

SOCIOLINGUISTIC VARIATION, SPEECH ACTS, AND DISCURSIVE INJUSTICE

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Despite its status at the heart of a closely related field, philosophers have so far mostly overlooked a phenomenon sociolinguists call ‘social meaning’. My aim in this paper will be to show that by properly acknowledging the significance of social meanings, we can identify an important new set of forms that discursive injustice takes. I begin by surveying some data from variationist sociolinguistics that reveal how subtle differences in the way a particular content is expressed allow us to perform importantly different illocutionary actions, actions we use to do things like constructing a public persona and building a rapport with an audience. The social importance of these activities and the pervasiveness of our engagement in them means that the ethical stakes involved are high—substantial injustices may result if speakers from different social groups are differently empowered with regard to the illocutionary possibilities made available to them by variation.

Keywords: sociolinguistics, variation, social meaning, speech acts, illocutionary silencing, discursive injustice.

I INTRODUCTION

It is very common in philosophy to think of language fundamentally as a tool that enables agents to communicate by exchanging propositions. While such exchange is obviously extremely important, the success of philosophical models designed to explain it has sometimes obscured the significance of other things we do by speaking (signing, etc.). For example, despite years of productive interdisciplinary dialogue with linguists working in syntax and semantics, philosophers have paid almost no attention to the pervasive and systematic processes involved in the production of what sociolinguists call ‘social meanings’.¹ Consider, for example, the following pair from Chambers (2004):

¹ Haslanger (2018) uses the expression ‘social meaning’ to pick out an extremely wide set of semiotic properties of actions; in her terms, we can speak of the social meaning of the fact that someone moved their arm in a particular way, or of the fact that a person dressed a certain way

- (1) a. Adonis saw himself in the mirror.
 b. Adonis seen hisself in the mirror.

More than half a century's worth of work in variationist sociolinguistics has documented a wide variety of ways in which speakers use the differences between variants like (1a) and (1b) to achieve socially significant aims like establishing a rapport with an audience, constructing a public persona, and affiliating themselves with various social groups. Since the social manoeuvrings associated with variation do not lend themselves to analysis in terms of the propositions that are expressed, however, they have thus far played almost no role in the philosophy of language. I take this to be a substantial oversight that negatively impacts not only philosophical thinking about language itself, but our thinking about questions concerning language use that arise in ethics, social and political philosophy, and a variety of other important areas.

My aim in this paper will be to take a step towards filling in some of these lacunae. In a nutshell, I will claim that speakers use different sociolinguistic variants to perform importantly different kinds of illocutionary actions, which means that substantial injustices can occur if people from different social groups are differently empowered with regard to the possibilities variation makes available to them. I begin this argument in section two by presenting a representative sample of the kind of sociolinguistic data I will take as my starting point. In section three, I offer an illocutionary interpretation of sociolinguists' discussions of the significance of those data, and in section four, I show how that interpretation supports a number of claims about discursive injustice. Section five concludes with a summary and a brief sketch of some possible directions for future work on ameliorative strategies.

II DATA INVOLVING SOCIOLINGUISTIC VARIATION

From the very beginning of the analytic philosophy of language, philosophers have recognized that speakers and hearers are sensitive to differences in the way in which a particular content is expressed. Witness, for example, the following well-known passage from Frege:

The reference of a proper name is the object itself which we designate by its means; the idea, which we have in that case, is wholly subjective; in between lies the sense, which is indeed no longer subjective like the idea, but is not yet the object itself. The following analogy will perhaps clarify these relationships. Somebody observes the Moon through a telescope. I compare the Moon itself to the reference; it is the object of the observation,

on a certain date or in a certain place, and so on. While sociolinguists' social meanings would presumably count as social meanings in Haslanger's sense, the sociolinguistic phenomenon has received extremely little attention in philosophy, and the two notions derive from very different academic lineages.

mediated by the real image projected by the object glass in the interior of the telescope, and by the retinal image of the observer. The former I compare to the sense, the latter is like the idea or experience. (Frege 1892/1952: 26)

Frege's distinction between the sense and reference of an expression, on the one hand, and the ideas people associate with it, on the other, is often illustrated by means of examples that clearly have the same extension but which do not seem obviously distinguishable at the level of sense, like 'dead' and 'deceased', 'rabbit' and 'bunny', 'enemy' and 'foe', and so on.² While we express the same thought by means of sentences that differ only in our choice of one of these expressions over the other, Frege holds, we do so in a way that is liable to produce a different subjective reaction in our audience.

Frege's own view was that what he and commentators sometimes call the 'poetic shading' or 'coloring' wrought by expressions involving different ideas involves phenomena too unstable and idiosyncratic to serve as the objects of serious scientific analysis:

An idea is often saturated with feeling; the clarity of its separate parts varies and oscillates. The same sense is not always connected, even in the same man, with the same idea. ... Without some affinity in human ideas art would certainly be impossible; but it can never be exactly determined how far the intentions of the poet are realized. (*loc. cit.*)

Most work in the philosophy of language tends to follow Frege's example in setting aside data involving expressions that are not consistently distinguishable at the level of sense or reference. Research in the variationist sociolinguistic tradition, however, has revealed deep systematicity in the way in which speakers and listeners deploy and respond to differences that do not rise to this level.³ That tradition focuses on data involving pairs or sets of expressions that have what sociolinguists call the same 'denotational' but different 'social' meanings. Put simply, variants involve different ways of saying the same thing.⁴

² These examples are provided by Dummett (1991, 122).

