, on account of so-called *bald-faced* lies – as when the cheater flagrantly caught in the act denies having cheated, without expecting or intending to be believed.¹⁴

Mahon justifies his rejection of the assertion condition with examples that I find shaky, in being crucially underdeveloped. I will briefly discuss why, because it will help me to advance my argument. He has examples like a “fiction liar”, who writes a novel (and hence doesn’t assert, Mahon assumes) with the intention that her audience believe that it was a true story disguised as a novel, a sort of (pretend) *roman à clef*; or the following “irony lie”:

if Yin, who does not have a girlfriend, but who wants people to believe that he has a girlfriend, makes the ironic statement “Yeah, right, I have a girlfriend” in response to a question from his friend, Bolin, who believes that Yin is secretly dating someone, with the intention that Bolin believe that he actually does have a girlfriend, then this ‘irony lie’ is a lie ... although it is not an assertion.

These examples are crucially underdeveloped. Consider the “fiction liar”. It could be that he was merely *pretending to write a novel* (perhaps to prevent being sued), and the “novel” was instead a pack of malicious claims about some of his acquaintances. In this case, Mahon is right that the speaker is lying; but this is because he was also asserting what he said, the fiction-making being merely pretend. Alternatively, the author’s taxonomy is to be respected, and he was indeed putting forward a fiction; it might be that he was also making questionable assertions, or related constatives, but then this case is “spoils for the victor” (in Lewis’s apt turn of phrase) and, when everything theoretical is said and done, he is to be classified as merely misleading, not lying. This diagnosis carries over to the quoted example. Either Yin is truly being ironic, and then he is merely misleading Bolin; or he is rather putting forward a wobbly pretence to be so, Bolin sees it for what it really is, and Yin is indeed lying because he is after all asserting what he says.¹⁵

I can now go back to my main thread. As anticipated, my proposal is this. The distinction between lying and misleading as regards to *p* does not consist in that only the former involves asserting *p*. Assertions (like any other speech act) are made in different ways. They can be

implicit, indirect, merely hinted or insinuated. Or they can be as explicit as possible, direct and literal: what is meant in them is then as close as possible to the semantic content of the sentence by means of which they are made. The intuitive distinction between lying and misleading tracks this equally intuitive distinction between the implicit, hinted or insinuated, and the explicit, direct or literal. It doesn't manifest the one that Green's argument assumes. The distinction is hence compatible with the possibility of indirect assertions. Green doesn't say anything against this way of making the distinction, which fits the intuitive data and previous theoretical accounts. This thus undermines his case against indirect assertions.

Let me elaborate on the significance of the distinction between asserting in general, and asserting in explicit ways – which I'll also be relying on it in the next two sections – by borrowing from tradition. Strawson (1964, 452-4) takes *insinuating* as a candidate for a specific speech act, and dismisses it on account of its failure to pass the “explicit performative” test: you cannot insinuate (a bribe, say) by saying ‘I hereby insinuate to you that I'll be giving you a good amount of money if you do not put me a ticket’. (He then provides an account of why one cannot do that in terms of his preferred Gricean account.) Green (2015, §3.4, 2017b, §2) also defends the test. However, as Vendler (1976) rightly points out, Austin's test is manifestly inadequate, because the test discriminates against acts that could be justifiably counted as illocutionary. For obvious reasons, one cannot depict by uttering ‘I hereby depict you as blonde’, but depicting can be a speech act. In the case of ‘hint’, ‘allege’, and other verbs, the obstacle lies instead in that trying to make them with the performative formula would be, in Vendler's happy phrase, to commit *illocutionary suicide*. The right view here is that *hinting*, *suggesting* and *insinuating* are second-order types: ways of making first-order speech acts. Searle (1979, ix) puts it nicely:¹⁶

There are many illocutionary verbs that are not restricted as to illocutionary point, that is, they can take a large range of illocutionary points, and thus they do not

genuinely name an illocutionary force. “Announce”, “hint”, and “insinuate”, for example, do not name types of illocutionary acts, but rather the style or manner in which a rather large range of types can be performed.

3. Is It Obvious that Asserting Entails Saying?

Davis (1999, 23, 34) also mentions considerations regarding the distinction between lying and misleading in the course of arguing that what he calls ‘telling’ and ‘stating’ (which are I think what I am calling ‘asserting’) can only be done by using a sentence that conventionally conveys what is told or stated. However, he doesn’t mean those considerations as an argument for the view that asserting p requires saying p , because he takes this to be “obvious on reflection to anyone who understands the English words ‘assert’ and ‘say’ – as obvious as the claim that knowing something requires believing it, that being a waitress requires being female, and so on, as well as the claim that asserting that p requires meaning that p ”.¹⁷ It is not something in need of an argument, which would appeal to more questionable premises – like, for instance, that asserting what one believes to be false suffices for lying. Why does he think it is obvious? He (p.c.) mentions as evidence that (4)(a) seems as blatant a contradiction as (4)(b), and ‘also’ in (5)(a) feels as jarring and inappropriate there as it is in (5)(b):

- (4) (a) Sam asserted but did not say that Joe has a weak punch.
- (b) Sam asserted but did not mean that Joe has a weak punch.

- (5) (a) Sam asserted, and also said, that Joe has a weak punch.
- (b) Sam asserted, and also meant, that Joe has a weak punch.

This argument, however, is not compelling. As has been repeatedly observed (cf., e.g., Ziff 1972, Cappelen & Lepore 1997), the use of ‘say’ in ordinary language is considerably looser than its technical uses in philosophy. As Bach points out, in philosophy it has two predominant uses: the one assumed in the discussion of lying above, more or less corresponding to Austin’s *locutionary act* (*putting forward expressions with a given phonology, syntax and meaning*), and another closer to Grice’s, a “generic illocutionary verb that describes any constative act whose content is made explicit” (Bach 1994, 143). I will use henceforth the ugly-sounding ‘locuting’ for the first sense, and reserve ‘saying’ for the second. This has of course been the topic of a heated discussion in recent debates on the semantics/pragmatics divide – in part invoking considerations involving the lying/misleading distinction (cf. Saul 2012, Stokke (2016)), and we’ll come back to it below. The problem with Davis’s data is that in ordinary language ‘to say’ is not used in either of these technical terms. In fact, he (2014, §1) comes close to admitting this, when he makes it clear that he is following Grice in using ‘say’ in a sense “more strict and narrow” than the ordinary one.