³ Some recent work in the literatures on slurs (e.g. Bolinger 2017; Camp 2018; Nunberg 2018) and dogwhistles (e.g. Khoo 2017; Saul 2018) might be taken to involve inquiry into the social significance of classes of expressions that in Fregean terms would be indiscernible both at the level of sense and at the level of reference. I take this work to be exceptional in two ways, both of which reinforce the generalization about which properties of language philosophers typically countenance. First, the positions these authors take are distinctive with regard to the ways they characterize the phenomena they engage with; most treatments of slurs, for example, attribute what Frege would see as differences in sense to slurs and their neutral counterparts. Second, these literatures are explicitly aimed at exploring the distinctive properties of what are typically taken to be quite special classes of expressions. If the arguments I will give here are on the right track, however, the basic mechanisms that make slurring and dogwhistling possible are a totally pervasive feature of natural languages.

⁴ Labov (1972b), one of the foundational texts in variationist sociolinguistics, says as much in so many words at page 272. Lavandera (1978) and Dines (1980) offer similar characterizations in prominent early contributions.

Consider again the example, we began with from Chambers (2004):

- (1) a. Adonis saw himself in the mirror.
 b. Adonis seen hisself in the mirror.

About this pair, Chambers provides the following commentary:

These utterances differ with respect to two morphological variables: (1a) the verb *see* is represented in the first sentence by *saw*, the strong form of the past tense, and in the second by *seen*, and (1b) the reflexive pronoun takes the form *himself* in the first and *hisself* in the second. Notwithstanding these differences, the two sentences convey exactly the same grammatical meaning and everyone who speaks English with even minimal competence recognizes their semantic identity.

The sentences do, however, convey very different social meanings as a direct result of their morphological variants. That is, they carry sociolinguistic significance. The first, with its standard forms, is emblematic of middle-class, educated, or relatively formal speech, while the second is emblematic of working-class, uneducated, or highly colloquial (vernacular) speech. These differences will also be readily recognized by virtually every speaker of the language. (Chambers 2004: 4–5)

There are two points in this passage that I want to underscore. The first concerns the nature of the relationship between variants and their social meanings. Instead of claiming that one or the other variant *encodes* information about the speaker's class background, say, or education level, Chambers holds that variants are *emblematic of* certain social groups or modes of speech—'middle-class, educated, or relatively formal speech', on the one hand, and 'working-class, uneducated, or highly colloquial (vernacular) speech' (*loc. cit.*), on the other. In sociolinguistic parlance, variants are often said to 'index' social properties like these, as opposed to expressing, presupposing, or entailing any particular proposition involving them.

The second point I want to emphasize here is Chambers' claim that 'virtually every speaker of [English]' (*loc. cit.*) recognizes the social properties that are indexed by each variant. In my view, this claim raises interesting questions for philosophers about how broadly we should draw the circle around the set of competences we count as distinctively linguistic, but for now, we must set those aside. For present purposes, it will be enough to take the claim as an empirical generalization that seems very plausible, at least when the quantifier is restricted to cover reasonably fluent speakers. Regardless of which variants each of us is disposed to produce in which social contexts, we typically take it for granted that pretty much everyone we speak with knows which forms of speech are emblematic of which groups.

Data involving a wide variety of different sources of variation reveal patterns similar to those revealed by example (1). Consider a pair of sentences, or versions of a sentence, that differ from one another syntactically:

- (2) a. Nobody has heard anything about any festschrift.
 b. Ain't nobody heard nothing about no festschrift.

This example reveals the choice English speakers have about whether to follow a negation marker with a negative polarity item like ‘any’, or to preserve negative concord in the way, e.g. French speakers do (*personne n’a rien entendu...*).⁵ As in the case of example (I), the difference between (2a) and (2b) does not appear to involve truth conditions or assertoric contents, and standard philosophical treatments predict that they should mean exactly the same thing, in any of the senses of ‘meaning’ that philosophers are typically concerned with.

However, as Eckert (2001) points out about results that have been reported by many researchers, negative concord ‘is associated with class, and toughness perhaps, but also quite specifically with lack of education’ (*op. cit.*: 122). Like Chambers, it is important to note that she does not claim that someone who produces one or the other variant asserts (presupposes, implicates, etc.) that they hail from a certain class, are tough, or have a certain educational background, or even that they will typically be taken by interpreters to have one of those properties. By producing one or the other variant, however, a speaker clearly puts class, toughness, and education into play in a sense that will be perceptible to any ordinary listener.⁶

For one more example of an axis along which socially significant variation is manifest, consider the following alternative pronunciations of a sentence:

- (3) a. I was thinking about sitting down and taking some integrals later.
 b. I was thinkin’ about sittin’ down and takin’ some integrals later.

Campbell-Kibler (2006, 2007, 2008) and others have shown that in the USA, interpreters systematically associate certain properties, like competence and aloofness, with the pronunciation of -ING as per (3a), and that the (3b) variant is associated with less competence but more approachability. Again, as with our previous examples, this does not mean that a speaker who uses (3a) is competent or aloof, or that a speaker who uses (3b) is approachable but incompetent, or that interpreters will necessarily or even usually form the impression that they are. Nevertheless, everyone who knows English well will see that, in at least some inchoate sense, those properties are put into play: The reason (3b) sounds odd is precisely that if you are doing calculus, you have either had some training in the subject or are Leibniz.

⁵ For detailed discussion of the basic syntactic facts concerning English, see Labov (1972a), Childs *et al.* (2015), and the references therein. For discussion of the social significance of negative concord, see Eckert (2001), Moore (2004), and the references therein.

⁶ At one point in the development of this article, an anonymous referee asked whether I am not here presupposing that ‘ordinary’ means ‘middle class’ or ‘well educated’. The short answer is ‘no’. The associations in question have been very widely reported by sociolinguists working with speakers from a wide variety of backgrounds.

III WHAT SHOULD PHILOSOPHERS MAKE OF VARIATION?

In an accessible and far-ranging survey that I hope and expect will someday be a standard source on syllabuses in the philosophy of language, Eckert (2012) presents the history of variationist sociolinguistics in terms of three waves of theorizing. After Labov (1962)'s pioneering work on the way residents of Martha's Vineyard used a certain distinctive diphthong pronunciation to advance an island-focused ideology, Eckert says the first wave sociolinguistics coalesced around the more straightforwardly empirically tractable idea that variation was the mark of sociological categories like class, age, gender, geographic region, and similar.⁷ In philosophical terms, we might say that first wave sociological thinking treated variation as something more like a natural than a non-natural sign, in the sense of Grice (1957); i.e., more like the rings of a tree that indicate its age than the rings of a bell that indicate that a bus will stop. To the extent that the phenomenon was taken to reflect a speaker's agency, first wave theorists typically assumed that people monitor their own speech more or less closely depending on the social circumstances, and that people from, e.g. working-class backgrounds would tend to suppress the production of non-standard variants in settings like a formal interview.

Although the idea did not play a significant role in the development of first wave theories, Eckert reports that it was nevertheless common among sociolinguists in the 1970s to think that many speakers had a positive view of vernacular forms of speech, associating them with pride in local communities and their values, even when non-standard forms had a low status in the broader linguistic community. The second wave of theorizing, on her presentation, began as theorists adopted a more expansive understanding of speakers' agency, which opened space for such positive assessments to play a role in explaining the use of variation. Instead of seeing self-monitoring as the primary expression of a speaker's intentions, second wave researchers began to attend to ways in which the vernacular was used by speakers 'as an expression of local or class identity' (*op. cit.*: 91), which played a role in structuring and reinforcing the ties between members of local social networks.⁸

In contemporary, third-wave theorizing, sociolinguists have continued to develop and refine their picture of the forms of agency and of the kinds of purposive actions variation facilitates. Instead of treating 'variation as a *reflection of* social identities and categories', even identities and categories a speaker embraces, Eckert takes state of the art work to be aimed at explaining

⁷ Eckert cites Wolfram (1969), Trudgill (1974), and Macaulay (1977) as paradigmatic examples of first wave studies on English data.

⁸ Eckert cites Milroy (1980), Cheshire (1982), Edwards & Krakow (1985), Knack (1991), and Edwards (1992) as particularly prominent examples of the second wave.

how ‘speakers *place themselves* in the social landscape through stylistic practice’ (Eckert 2012: 93–4, emphasis added).⁹

There are two points involved in this transition that I want to call particular attention to. First, it involves a shift in the nature of the properties that variants are taken to index. While first and second wave analyses were built around pre-existing, static categories, sociolinguists are more likely nowadays to think of what Eckert calls the ‘indexical field’—the network of variants and their possible social meanings—as a dynamic space that is constantly reimagined and restructured as people speak and as the particular social questions that are live for a particular community at a particular point in time evolve. This means that the properties a variant is taken to index can ‘float free’ from the population it originated with, which results in the system’s supporting a substantially greater fineness of grain. Eckert writes:

A population may become salient, and a distinguishing feature of that population’s speech may attract attention. Once recognized, that feature can be extracted from its linguistic surroundings and come, on its own, to index membership in that population. It can then be called up in ideological moves with respect to the population, *invoking ways of belonging to, or characteristics or stances associated with, that population*. Such an index can be used by outsiders to call up stereotypes associated with the population. It can be used to pejorate, ... [it] can be used to lay claim to admired qualities, ... and it can be used by members of the population to make distinctions within. (Eckert 2012: 94, emphasis added)

By separating ‘ways of belonging to, or characteristics or stances associated with’ (*loc. cit.*) a particular population from membership per se, the third-wave framework makes it possible for the theorist to see a speaker’s social identity as the result of what Eckert (2008) calls ‘a process of bricolage’ (*op. cit.*: 456), in which elements drawn from a variety of indexical resources that might not themselves be demographically consistent can be mixed and matched. For example, if we treat the /ay/ diphthong, Labov (1962) identified among English fishers on Martha’s Vineyard not merely as a characteristic mark of an English fishers, but as a phonetic property that indexes a particular ideological stance—a *way* of being an English fisher, as Eckert (2008: 462) puts it—we make it possible to see how speakers from a range of different backgrounds could invoke features of that stance in their own speech. So, an outsider who comes to the island might use the pronunciation in question to show respect or deference to the locals or their distinctive set of values, or to mock or disparage them, or to attempt to build an affiliation with the community, and so on.