In order to illustrate how liberal the ordinary usage is, in ways relevant to our concerns, consider a real-life example, similar to those provided by Cappelen & Lepore (1997):

Bill Buckley demonstrated long ago how dangerous is the truth for anyone running a symbolic campaign. In 1965, when he was running for mayor of New York, Buckley was asked what he would do if he won, and he shot back: “Demand a recount.” That one comment got more attention than all the position papers he had labored over to show that the nascent Conservative Party of New York should be taken seriously. More immediately, the quip almost made his assistant campaign manager faint. He took Buckley aside and said, “You have people working night and day for your campaign. You can’t dismiss their efforts,

making it harder for them to raise money or make voters pay attention.” Buckley never again *said he could not win*. (Wills 2015; my italics)

Wills forthrightly ascribes to Buckley *having said* the content of a particularized conversational implicature.¹⁸ Now, since it is an understanding of *saying* as potentially liberal as this that guides us when we find the (a) sentences similar to the (b) sentences in (4) and (5), this is entirely compatible with the possibility of assertions being indirectly made, i.e., not said, in any of the *strict technical* senses. Davis’s predictable move in reply to this point was to suggest that reports like Wills’s use ‘to say’ in a non-literal, loose way. Even if this is so (which I doubt, because I think the loose use in question is too common and widespread for this not to be instead a case of polysemy),¹⁹ it is irrelevant. This is because the intuitions that can be legitimately invoked in this kind of argument – in this case, about the similarities between the (a) and (b) sentences in (4) and (5) – are those of ordinary speakers, which for all we can say do not emanate from the “strict” sense, but from the loose one.

To sum up: unreflective intuitions about (4) and (5) in agreement with Davis’s do not establish his claim, because they might simply manifest the widespread ordinary sense of ‘say’ on which even indirectly conveyed claims are said; reflective intuitions such as Davis’s own also fail to establish it, because they might result from the very theoretical prejudices they are invoked to support.²⁰ I do not deny that there is an important philosophical sense of ‘say’ that is narrower than is reflected in ordinary usage. On the contrary, the account of the lying/misleading distinction outlined in the previous section requires it, and we can use these debates to find ways for better delineating it. I do not deny either that it might be a “core” meaning of ‘say’, in a sense analogous to the one invoked above for assertion vis-à-vis the declarative mood. I do deny that asserting implies saying *in this strict sense*; more positively, I have shown that it is far from being intuitively obvious that it does.

Soames (2008, 462) declares that he uses “the indirect-discourse sense of ‘say’ in such a way that *A says that S* is essentially equivalent to *A asserts that S* ... saying/asserting that S is a way of committing oneself to the truth of the claim that S, distinct from merely implicating that S”. This is unobjectionable, as a mere stipulation of a technical sense both for ‘say’ and for ‘assert’. I would only protest that we do need, for theoretical use, a term for the speech act that we make by default with declarative sentences in core cases, preferably one already in use, to be technically used in a way close enough to its ordinary one – because presumably we should have some use in ordinary discourse for such a notion. One also that, for all we have seen so far, can be made indirectly, along the lines theorized by Grice. We could enlist some other term for this (‘tell’? ‘testify’?), but I think that ‘assert’ is perfectly adequate.

Now, discussing the well-known recommendation-letter example (Grice 1975, 33), Soames (*op. cit.*, 443) does come up with a reason for his stipulation: “the proposition implicated – that the job candidate is no good – is the real point of the writer’s remark. Although this may tempt one to identify the implicature as the writer’s “real assertion,” the temptation should be resisted – since the whole purpose of using indirect means to convey this information was to avoid having to state it.” But this is not a good argument, as already argued. The “whole purpose” of using indirect means establishes only that the assertion was not made *in a particular way* (explicitly, literally), not that it was not made at all. Reasoning in this way, Soames should conclude that hinted bribes, threats or passes are not such things!

Note also that the temptation to take the proposition that the job candidate is no good to be the “real assertion” is not gratuitous. What the writer does in putting it forward has all the features invoked in the first section to pick up the central cases of assertion: it is intended to produce outright belief; the speaker represents himself as believing it; it has “word-to-world” direction of fit. These traits are apparent in the criticisms the recipients of the letter would feel entitled to make, if they discovered that the the candidate was in fact a very good philosopher,

the letter-writer knew it, and he was aiming at preventing them from hiring her for the benefit of a rival institution. The speaker commits himself to knowing the proposition, as shown by his being open to the usual conversational challenges. Thus, suspecting foul play of the kind just envisaged, the letter-recipients might ask, “What made you think/how did you know that she was no good for the job?” Last but not least, as said in §1, influential accounts of assertion are compatible with taking the content as asserted.

Ironically, Soames soon finds himself in trouble as an effect both of the stubborn facts and his terminological decisions. Commenting on Grice’s (1975, 34) cases of irony and metaphor, analogous to our (2) and (3), Soames feels forced to grant that, at least in some cases, “there is an obvious and definite ... proposition asserted ... different from the one literally expressed by the sentence uttered” (*op. cit.*, 444). To keep an appearance of consistency, he decides “not to classify the propositions asserted in [such cases] as conversational implicatures, even though the explanation of how they come to be asserted relies in part on Gricean maxims” (*ibid.*) But, of course, if one makes terminological decisions to use them in providing explanations that meet decent standards of strength and simplicity, one is not allowed to play fast and loose with them as Soames indulges himself to do here. What but implicatures might these meanings conveyed by (2) and (3) be, constituted as they are (“in part”) through the Gricean maxims?²¹

I thus conclude that the allegedly concept-constituting intuitions that Davis invokes give us as little reason to reject indirect, inexplicit assertions, as the intuitive distinction between lying and misleading does. Let us move to critically examine the third set of considerations.

4. The “Dodgy Epistemics” of Indirect Assertions

A consideration frequently used against metaphorical, ironic or merely hinted assertions is their relative indeterminacy: “Metaphorical meaning cannot be merely content ‘gotten across’ nor can it be merely behaving recognizably as coordinating. It requires an audience to recognize *the specific content* a speaker wants to get across, and to use the signal of the metaphor as the basis for the uptake of that content. Since we deny this must happen in normal confrontations with metaphors, we therefore reject metaphorical meaning” (Lepore & Stone 2010, 170, my italics). The alleged indirectly conveyed meanings are “complex and indefinite”, afflicted by “open-endedness” (Lepore & Stone 2015, 176, 188); the inferences leading to them, “indirect and generic” (*ibid.*, 180, 189), requiring the audience’s “open-ended engagement”. Davis (1998) had similarly made use of the indeterminacy of many alleged implicatures to question the Gricean account. Thus, in a quotation above Soames articulates the proposition implicated in Grice’s famous recommendation-letter example as *that the job candidate is no good*. But it could equally be *that there surely are better candidates for the job, that he is not good at philosophy, that he is not sufficiently bright*, and so on (Buchanan 2013, 729). Instead of a constative, it could be a *recommendation not to hire him*, or *advice* to that effect, or a *warning against hiring him*, and so on.

What exactly is the problem with this? In this section I will discuss a set of arguments by Fricker (2012) based on indeterminacy against the possibility of indirect assertions, which rely on assumptions about the nature of assertion that I find congenial. Fricker focuses on acts that she calls *tellings*, which she characterizes thus: “Tellings that P are a subset of assertions that P – those directed at an audience believed (possibly) ignorant as to P, and actually or purportedly with the aim of letting the audience know what the speaker already knows: P. Crucial amongst the conventional norms governing assertoric tellings is an epistemic norm:

one should assert that P only if one knows that P ...”, *op. cit.*, 62. Thus, Fricker’s *tellings* appear to coincide with what I presented above as central cases of assertion.²²

Fricker describes a full gamut of communicative acts or messages, from the fully explicit, which she calls “Simple Explicit Statement”, *SES* (the abbreviations are also hers), to the utterly non-linguistic, which she calls “One-Off Grice” (*OOG*) messages. In between we find three types of “inexplicit” but direct “primary” messages, *IPM 1* (cases in which the discourse helps determining the message, as in answering ‘yes’ to a clear-cut question), *IPM 2* (cases in which the linguistic context helps determining the message, by fixing the contribution of anaphoric expressions, say), and *IPM 3* (cases in which the extra-linguistic context does this, as with demonstrative reference). Next in the ordering of comparative (in)explicitness from *SES* to *OOG*, we get our main target, “Implicit Secondary Messaging”, *ISM*; these are cases in which the message is conveyed as a Gricean conversational implicature.

Fricker sometimes hedges her claims in ways that, taken literally, make them acceptable to everybody. Thus (my emphasis in all cases, all references to Fricker 2012): “Only [the communicative act of overtly stating that P] ... constitutes *full-strength* testifying to the fact that P” (64); instances of *OOG* lack “the *full force* of *explicit* assertion”, in that their agents cannot be regarded as “assuming *unambiguous* responsibility”; they do not amount “to vouching *incontrovertibly* for the truth of any specific proposition” (80); cases of *ISM* do not “amount to *full-strength* testifying”, in that the agent is not accountable for what she implies “*in the way she is for what she explicitly states*” (87), and it is not feasible “to pin *undeniable specific* commitment onto a speaker” (87).

All of this is clearly true, and also important to provide us with a second criterion for explicit assertion, or what is said, in addition to the one afforded by the distinction between lying and misleading (cf. García-Carpintero ms); no argument is required to establish it. Hence, I take it that we are intended to drop the hedges, thus getting the message Fricker is

really conveying; as she puts it, that “[t]elling’ ... is linguistically explicit communication of a message: one tells that P by stating, asserting that P to one’s audience”, *op. cit.*, 62; i.e., tellings (assertions) must be explicit, and hence cannot be made in any instance of ISM (not to say of OOG), nor in some cases of IPM 3. Only cases of SES, IPM 1, IPM 2, and some cases of IPM 3 have “the speech-act force of an assertion” (74), and are “subject to the K-norm” (76). In my terms: there are no indirect assertions. What is Fricker’s argument for this?

The main one is suggested in the above remarks: to make an assertion is to become beholden to the K-norm; but this can only come to be if what is asserted is made fully explicit, because a specific asserted content must thereby become knowable. For the case of OOG, Fricker mentions this, and then she adds a more specific consideration: “there is no determination of a specific primary message. This being so, there is no question of the utterer signing up, by her utterance, to responsibility for truth of a specific content. Furthermore, language is not involved, and accordingly the K-norm does not apply” (76). “Even if a specific content is acknowledged, the K-norm does not apply, since language is not involved, and the conventional social norms governing language use do not apply” (83).

Let us put aside momentarily the indeterminacy considerations, to critically examine the more specific one for OOG. Why does the K-norm, or more generally the conventional social norms governing language use not apply when “language is not involved”? This seems like a manifest non-sequitur, unless we assume what is at stake here – to wit, that there cannot be indirect speech acts. For let us assume that one can, say, make a request by uttering what conventionally is an expression of gratitude, as in the ‘Thanks for not browsing our magazines.’ example at the outset. If so, the conventional resources devised in natural languages to make requests are not needed for a request to be made, with the speaker incurring thereby the constitutive commitments of such acts – on the assumption, which I presume Fricker might grant, that requests, like assertions, are constituted by norms.²³ The

fact that language is still involved in this case seems immaterial: if a request can be made without using conventional resources for indicating it (albeit using other linguistic means), *prima facie* the same might happen without using any linguistic resources at all. And if this can happen with a request, *prima facie* the same might happen with an assertion.

To elaborate, let me outline what I take to be a plausible story about how a speaker comes to acquire the relevant commitments in a case of indirection. An essential condition for the act to come under the purview of the constitutive norms for requests is that the agent (the speaker) makes her intention manifest to potentially involved social agents, in circumstances where general conditions for agents to come under the purview of such norms obtain. This might come to be by the use of a conventional means of doing it, such as uttering a sentence in the imperative in the proper context. But there are other ways; the one chosen by the speaker in the indirect case can be understood along the lines of accounts that generalizes Grice's story for conversational implicatures.²⁴ The speaker *locutes* an expression of gratitude. As such, it would be manifestly inadequate in the context, because the speaker cannot know that the indicated condition for the emotion to be appropriate obtains, and this is mutual knowledge between the speaker and potential audience. A request with the same content, which the speaker has the authority to make, would be a saliently appropriate act in the circumstances, and all of this is equally mutually known. So, assuming that the speaker has the relevant intention, she might become bound by the norms for requests in this way.

This story assumes three fundamental conditions for a subject to come to be under the obligations constitutive of a given speech act. First, the norm is in force, and people come to be under it, when appropriate conditions are met. Second, general "preparatory" conditions for agents to be under the purview of norms obtain; in particular, the speaker (tacitly) knows it. Third, the speaker manifests the intention of being bound by a particular instance of the norm in the occasion, in ways available to the affected agents. Conventions might play a role

in the first, but, as the example shows, conventional means are not required in particular cases for these conditions to be met. So, as contended, Fricker's argument is a non-sequitur; for all she says, assertions might be done without using conventional linguistic means.

Let me conclude this part of the discussion by providing what I take to be a good example of an assertion made by means of an instance of OOG, taken from a famous short story by Borges, 'The Garden of Forking Paths'.²⁵ In the story, Yu Tsun is a German spy sent to England during the First World War by his superiors in Berlin to find out the name of the exact location of the new British artillery park on the River Ancre, so that the Germans can bomb it. Yu Tsun has in fact discovered it, but, given the circumstances, he finds no better way of "communicating" or "indicating" (as it is put in the story) that the city is Albert than killing a famous sinologist named Albert; he makes sure that the news of his apparently inexplicable murder will be in newspapers read by his bosses in Berlin.