⁹ Eckert cites Irvine (2001), Bucholtz & Hall (2005), and Bucholtz (2010) as leading examples of the third wave. I am not myself in a position to say what would count as a fourth wave, but as I see the current literature, there is a distinctive new tradition that takes third-wave insights and formalizes them. So, e.g. Burnett (2017, 2019), Taniguchi (2019), Qing & Cohn-Gordon (2019), and Cohn-Gordon & Qing (2019) approach third-wave phenomena using game theoretic resources.

This last set of examples ('to show respect or deference, to mock, to attempt') already suggests the other key point I take to emerge from the passage quoted above, and more generally from the move away from a rigidly sociological construal of social meanings. That point concerns performativity. Where previous work took a speaker's social identity to be *reflected* in their way of speaking, third wave sociolinguistic thinking sees that identity as something that is substantially *constructed* from the performative uses to which they put sociolinguistic variants. On this approach, people do not simply provide information about which stances they take towards which social questions or ascribe particular social properties to themselves by speaking in a particular way. Rather, to speak in a particular way *is to take* a particular stance and to actually *manifest* certain social properties.

As an illustration, consider a case Eckert (2002) describes from her ethnographic research on a Northern California middle school at the turn of the century. She quotes a precocious sixth-grade informant, Trudy, recounting the details of a schoolyard fight as follows:

I went up to her and I'm all 'whassup?!' and she's all 'whassup?!' And then I'm all like – she's all 'what'd I do?' I'm all – I'm all – 'Bitch I heard you were talking shit!'

Eckert characterizes the sociolinguistic data presented in this discourse as follows:

The salient linguistic features of this bit of the re-enactment of the fight include a falsetto rise-fall on *whassup*, fronting of /U/ in *whassup*, a highly reduced form of *I'm all*, [ʔmO:] and a raised /I/ in *bitch*. Any one of these might be studied as a sociolinguistic variable. The fronting of /uh/ is part of the Northern California Vowel Shift, in which /u/, /U/ and / U / all move forward. And it occurs elsewhere in the narrative—e.g. 'and I slipped back because it was in the mud [mEd]...'. Norma Mendoza-Denton has correlated the raising of /I/ in Northern California Chicano English with gang status.

... These are key moments in the construction of meaning in and for phonological variation. Trudy displays her actions in the fight, her quirkiness and daring, and her leadership in the developmental scheme—her ability to go where none of her peers have gone before. And this display is based both in her actions and in the verbal style in which she recounts them. (*op. cit.*: 2–3)

Eckert's point here is that by speaking in a particular way, mixing features of 'tough Chicano English' with elements of 'kid talk' (*loc. cit.*), Trudy is doing more than simply conveying information about her social identity or indicating something about her attitudes or precociousness. As Eckert puts it in her discussion (*loc. cit.*), speakers 'craft selves' by 'performing' narratives composed from one constellation of variables instead of another. Instead of saying 'I am a bold leader, at the cutting edge of the sixth grade girls' class', that is, by speaking in the particular way she does, Trudy actually *performatively manifests* boldness and *positions* herself as a leader.

By offering this survey of sociolinguists' interpretations of the kinds of data I presented in the previous section, I do not mean to suggest that we, as philosophers, should simply import their conclusions wholesale. I have already mentioned some of the ways in which we might take the phenomenon of variation to invite philosophical reflection on the nature of linguistic competence. I imagine that engaging in such reflection will involve asking metaphysical questions as well, about what kind of a thing social meanings are, and thus, about what a language is. Here, I can imagine different philosophers being drawn towards any number of possible positions; there seems to be theoretical space available to argue that social meanings involve presuppositions, conversational or conventional implicatures, entailments, expressive contents, previously unexplored forms of at-issue content, and more, with each of these choices potentially ramifying where the question of what constitutes a language is concerned.

I think all of these issues deserve philosophical scrutiny, and I hope that this paper will help spark discussions about some of the possibilities. At the same time, however, I take sociolinguists' own descriptions of the phenomena they are focused on amount to quite a strong case for the claim that by using one variant over another, a speaker typically performs one or another distinctive kind of illocutionary action.¹⁰ Regardless of whether we eventually decide to say that 'ain't got no' carries some (possibly defeasible) entailment about the speaker's educational level, that is, or if we settle on a view according to which words, syntactic structures, and so on encode a layer of social information in addition to what we might call the primary contents semanticists have typically studied, there seems to be no easy way around the fact that speaking in a certain way, using a distinctive cluster of variants, amounts to the realization of a distinctive kind of performance. The different reactions listeners have when confronted with one constellation of variants over another testify to this fact—on a given occasion, one might make you friends and the other enemies—although it would be a mistake to identify a performance with its effects.

As far as I can tell, none of the conclusions I mean to defend here depend on how exactly we characterize the structure of the kinds of illocutionary actions that are performed when speakers produce one or another variant. If the case I make in the next section holds water, whether we say that different variants encode different contents, or different illocutionary forces, or something else

¹⁰ Here I mean 'illocutionary action' in the broadest sense of Austin (1962), i.e., an action we pull off *in* or *by* speaking, rather than in the sense of the actions realized by means of his 'explicit performative expressions' or in one of the more narrowly characterized categories proposed in Searle (1975) and elsewhere. As an anonymous referee points out, and as I take up in other work in progress, Austin's 'hereby' test suggests that variants are not explicit performative expressions. Unlike explicit performatives, but like slurs, pejoratives, and emotive expressions, the actions realized by means of variants are not undermined by embedding, conditionalization, and so on.

altogether; the basic problem I flag is the same: People with different social identities can be unjustly differently empowered with regard to the affordances variation makes available to them.

For the sake of disclosure, however, let me say a bit more about how I myself think of the actions that are at stake where variation is concerned. Instead of trying to shoehorn the manoeuvrings variants allow us to perform into a particular location in one of the classical illocutionary taxonomies that emerge from, e.g. Austin (1962) and Searle (1968, 1975), I would prefer to draw on the commonplace from the philosophy of action that action types that can be usefully grouped together for some purposes can be usefully distinguished for others.¹¹

Instead of associating different contents or illocutionary forces with ‘I ain’t heard nothing’ and ‘I haven’t heard anything’, that is, I prefer to think that it is part of our ordinary practice as linguistic agents to further distinguish illocutionary actions with regard to the manner in which they are realized. So, while there is a level of description at which we can sensibly say that two people who assert the proposition these two sentences express perform the same action—an action characterized at the level of force and content, that is—there is another level at which we can see that the two actions are different.¹²

As the literature in variationist sociolinguistics shows, to assert a certain proposition *by means of* a particular constellation of variants very often is to identify ourselves with certain groups or stances (or attempt to), to distance ourselves from others (or attempt to), to place ourselves and others in a hierarchy (or attempt to), and so on. By choosing one over another way of formulating a string that encodes the same force and content, then, speakers are able to realize different actions. I take the deeply systematic knowledge sociolinguists have shown us to possess regarding variants and the social properties they index, together with the role that knowledge plays in allowing us to reliably predict the effects likely to be wrought by one or another form of words to show that sociolinguistic variation provides us with a common stock of illocutionary actions we use to shape the social worlds we inhabit.

IV VARIATION AND DISCURSIVE INJUSTICE

Since the pioneering work of Langton (1993) and Hornsby (1995), a large literature has developed around questions of justice that arise when different

¹¹ For example, the class of all the butterings includes the toast-butterings and the muffin-butterings as disjoint subsets, the class of toast-butterings itself includes those which occur at midnight as a subset, and so on. There is, then, a sense in which any two butterers realize the same action, and a sense in which someone who butters toast realizes a different action from some who butters a muffin.

¹² See Nowak (2020) for further discussion of this point.

people, in virtue of their membership (or assumed membership) in different social groups, end up differently empowered with regard to the illocutionary actions they are able to realize.¹³ If the claims I have made in the previous sections are on the right track—if different illocutionary actions typically result from a speaker's employing one over another sociolinguistic variant, then variation ought to be seen as a source of potentially significant injustices. In this section, I will argue that there are, in fact, quite good grounds for thinking that members of comparatively disempowered groups are likely to face such injustices. Given the pervasiveness of variation and the fundamental interest we have in being able to construct a public persona and manoeuvre socially in the way we consider best, questions about justice in this space deserve to be taken seriously by philosophers.

Langton and Hornsby's focus, and the focus of many of the early discussions that emerged from their work, was on a phenomenon they called 'illocutionary silencing', which occurs when the words a person utters do not count as the performance of a speech act, in virtue of their not meeting the 'uptake condition' proposed by Austin (1962). Speech acts to which the uptake condition applies are held to be such that the production of certain words counts as a manifestation only when the audience responds in the right way (minimally, by recognizing the words as a performance of the act in question).

Langton uses an example from Davidson, itself following a possibility mentioned by Austin (1962), to show how a failure of uptake can block the realization of an illocutionary action:

Imagine this: an actor is acting a scene in which there is supposed to be a fire. (Albee's *Tiny Alice*, for example.) It is his role to imitate as persuasively as he can a man who is trying to warn others of a fire. 'Fire!' he screams. And perhaps he adds, at the behest of the author, 'I mean it! Look at the smoke!' etc. And now a real fire breaks out, and the actor tries vainly to warn the real audience. 'Fire!' he screams. 'I mean it! Look at the smoke!' etc. (Davidson 1979: 7)

Here, it seems natural to say that no warning has been made. Although the actor utters words that one would typically use to make a warning, his attempt fails because the audience does not recognize his speech as a warning—they think it is part of the play.