I submit that this act – described by Borges as one of "communication" or "indication" – that Yu Tsun performs by killing the sinologist Albert is a telling, an assertion. It fits Fricker's account, on which tellings that P are acts "directed at an audience believed (possibly) ignorant as to P, and actually or purportedly with the aim of letting the audience know what the speaker already knows: P". It fits also her earlier characterization (2006, 601): "it is the purported publication of her knowledge, with the intent to inform her audience, by a teller". Like the Gricean recommendation letter case discussed in the previous section, it fits also the criteria we appear to use to select central cases of assertion. Yu Tsun's mission was to inform his superiors where the artillery park was, and this is what he was intending to accomplish with his act. His superiors could have criticized him, if the artillery park was not there, or if he hadn't had the required justification, in the way we criticize ordinary assertions. After receiving the news, they acted on the information, as we do when we take ourselves to have acquired knowledge from testimony. I thus think that the three conditions above for the

request example are also met here when it comes to the K-norm. That “language is not used” is thus not a good reason to establish that assertions cannot be performed in OOG.²⁶

Let us move now to the indeterminacy considerations. As we saw in the quotation above for the case of OOG, the argument appears to be that acquiring responsibility for the truth of what one asserts in accordance to the K-norm requires that a specific asserted content is made knowable. The motivation for this lies in Fricker’s (2006, 601) account of the justificatory power of testimony: “That the teller knows what he asserted is a key premiss in her justifying grounds for her belief in what she was told”. As she puts it in the paper I am discussing, “The overt and undeniable taking responsibility for truth of what she puts forward as true in an explicit speech act of telling is an essential part of what gives acts of testifying their epistemic force, as a source of belief and knowledge” (63) This is the reoccurring point she makes in order to justify her claim: “Insinuations and hints are deniable (albeit maybe only in bad faith), as explicit statement is not” (68). It comes up again when she explains why instances of IPM 1-2, and some of IPM 3, have assertoric power like SESs, while ISMs (and OOGs) lack it: “the message is easily and determinately recoverable, and ... the sign ... is treated as no less committal than a fully-worded assertion” (74); “Their content is as easily and determinately recoverable as that of simple explicit statements. Consonantly with this, they are treated by participants as no less committing” (75).

Following Kent Bach’s (1994, 143) account, in the previous section we introduced a Gricean notion of saying on which *what is said* is the object of a “generic ... constative act whose content is made explicit”. I agreed that the lying/misleading distinction shows that this is an intuitive notion, manifested in our sensitivity to that distinction – but I rejected the identification of asserting with it. Fricker’s considerations about non-deniability and overt assumption of responsibility vis-à-vis the K-norm reveal a similarly intuitive notion, likely the same one. The emphasis on explicitness and directness of her distinctions requires us to go

deeper now than we did above into what exactly this comes to. The natural suggestion is that what the explicitness and directness of what is on her view said/asserted comes to is that it coincides with semantic content – i.e., with the content ascribed to sentences by accurate semantic theories, or *what is locuted* in my terminology. In that respect, Fricker’s views are close to those of minimalists such as Borg (2012), who take what is said to determine absolute truth-conditions, and to coincide with semantic content.²⁷ I think this sort of identification is highly questionable. Once we see why, we will be in a position to appreciate that Fricker’s argument has (probably unwanted) highly skeptical consequences.²⁸ This will bleach away the intuitive support that Fricker’s condition for being under the K-rule – that a *specific* content is made knowable – might initially have had.

Firstly, Saul (2012, 21-68) has forcefully pointed out that the notion of *what is said* needed for the lying/misleading distinction goes a good way beyond minimalism and in the direction of some form of “contextualism”, on which context contributes to what is said in ways that minimalists reject. Stokke (2016) goes further in the same direction, by showing that intuitions about the lying/misleading distinction are sensitive to discourse information – in particular, information about what is at issue, or about which question is under discussion (Roberts 2012). Thus, in a context in which one has been asked about the topic of the book one has written, answering *my book is about logic* counts as a lie if it is the book one has just taken out from the library that is about logic, and one has never written a book. Similar points could be made relative to quantifier domain restrictions, temporal contributions of tense, cut-off points in scales for gradable adjectives, “flavor” and modal bases for modals, and so on.

Secondly and more importantly, even if we stick to the sort of contributions to what is said that minimalists including Borg and (apparently) Fricker accept – such as referents for demonstratives like ‘he’ – following Lewis (1980) I think that we should still distinguish *semantic* content (“compositional content”, as writers such as Ninan (2012), Rabern (2012) or

Yalcin (2014) call it in making the point) from *assertoric* content, or what is said.²⁹ Semantic content is ascribed to sentences in order to fulfill some of the explanatory tasks for theories of natural languages, in particular accounting for facts about systematicity and productivity in understanding, communication and acquisition, and explaining judgments about entailments or truth-value or appropriateness relative to given situations. Ultimately, the intuitive data in all those cases concern (in the case of declaratives) assertoric contents, and hence semantic contents should contribute to them; but, as Lewis (1980) points out, it doesn't follow that they need to be identified, and (as argued in the papers just mentioned, and others referred to in them) there are very good reasons against doing it.³⁰

We do not need to go into the details to see the effects of these points on Fricker's claims. Take first *overttness* and *recoverability*. Awareness of the distance between semantic and assertoric content (what is said) shows the extent to which the latter falls short of the ideal in those respects. Audiences have to identify the semantic structure of the uttered sentence, and they must also lexically disambiguate to deal with homonymy and polysemy; on my assumptions here, this also affects the illocutionary force with which the utterance was made. Difficult questions about salience should be resolved, to decide about the reference of demonstratives like 'he', whether this depends on the previous discourse or on the extralinguistic context. It is true that we typically do all of this automatically, without any conscious thought; but this is neither here nor there, because the same applies to contents that go well beyond the "explicit" and "primary", including straightforwardly particularized implicatures. The fact remains that all the factors that we have listed place a wedge between semantic content and what is said, and are occasions for it to fall short of clear-cut overttness.

Consider now *undeniability*. It is unclear whether Fricker means her claims empirically, matter-of-factly, or normatively. In the first case, the facts manifestly contradict her: people shamelessly deny what they have said (however we understand this), taking advantage

of the points just made. They may allege that their utterance had a different syntactic structure than the one it in fact had, or used different homonyms, presumed different criteria of salience, or polysemous expressions (including force-indicators) had looser or tighter senses. Fricker grudgingly admits some of this: “one who asserts that P can disavow taking responsibility for P’s truth, but only by the desperate expedient of claiming she did not really assert P at all – but, say, only suggested or conjectured it” (63), and she reports a telling anecdote (83) about Republican senator Jon Kyl who, having uttered “If you want an abortion, you go to Planned Parenthood, and that’s well over 90 percent of what Planned Parenthood does”, alleged that this “was not intended to be a factual statement” when the falsity of the claim was made clear.³¹ She is wrong to contend that the only resources that denials “in bad faith” might have is to play with the force: other strategies are in fact used. In any case, even her restricted admission directly contradicts her claim, taken as empirical.³²

Alternatively, we can take her claim normatively. I take it that denials are also speech acts, with their own constitutive norms; taken normatively, the claim might be that acts of saying cannot be correctly denied. But intuitively at least, denials of the indirect assertions I attribute to (1)-(3) would in the proper context also be judged incorrect; Fricker appears to admit as much when she grants in a quotation above that many such denials can only be made “in bad faith”. The context has to be set up properly, an important feature being the question under discussion (Stokke 2016).³³ Bergmann (1982) had already made a similar point in defense of metaphorical assertions as in (3). Suppose it uttered in a report commissioned about the safety of nuclear reactors, in full knowledge that the research has shown them to be perfectly safe. As Saul (2012, 16) points out about a similar case, we would judge that a lie, and would also judge denials that the assertion was meant as made “in bad faith”.³⁴ On the other hand, a denial of what was in fact a saying (“Water contains nitrogen.” – “That is false!” – “You

misunderstand, I was joking.” – might be perfectly correct, if the utterance was made in the context of a social conversation without any serious inquisitive purpose.

Similar points apply to a second, “Kantian” (because it resembles Kant’s considerations for condoning merely misleading, in contrast with lying) argument that Fricker invokes: “if I tell [my audience] some other fact Q which, in our mutual K-context, conversationally implies P, then if, in addition to trusting my word about Q, she also infers that P, that is, as it were, up to her. She, not me, is responsible for what she infers from what I tell her – at least, she takes on at least [*sic*] half the responsibility for her coming to have the belief that P” (90). The inferences on the side of the audience in the case of implicatures that Fricker is talking about here cannot be factually occurring conscious derivations, because no such thing occurs in many cases in which we successfully convey implicatures. She must mean inferences understood as *rational reconstructions*, perhaps inferences “available” to the audience under counterfactual conditions, or inferences providing a “doxastic justification” for the audience’s belief that the implicature was meant.³⁵ However, for the reasons indicated, similar inferences can be equally posited to explain how audiences “derive” beliefs about what is said from semantic content. If the responsibility is thereby divided between agent and recipient in the case of implicatures, it is similarly divided in most cases for what is said.

Thus, the effect of assuming Fricker’s condition on acceptable assertions – that a specific content should become knowable by being fully overt (there being no distance between it and the semantic content of the uttered sentence), non-inferentially accessible, and undeniable (in a way that pragmatically conveyed contents are not) – is not just that there are no implied assertions; it is rather that almost nothing that we say is an assertion either, or can provide testimonial justification. As Yalcin (2014, 24) puts a related issue, “coordination on items of content is a highly approximate, more-or-less affair, with perfect coordination on content not being especially important, and rarely or never happening”. This standard absence of perfect

coordination provides occasions for less than full overtness, for the need for pragmatic inference, and allows sufficient room for deniability.

Once we appreciate the skeptical potential of Fricker's views, we are thus led to assess them critically.³⁶ Why should we follow her in thinking that acquiring knowledge from testimony requires knowledge of a specific asserted content? Buchanan (2013) discusses the problem of indeterminacy for implicatures, and provides a solution to which I am sympathetic and which helps us here. His discussion is conducted in the framework of a Gricean view about assertion, which I have rejected. However, there are relevant parallels, because whereas Griceans appeal to speech-act constitutive communicative intentions, as indicated above I have appealed to related intentions to be beholden to the constitutive norms of speech acts, made available to the parties involved.

Buchanan sets up the indeterminacy problem for implicatures, understood as cases of Gricean speaker-meaning, on the assumptions that a specific content is intended. A rationality constraint on intentions that Grice subscribed to thus applies to such cases. This is the requirement that rationally intending p must come together with the belief that p will obtain. Buchanan's proposal is to reject both assumptions. Regarding the first, what is meant (not just in the case of implicatures, but – on account of the related indeterminacy-generating features we have discussed above – also for most acts of saying) are not (specific) propositions, but propositional types, or properties of propositions. Regarding the second, according to him it is not intentions that are needed for meaning, but “partial intentions”, which are not subject to the stated rationality condition, but to the weaker one that the agent has a partial belief, or credence, that she will succeed.

I have two small disagreements with Buchanan. First, I hold a deflationary view of propositions, on which they are just properties of situations; “propositional types” are thus just propositions. Second, following Sinhababu (2013, 681), I think we should weaken the

rationality condition on intentions anyway, so we do not need to replace intentions with intention-like states either. To intend p requires merely rationally believing that one's action will make p more likely than it otherwise would be. We need this weakening to deal with cases such as that of a basketball player who shoots from behind halfcourt just before time expires. The player rationally intends that the ball should go into the basket, despite knowing full well that long-distance shots like this rarely go in.

On the resulting picture, not just compositional semantic content, but also what is asserted is a proposition-type; assertors become beholden to any proposition of the type; they intend to make available to potential audiences some or other proposition of the relevant type; audiences understand them by grasping some or other proposition of the type.³⁷ This sounds very close to supervaluationist proposals for dealing with vagueness, and in fact a similar picture has been suggested to deal with two problems that have been posed to supervaluationism: one by Williamson based on intuitions of bivalence about truth-ascriptions to utterances, and a second by Schiffer concerning ascriptions of what is said by *de re* utterances with vaguely specified singular contents.³⁸ As in the case of Yu Tsun in our discussion of OOG, I submit that this is enough to capture any reasonable notion of *telling*, and that in fact it fits Fricker's own characterization. It is certainly right that in many cases of implicatures no minimally definite commitment is acquired for a felicitous speech act to have been performed, but there also are parallel misfires in attempts at saying, including those in which the distance between semantic and assertoric content is minimal.

The reverse is also true: although going into the details of the epistemology of testimony is beyond the scope of this paper, both in sayings and in implicatures a sufficiently determinate content (understood as just suggested) is presented with the relevant commitments on the part of the teller, for making it possible for the audience to thereby come to acquire knowledge. As Bergmann (1982) had in fact emphasized for metaphorical assertions, in many cases

indeterminacy-based criticisms of the Gricean account of particularized implicatures ignore that sufficiently determinate ones are generated in specific contexts, available through non-deductive reasoning; a crucial contributing feature is a question under discussion. As she puts it (*ibid.*, 231): “without knowing the context in which a metaphor occurs and who its author is, it is impossible to state conclusively what the metaphor “means” without drawing out all that it could mean ... But bring in a well-defined context and a real author, and matters may change drastically”. She (*ibid.*) illustrates this with an example:

Suppose I say to you, after hearing the latest report on Three Mile Island, ‘As far as I’m concerned, nuclear reactors are time bombs.’ You correctly interpret my remark as an assertion to the effect that nuclear reactors are likely to fail, at any moment-of course, with disastrous consequences. A while later you say, ‘That was an interesting metaphor: nuclear reactors being time bombs. Although I don’t think that the guys responsible for those things want people to get killed by them, still it seems that, like people who use time bombs, they have a frightening disregard for human lives.’ This, then, is something else that I could have used the metaphor to assert. But it does not follow, from the possibility of using a metaphor to make different assertions, that anyone who does use that metaphor is making all of those assertions.

The points I made before about the Yu-Tsun case equally apply here. All the usual trappings of assertions, understood under the normative view we are assuming, are present. To adapt another example from Sperber & Wilson (2012, 15), suppose A says, “I hear John’s moved to Brooklyn”, and B replies, “The rent’s cheaper”. A could perfectly well ask, “How do you know/did you find out that he moved?” And B is subject to criticism if she doesn’t know that John has moved to Brooklyn, as much as if she had just explicitly asserted that.