As unfortunate as it would be to find oneself in such a theater, there is nothing obviously ethically problematic about the case described. Langton and Hornsby, however, show how the basic structure of the example can be discerned in contexts in which a speaker's inability to realize a speech act *does* count as problematic. They take it to be at least plausible to think

¹³ In addition to the sources, I will draw on directly in my argument, see, for example, MacKinnon (1987), Bird (2002), McGowan (2003, 2018), Weiland (2007), Maitra (2009, 2017), Maitra & McGowan (2010), Mikkola (2011), Herbert & Kukla (2016), Caponetto (2021), and the references therein.

that depictions of sexualized violence could contribute to men's failing to be able to see women's utterances of the word 'no' as refusals. (Imagine that in these depictions, even 'no' is treated as though it means 'yes'.) If we take the requirement imposed by the uptake condition seriously, this means that a woman who attempts to refuse sex, even by clearly producing words that would ordinarily constitute a refusal, might not to count as having refused at all.

Since Langton and Hornsby's early work on silencing, philosophers have developed and proven the utility of a tremendous range of more expansive characterizations of ways in which speech acts can misfire.¹⁴ One that fits the kind of cases I will develop here particularly well is the notion of 'discursive injustice' proposed by Kukla (2014 : 441):

When members of any disadvantaged group face a systematic inability to produce certain kinds of speech acts that they ought, but for their social identity, to be able to produce—and in particular when their attempts result in their actually producing a different kind of speech act that further weakens or problematizes their social position—then we can say they suffer a discursive injustice.

Kukla takes discursive injustice to be a general phenomenon, of which illocutionary silencing of the sort described by Langton and Hornsby is the limit case. The precise relationship between the views is not important for us here, but it is worth noting that while Langton and Hornsby say that 'illocution demands only minimal receptiveness on the part of the audience' (Hornsby and Langton 1998: 34), for Kukla the kind of uptake speech acts depend on involves a broader range of facts about how listeners view the context in which the speech was produced and the context afterwards, which typically involves changes to the normative landscape in the form of new commitments, obligations, and so on.

Kukla discusses a number of hypothetical cases that reveal some of the different ways in which these broad background facts can be implicated in the subversion of a speaker's illocutionary aims. In one, utterances that a female factory floor manager intends to have the force of orders end up becoming requests in virtue of the fact that the background social conditions in which her speech is produced do not countenance a woman's imposing professional obligations on male coworkers. In another, the speech of a female academic counts not as expert commentary but as an entreaty to the effect of 'please treat my speech as expert commentary'. In each case, the background social conditions are such that, as Kukla puts it, listeners' uptake 'queers' the speech act in question, transforming something that was intended to be one kind of action—and would have been, had it been attempted by someone with a different social identity—into another. The transformations in question

¹⁴ See the references provided in footnote 13 for just a few prominent examples.

problematically weaken the speakers' social positions by depriving them of access to types of illocutionary actions that they have a clear interest in being able to use.

I have argued elsewhere (Nowak, 2019, 2020) that we can usefully apply the kinds of tools used to characterize discursive injustice to the problem of language extinction, treating speakers of threatened languages as speakers who face being undermined in terms of their illocutionary affordances. There are two key pieces to that argument. First, I claim that our ability to realize speech acts that are distinguished from one another with an extreme fineness of grain plays a fundamental role in allowing us to shape our social environments:

Our public selves, the selves that our friends and family are acquainted with, are in large part the product of the linguistic choices we make. ... In a substantial sense, [those] choices *constitute* the us that others perceive and respond to' (Nowak 2019: 324, emphasis in original).

Together with a second claim, that different languages make different sets of fine-grained speech acts possible, I take this to show that being cut off from a community of speakers of one's heritage language means being cut off from ways of being one's self.

As I see things, the phenomenon of sociolinguistic variation can serve as the motor for a language-internal argument that parallels the argument I offer in support of the claims I have made about what we lose when languages become extinct and about the language-specific nature of the inventory of possible speech acts. As I said in the previous section, I take the literature from sociolinguistics to establish that, regardless of how we as philosophers eventually decide to model social meanings, speakers realize importantly different speech acts by using one variant over another. These acts play a significant role not just providing information about a speaker, but allowing them to performatively construct a public persona and shape their social relationships.

This means that if it should turn out that a particular person or group of people, in virtue of the way they are racialized, say, or gendered, or even in virtue of speaking a particular dialect or speaking with a particular accent, should find that they are not able to realize speech acts of the same type that a different person would be able to realize by means of a particular variant, we would have a candidate form of discursive injustice on our hands.¹⁵ In such a

¹⁵ Two cautions should be entered here. First, it is important to remember that, on Kukla's notion of discursive injustice, cases like the one described will only in fact count as injustices when the illocutionary disablement is due to the speaker's problematized social position; it is not an injustice when a posh cisgender white man fails to realize the illocutionary action someone else might have realized with a certain piece of slang.