Of course, there are differences between implied assertions and sayings. As I indicated above, hinting at an assertion, or any other speech act for that matter, is doing the same thing that can be done by using explicit means but in a significantly different way.³⁹ People have motives for choosing inexplicit ways such as, indeed, easier deniability and risk avoidance (Pinker 2007), politeness in its different manifestations, or mobilizing the values of the imagination in the case of the recourse to fiction and metaphor (Camp 2006b). But the arguments discussed here fail to establish that differences in overtness, deniability, or inference-dependence make talk of implied assertions oxymoronic. We have seen how a normative view of assertion allows taking as such acts whose contents are not explicitly articulated. Alternative views equally allow for it, including Bach & Harnish's Gricean account, Brandom's (1983) "commitment" account, or Stalnaker's (1978) account of assertions as proposals to add to the common ground. I conclude that assertion is no exception to the well-established assumption that speech acts can be indirectly made.

Let me discuss in closing Viebahn's (2017) related but substantially different views. Like me, he accepts that there are non-literal assertions. He provides as examples cases of *metaphor* ('I've got tomatoes coming out of my eyes', asserting in response to an enquiry whether one has had a good crop that one has had a great crop); *hyperbole* ('There's tons of food left', asserting in response to a question whether there is still food at the party that there is plenty); *loose use* ('Fred arrived at nine o'clock', asserting in response to a query when Fred arrived to work that he arrived about that hour, and *irony* ('of course I have revised for the exam', said while rolling eyes, asserting in response to a question whether one has revised that one hasn't).

Viebahn also accepts the distinction between lying and misleading: Ada's uttering 'I am really happy about my crop of tomatoes' in response to Bill's query whether she has had a good crop, when she knows full well that she has had a meager crop about which she is

nevertheless quite happy, is misleading Bill without lying to him. Unlike me, however, Viebahn rejects a saying condition to distinguish lying from misleading, on account of the previous examples of non-literal assertions: he takes them to be lies if the speakers believe the conveyed contents to be false – which I grant is how they might be intuitively classified.

Viebahn's view is unstable, I think. He needs a notion of assertion that, like mine, allows for unsaid assertions; but unlike me he also needs to prevent from being assertions cases of merely misleading, given that asserting what one takes to be false is for him sufficient for lying. I do not think there is any account that fits this bill, satisfying both conditions. As we have seen, and he grants, proposals that meet the first, such as Bach & Harnish's Gricean account, or the normative view I have assumed, would count Ada in the 'I am very happy about my crop' example as having asserted that she has had a good crop. Viebahn appeals to Brandom's (1983) account in terms of commitments, but this wouldn't do either. Intuitively, Ada *is* committed to the claim that she has had a good crop in Brandom's sense. She cannot correctly dismiss the question if Bill asks in reply, "How do you know that you had a good crop? I asked because I just passed by your fields and the crop didn't seem great; perhaps you have been misinformed." And she cannot correctly dismiss Bill's later reproach if he takes her word, goes on to assert on his own that Ada had a good crop, and is shown to be wrong.

Viebahn argues that Ada can (even if "pedantically") deny that she was lying, pointing out that what she said was true. But, first, this is neither here nor there, because the question is whether she was committed to the unsaid assertion by Brandomian criteria, and as I just showed she clearly seems to be so, as much as the speakers in the four cases of non-literal assertions that Viebahn accepts. Secondly, a point made above in response to Fricker's related considerations equally applies here. Against Viebahn's claim taken descriptively, it is not difficult to think of cases of non-literal assertions in which speakers as a matter of fact excuse themselves in the same ("pedantic") way. Thus, although Viebahn doesn't mention cases of

understatement as examples of non-literal lies, symmetry with the case of hyperbole requires us to acknowledge them.⁴⁰ Uttering ‘It was ok.’ with the conventional trappings of modesty, asserting in response to a query whether one has had a great crop that one has, when one knows full well that it was just so-so, sounds intuitively to me as much a case of a non-literal lie as Viebahn’s hyperbole example. But, when caught, the liar might well defend herself with the (“pedantic”) claim that she was just saying that the crop was ok. If, on the other hand, we take Viebahn’s point normatively, we can point out that Bill would be entirely right to take Ada’s denial in the original example to be equally disingenuous.

I am of course not suggesting that there is no difference in deniability between the cases; there is, and it is relevant to the proper account of Viebahn’s examples of alleged non-literal lies, as I am about to suggest. As I have been insisting, the difference just has to do with the *manner* in which the assertions are made, more or less explicitly – and not with whether or not an assertion is made. How should we thus deal with the examples? The ‘tomatoes out of the ears’ metaphor is pretty dead; such loose, understated and hyperbolic uses are pretty standard, and the rolling of eyes, change of intonation and so on pretty conventional means of expressing such figures of speech. On these bases, not just radical conventionalists like Lepore and Stone would take the conveyed contents to be *said*. This is thus the first option.⁴¹ Alternatively, we would reject the intuitions that the examples are really lies in the strict sense in which they differ from mere cases of misleading, using facts about the standardization of the expressive resources in explaining away the intuitions to the contrary.⁴² I will not take a stand here; different cases might have to be treated differently, depending on globally explanatory matters.

Conclusion

In this paper I have assumed a theoretically influential notion of assertion, and I have argued that there are sneaky, merely hinted or insinuated assertions. I have showed that arguments to the opposite based on the intuitive distinction between lying and misleading merely trace a distinction between *explicit* and *indirect* assertions, the former corresponding to *sayings* in one of the theoretically important senses that philosophers have given to the word. Considerations against sneaky assertions based on the epistemological role that assertions in the theoretical sense have equally track only the distinction between sayings and assertions in general. Finally, arguments that the concept of assertion excludes indirection answer once more instead to the notion of explicit assertion.

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Notes

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¹ Cf. Bach & Harnish (1979), 62-5; Vanderveken (1991), 376; Bianchi (2013), 121-2; Davis (2014), §1; Green (2017a), 1598-9.

² Cp. Davis (2018), 57.

³ Leslie (2013) uses the fact that the Kripke-Putnam arguments are supported by pretheoretical intuitions to question their conclusions. Her arguments, however, presuppose that the referents of natural kind terms should be more determinate than we have any reason to grant. ‘Kilimanjaro’ does refer, roughly in the ways suggested by Kripke (1980), in spite of the fact that current science identifies a plurality of candidate referents, to none of which the term determinately refers (cf. García-Carpintero 2010). I don’t mean to suggest that the essences in question are to be *empirically* discovered. In some cases they should be discovered by purely *a priori* methods.

⁴ Contexts therefore in which Bach & Harnish’s (1979, 7) *Linguistic and Communicative* presumptions are operative, and whatever comes with them by way of mutual beliefs.

⁵ So are the accounts by Brandom (1983), Dummett (1973, ch. 10) or Stalnaker (1978).

⁶ Cf. García-Carpintero (2013a).