Second, it is worth emphasizing that while I focus my attention here on cases in which a speaker intentionally shapes their speech in a certain way, I do not mean to suggest that these are

case, certain people would have less illocutionary freedom to manoeuvre than others, which would mean that they have a reduced degree of social autonomy and a reduced range of possibly constructible social selves.

These do not seem like far-fetched possibilities. Consider two speakers in a hypothetical society broadly like ours, one who is racialized as belonging to a comparatively empowered majority group and one who is racialized as belonging to a comparatively disempowered minority group. Imagine that the language spoken in the society in question is English, and that the distribution of sociolinguistic variants and their social meanings is English-like. Specifically, imagine that negative concord ('ain't no') occupies roughly the position in sociolinguistic space that it does in American English today. The variant, that is, systematically produces what Eckert (2001: 122) calls associations with 'class, and toughness perhaps, but also quite specifically with lack of education'.

As we saw in section two, part of what makes the phenomenon of sociolinguistic variation interesting is that social meanings involve complex and highly context-sensitive sets of associations and impressions. So, while negative concord may systematically evoke toughness and a lack of education, a speaker who employs the variant does nothing so straightforward as committing themselves to the proposition 'I am uneducated'. The image or sense is in some impalpable way put into play, but the uses that are made of it on any occasion can involve a wide range of socially significant ends.

Suppose, for example, that in a research group meeting a majority-racialized professor responds to a proposal with 'it ain't happening'. In addition to expressing the proposition that the professor will not agree, the use of the variant involves a certain kind of social posturing. We can imagine the professor using it to present themselves as resolute or strong in their conviction about the issue in question, or maybe to indicate something about just how far off the mark they take the proposal to be, or something along these lines that is hard to characterize in terms of information or propositional attitudes, but which we all will recognize when we see it. In this context, it is clear that the professor is 'putting on a hat', as it were, consciously charting a path through speech act space and counting on the fact that interpreters will recognize the social significance of the action in question.

Where variants that have broadly negative associations like the associations negative concord evokes in contemporary American English are concerned,

the only cases that raise questions of linguistic justice. I focus on these cases in order to sidestep questions about the degree of intentionality (in the sense of purposiveness) that is required for illocutionary action. Whether we decide to analyze them in illocutionary terms or not, it is very clear that properties of speech over which speakers have little or no control affect the way they are perceived, and that this is very often wrong. See Lippi-Green (1994, 1997), Edwards (1999), Lindemann (2002, 2011), Gluszek & Dovidio (2010), Lev-Ari & Keysar (2010), Fuertes *et al.* (2012), Ayala-López (2015, 2020), Paladino & Mazurega (2020), Catala (2021, 2022), and the references therein for more.

members of comparatively disempowered groups will, it seems plausible to think, tend to be more easily undermined than others with regard to the expressive range a variant allows them. The range of persona-constituting actions, that is, that a member of the majority can use by deploying a variant with this kind of association profile is likely to be wider than the range that a minority member can realize, at least with regard to a majority audience.

Suppose, to continue developing our example, that after the faculty meeting, the professor and some majority-racialized colleagues head to a nearby bar and, after a few drinks, ask a minority-racialized bartender for a basket of snacks on the house, or a more generous pour. Suppose the bartender responds ‘it ain’t happening’, with broadly the same illocutionary intentions the professor used in the meeting. It seems plausible to think that in this case, those illocutionary intentions risk being undermined by the professors’ failing to see the bartender’s use of the variant as a significant one. If they see the bartender as just ‘someone who talks like that’, they fail to see the production of the variant in question as an intentional action (of course, to count as intentional, an action need not be the product of conscious deliberation), and thus, fail to see its social significance. In the process, they risk failing to see the bartender as the *kind* of person whose speech is guided by all of the subtle social aims that fully-expressive speakers’ speech is, thus compounding the harm involved in what is intuitively already a substantial interpretive undervaluing.

In the case just described, a certain variant indexes the same properties and produces the same social meanings when it is used by a majority speaker in a majority audience context and when it is used by a minority speaker in a minority audience context. A substantial illocutionary asymmetry arises, however, when a minority speaker uses the variant in a majority audience context. There, the majority audience fails to see the use as intentional, or fails to see it in the way it would be seen if a majority member had produced it. This amounts to a relatively straightforward case of Kukla’s discursive injustice; a form of words that in the mouth of a speaker from one social group would realize a certain speech act does not count as the realization of that act when produced by a speaker from a different group in virtue of the degree to which each group is empowered in the society at large. Moreover, the illocutionary asymmetry in question will plausibly redound to minority speakers’ disadvantage in the long term, further entrenching attitudes and impressions that limit their illocutionary freedom.

It does not strike me as unreasonable to think that cases with this structure are probably a common feature of everyday life. Consider, for example, the story of Deion Broxton, a Black television reporter from Baltimore who became famous in the United States in 2020 after an unscripted encounter with a herd of bison. Broxton has been widely reported describing the professional

challenges he faced as the result of prejudice about the way he spoke.¹⁶ A substantial point of the discussion concerns the fact that, in order to get a job, he had to hire voice coaches to help him suppress many of the features of his speech that white audiences interpreted in a problematic way.