⁷ With Sadock (1974, 2004), I assume that moods behave like the rest of the lexicon; in particular, they are polysemous – they have conventional uses other than central ones, such as guessing or conjecturing for the declarative mood. I do not think that polysemy can always be explained by assuming a *core* or *central* sense, on the basis of which the others are derived. My sympathies lie with views that Vicente (2017) calls ‘literalist’, but I am happy to accept a hybrid model on which underspecification (“thin” meanings, abstract or determinable patterns) applies in some cases and overspecification (rich meanings, perhaps disjunctions of specific determinates) works in others. In some cases, it is a good working hypothesis that there is a core sense; cf. Tyler & Evans (2003) on prepositions, for another example involving

functional elements of the lexicon that some philosophers wrongly think cannot be polysemous (cf. Glanzberg 2007). I thus take *central* cases for the moods to be their senses in *default* contexts: something in the discourse or extralinguistic context must indicate that the intended sense is not the core one (cf. Charlow 2018, 72-4; Roberts 2018, 320).

⁸ Davis (2014) informally characterizes implicatures as “either (i) the act of meaning or implying one thing by saying something else, or (ii) the object of that act”. He acknowledges that ‘saying’ must be taken here in a technical “narrow” sense; I’ll come back to this in §3. If ‘saying’ in that narrow sense corresponds to what I’ll below call ‘locuting’, his characterization is similar to mine. It cannot be taken as a final definition, though, for reasons I present elsewhere (García-Carpintero ms).

⁹ These examples are intended as cases of particularized implicatures. Maybe they are somehow conventionalized; in that case, I ask the reader to take them as if she encounters them for the first time – as was actually the case with me when I first found the ‘Thanks for not browsing our magazines.’ example. I’ll come back to issues raised by conventionalization below. Viebahn (2017) provides similar examples of putative “non-literal” assertions, adding cases of hyperbole and loose use. His views are different from the ones defended here; I’ll critically discuss them in §4. But this shows that I am far from being idiosyncratic in finding at least *prima facie* worth considering the view that assertions are made in the cases offered for illustration. In addition to Bergmann (1982) and Camp (2006a) on metaphorical assertions, cf. also Thomasson (1990, 338-9, 347, 351), Graham (2010), fn. 5, p. 151, and MacFarlane (2011), 80-1. The idiosyncrasy objection, which I sometimes meet, depends on the “assertion conceptually requires saying” view shown to be unwarranted in §3.

¹⁰ Williams (2002, 74) has a similar condition, but he only claims that it applies to “standard” or “central” cases of assertion, something I of course don’t take issue with.

¹¹ Alston (2000, 114) and Stokke (2013, 46-7) provide considerations sounding very much like this to defend accounts with similar problems to the Fregean one, close to it in spirit.

¹² Given the descriptivist ambitions of the program, I understand ‘reason’ in GA not to be taken in normative terms; a reason is perhaps here a piece of evidence figuring as a premise in an inference. Bach & Harnish are not clear about this, but Bach (2008) makes it clear that he takes what he counts as the central norm of assertion (belief) to be regulative.

¹³ This is just for the sake of simplifying the discussion. As indicated in fn. 7, I take the moods to be polysemous. Assertion (what is conventionally done by default with declaratives) is in my view a disjunctive kind, including acts defined by some of the rules that have been canvassed in the literature; cf. Levin (2008) and Goldberg (2015) for similar views.

¹⁴ Keiser (2016) argues that bald-faced “lies” are not assertions, and hence not lies. She is right in demanding an account of assertion that justifies claiming the opposite, but I do not find her claims (which rely on a doubtful account of speech acts) convincing. The normative account presented above meets her demand. Bald-faced lies are “don’t care” cases – like the example of the clerk in the information booth that Alston invokes against Gricean accounts of assertion, which normative accounts correctly classify as assertions. While it feels silly or wrong to object to utterers of (2) or (3) that what they say is untrue, rational and competent speakers are entitled to make this sort of objection to bald-faced liars. Such complaints might be successfully pursued in courts, while analogs for (2) or (3) wouldn’t stand a chance.

¹⁵ Viebahn (2017) provides an example of a case which is clearly one of irony, and which may be intuitively considered a lie (together with other similar examples involving metaphors, loose use, and hyperbole): “Greta and Henry are about to take a school exam. Greta has diligently prepared for the exam, but is aware that it would be decidedly uncool to

admit this. When Henry asks whether she has revised, she rolls her eyes and utters ‘Of course I have revised for the exam.’” I’ll discuss Viebahn’s points in §4 below.

¹⁶ Thanks to Ivan Milić for the quotation. See also Davis (2007, 1658).

¹⁷ Personal communication. I was led to think of these issues by a conversation with a prominent philosopher in which he also took this for granted; this is thus not idiosyncratic with Davis. He (2014, §1; 2018, 64-5) does contend that stating or asserting entails saying; but he admits that he is using ‘saying’ in a sense “narrower” than the ordinary one.

¹⁸ For another example, consider Stephen Colbert’s portrayal in his *Late Show*, June 14 2016, of Donald Trump’s notorious remarks about President Obama in the days after the Orlando mass shooting on June 12. Trump had repeatedly said that President Barack Obama had “something else in mind” when he refused to say the words ‘radical Islamic terrorism’. “He doesn’t get it or he gets it better than anybody understands”, Trump told *Fox & Friends* on June 13; “it’s one or the other”. Colbert wittily ascribes to a puzzled listener this thought: “Is he *saying* what I think he is *saying*?” In another speech in North Carolina on August 9, Trump suggested that defenders of the second amendment might use acts of violence to stop Hillary Clinton to have it abolished: “Hillary wants to essentially abolish the Second Amendment. If she gets to pick her judges, nothing you can do folks. Although the Second Amendment people maybe there is, I don’t know...”. Robby Mook, Mrs. Clinton’s campaign manager, reported it this way: “This is simple, what Trump is *saying* is dangerous. A person seeking to be the President of the United States should not suggest violence in any way.”

¹⁹ Vendler (1976, 136) in fact takes ‘say’, “in its dominant sense” to be a “general performative”, encompassing all illocutionary acts, including hints and insinuations. I am not saying he is right, but he certainly had as good an ear for ordinary senses as anybody.

²⁰ My disagreement with Davis might well be merely verbal; if so, my only complaint would be the one in the next paragraph about Soames's stipulations. Davis would accept that the utterer of (1)-(3) "speaker-means" the contents that I take to be asserted – i.e., on Davis' (2003) account, she performs a publicly observable action with the intention that it be an undisguised indication that she has such beliefs. (1)-(3) are *indirect* expressions of belief; Davis chooses to reserve 'assertion' for direct expressions. It might thus be that it sounds better to him to use 'assert' along the lines of 'say' and 'state', but there are no substantive non-verbal disagreements among us about the main topic of this paper – as opposed to other issues, such as the nature of assertion and indirection. What is done by default with declaratives is for him just expressing a belief, to be analyzed as indicated above; and this – what I call 'assertion' – can be done by his lights both directly and indirectly.

²¹ García-Carpintero (ms) offers a Gricean account of indirection opposed to the skeptical views of Davis (1998) and Lepore & Stone (2015); this is not Soames' own concern.

²² Cf. also Fricker's (2006, 593-603) earlier detailed account, with most of which I concur.

²³ Following Alston (2000), I have suggested (García-Carpintero, 2013b) that the constitutive norm for a request that *p* is that the audience acquires thereby a reason for bringing *p* about – a reason conditional on different aspects, such as that the speaker has the required authority in the case of commands, or weaker ones concerning the interests and dispositions of the audience in requests, proposals, and so on. To put it in simpler way: one must make a request that *p* only if it is true that the audience must thereby *p* (the obligation in question conditional on a "modal base" and "ordering source" of worlds meeting the indicated features). The request is wrong if the audience doesn't acquire thereby the relevant obligation – e.g., if we find in the kiosk 'Thanks for buying 100\$ of our magazines.' – which, precisely because it is an obviously wrong request, would probably be taken as some sort of joke.

²⁴ Cf., e.g., Bach & Harnish (1979, 64) on the quality maxim for what they call ‘acknowledgements’, including expressions of gratitude.

²⁵ Cp. Morgan (1978), 265: “the notion “conversational implicature” can be naturally extended to nonlinguistic acts. If upon being asked my opinion of a spinach souffle I have been served, I shovel the contents of my plate into the dog’s dish, I have rendered my judgement as clearly as if I had said “It’s awful”, though less directly”.

²⁶ Fricker admits that, as a matter of fact, cases like the one discussed exist, even frequently, counting them as cases of what she calls “Gricean agential meaning” (71-2). This is essentially what an assertion is, on Gricean accounts like (GA). So perhaps she thinks that it is specifically normative views of assertion that make indirect ones impossible, but she doesn’t say why. What we have just seen is that the fact that no conventional means are used to indicate them does not provide a good reason by itself to support the view.

²⁷ In recent work Borg (2017, §6) invokes Fricker’s sort of consideration in order to argue that her minimal contents do explanatory work

²⁸ The considerations below parallel Hawthorne’s (2012). Cf. also Peet (2015a, 2016).

²⁹ Along related lines, I (García-Carpintero 2006) have characterized semantic content as *character content*. As Kratzer puts what I take to be essentially the same idea: “Words, phrases and sentences acquire content when we utter them on particular occasions. What that content is may differ from one context to the next. It is the task of semantics to describe all those features of the meaning of a linguistic expression that stay invariable in whatever context the expression may be used. This invariable element is the meaning proper of an expression” (Kratzer 2012, 4). Note that to call what is said *assertoric* content is compatible with the main claim of this paper. The “at issue” component of what is said by a declarative sentence is what is asserted by uttering it in a central case in default contexts. This is

compatible with assertions being made indirectly. The notion of *what is said* I envisage is thus “social” (Camp 2006a, §6) or “forensic” (Perry 2009).

³⁰ Borg’s considerations in favor of the truth-evaluability of semantic contents invoke intuitions about assertoric content; however, even if truth-evaluable, the semantic contents her minimalism posits are almost as theoretical and remote from the intuitions of ordinary speakers about what is said as the index-relative constructs that Lewisian accounts assume. Hence, features of the former, such as truth-evaluability, cannot without further ado be ascribed to the latter. (Cf. García-Carpintero, 2013c).

³¹ Donald Trump’s performances offers dozens of similar examples, of obvious assertions with manifest contents that are declared to have been jokes, or had hidden content. Conway’s notorious appeal to “alternative facts” (perhaps meant as identifying a heretofore unrecognized speech act?) adds a new dimension to these maneuvers.

³² Fricker tends to make other forthrightly empirical claims that I find clearly unwarranted: “participants’ attitudes do not treat what is conversationally implied as being asserted, testified to” (88). But consider this dialogue, which I take to be entirely appropriate and perfectly possible: A: – Where can I get charcoal nearby? B: – There is a garage down the road; A: How do you know/are you sure that I can get charcoal there?; or, A: – You were wrong, they do not have charcoal there. The recipients of Grice’s recommendation letter can similarly report: “his supervisor is telling us she is no good for the job”; or, angrily address him afterwards, “why did you tell us not to hire her, if, as we have found out, you have so good an opinion of her as a philosopher?” These are also additional illustrations of the ordinary liberal use of ‘say’ and its cognates (fn. 18 and main text).

³³ Stokke (2016, 90-1), however, wrongly claims that speakers are not assertorically committed to implied contents, by appealing to the lying/misleading argument. This fits his view (2013, 49), discussed above, that assertion definitionally requires saying.

³⁴ As acknowledged, Viebahn's (2017) makes the same point. I'll discuss his view below.

³⁵ A propositional justification is justification for a belief one might not form, or one might form for reasons that fail to provide any justification. Doxastic justification comprises the reasons that in fact ground a belief one has formed. Although on many accounts such justification should have some "psychological reality" (cf. Karcz 2015), on no account is it required that the belief was consciously inferred from a representation of the justifying facts.

³⁶ Cf. Peet (2015b).

³⁷ Cf. also King (2014, 106, 112-4) for further examples and a similar proposal to Buchanan's. Szabó (2016, 169-70) suggests a similar way of dealing with L&S's (and Davis's 1998) indeterminacy objections to the Gricean view of particularized conversational implicatures. The picture can be generalized to take into account the fact that what speakers indirectly convey is not indeterminate only with regard to the specific content meant, but also with regard to illocutionary force. The idea would be that the speaker intends to become committed to an illocutionary type, or property of illocutions; i.e., to each of an open range of speech acts, in each case relative to their specific constitutive norms.

³⁸ Cf. García-Carpintero (2010) and Ludlow (2014, ch. 4). I disagree with Ludlow radical underdetermination view about lexical meaning, though (fn. 7). I find that view unstable, given Ludlow's assumption of norms for the modulation of sufficiently determinate meanings in context, for I can make no sense of how such norms might operate without sufficiently well specified conventional meanings to start with.

³⁹ Stainton (2016) makes a distinction related to my own between sayings and assertions ('full-on stating' vs. 'merely communicating', in his terms. Like me, he takes sayings (assertion in central cases) to have a "forensic" or social nature, to be conventional, tied to declarative mood, and to underwrite the distinction between lying and misleading (*ibid.*, 407). Our argumentative paths are different, though; among other differences, he doesn't engage the arguments above, and he is uncertain about the status of "mere communications".

⁴⁰ Viebahn considers the distinction between additive and substitutional implicatures (*op. cit.*, §4), but he does not relate it to his distinction between implicatures that allow for lying and those that only allow for misleading. They appear to be orthogonal to each other. In particular, there are additive implicatures for which we lack the intuition that making them while believing the conveyed content false would be lying, as opposed to merely misleading. In fact, standard cases of misleading without lying involve additive implicatures, as in Athanasius reply to his enemies' query about Athanasius whereabouts, 'He's not far away', or in Williams (2002, 96) similar example 'Someone has been opening your mail', when it is the speaker who has been doing it. In both cases, the false implicatures (*he is near but not here, someone but not me is opening your mail*) entail what is said, but these are paradigm cases of misleading without lying.

⁴¹ Cf. Bach & Harnish (1979, 67-8) for the case of irony.

⁴² Cf. Morgan's (1978) distinction between *language-conventions* and mere *conventions of usage*, and Bach & Harnish's (1979) notion of *standardization*.