Broxton himself has stated in no uncertain terms that the speech training has affected his sense of his social identity, and he has pointed out that the case raises clear questions of justice: ‘Look at Bill Clinton. He has a southern accent. And he became president. So why can’t journalists have accents.’¹⁷ In addition to the general fact that it seems intuitively wrong for some accents to be professionally acceptable and others not, I read Broxton’s comment about Clinton as picking out something very much like the form of illocutionary asymmetry described just above in hypothetical terms. If Clinton uses negative concord, then white audiences will see the use as a choice and take it to involve the attempt to do something like create a sense of folksy familiarity, demonstrate a particular resolve, etc. If Broxton uses negative concord, then the same audiences miss these possibilities, and thus make it the case that he can in fact *not* use the variant to the same ends as Clinton.

If this were the only way in which sociolinguistic variation was implicated in discursive injustice, then the point would be worth calling attention to. Given the utter ubiquity of variation and the ethical significance of the kinds of social manoeuvrings it is involved in, variation-related discursive injustice deserves serious philosophical scrutiny. In fact, however, by varying some of the parameters of our hypothetical scenario, we can describe a range of other forms the basic problem of illocutionary asymmetry might take, none of which has thus far featured in the philosophical literature.

Instead of thinking of the majority/minority distinction in terms of how people are racialized, imagine a society in which a common English-like language is shared by speakers of two distinctive dialects. Suppose that everyone in the society recognizes forms of speech that are characteristic of one group or the other, but that by the lights of any of the standard philosophical models, the forms are thoroughly inter-intelligible—speakers from each group have no trouble recognizing the semantic values, assertoric contents, implicatures, and so on associated with the expressions members of one group or the other produce.

¹⁶ Before quickly packing up his camera equipment, Broxton addressed the herd, off screen, with the words ‘Oh my God. Oh no, I ain’t messing with you’. The video went viral and Broxton’s words have now become a part of the signage Yellowstone National Park uses to warn visitors about keeping a safe distance from bison.

¹⁷ I quote from a recent *Guardian* article on the case: <https://www.theguardian.com/us-news/2021/apr/02/deion-broxton-bison-montana-journalist-accent>, which provides an excellent description of Broxton’s struggle with the social identity implications of the linguistic demands of his professional life.

It is not difficult to imagine circumstances in which the speech act theoretic possibilities that variation makes available to members of the two groups in such a society will, despite this inter-intelligibility and broad mutual recognition of communicative intentions, come apart in an intuitively problematic way. The comparative power of the two groups will tend to mean that minority speakers are more exposed to the majority dialect than vice-versa. Newsreaders will tend to speak in a way typical of the majority, advertisements will tend to be recorded with majority-aimed choices in mind, film scripts will tend to be written by members of the majority, and so on.

It seems plausible to assume that in a situation like this, minority speakers might be fully fluent, as it were, or nearly fully fluent in the social significance of the range of variants employed by the majority, but that this fluency will not extend in the other direction. This raises a number of worrying possibilities involving the illocutionary acts speakers from each group are able to realize in different contexts.¹⁸

Consider, for example, a possibility that repeats the basic structure of the case involving the professor and the bartender. While speakers of the minority dialect will have no trouble recognizing the illocutionary actions realized by majority members' use of a variant shared by both groups, it is easy to imagine majority members seeing minority members' production of the same variant as just 'how those people talk'. In such a case, minority members in conversation with majority members will tend to find themselves less able to deploy the full range of their illocutionary repertoires. They can attempt to realize the locutionary acts they would be able to realize in dialogue with an in-group audience, that is, but these acts will not amount to the illocutionary acts they otherwise would, as their uptake conditions will not be met.

This is not the only way in which dialectical differences might undermine minority speakers. Recall that in the context of the society described, we are meant to assume that members of the minority will have greater exposure to the speech of majority speakers than vice-versa, in virtue of majority prominence in the media, in political life, and so on. It is not difficult to imagine how this imbalance could produce a situation in which minority speakers are familiar with the indexical possibilities associated with variants that are typically only produced by majority speakers, but in which majority speakers are not familiar with variants that are typically only produced by minority speakers.¹⁹

¹⁸ To be clear, there may be upsides, too, like in-group solidarity and so on. Space constraints mean we must unfortunately set these aside for now.

¹⁹ Rickford & King (2016) provide an incredible survey of courtroom proceedings in which failures of cross-dialectal fluency lead to problematic outcomes for vernacular speakers. If the analysis that I have developed here is on the right track, then illocutionary disablement or distortion is likely to be implicated in many of the cases they discuss. See Lippi-Green (1994) for another approach to legal questions raised by speech perception.

So, for example, minority speakers in conversation with other minority speakers might assign particular social meanings to variants that majority interpreters would not distinguish in the first place. Alternatively, it might be the case that majority speakers notice the variants in question but take them to index altogether different properties from the properties the minority speaker intended and which would have been recognized by a minority interpreter.

I think we can read Labov (1963) as offering us a plausible candidate example of the first sort of situation. As I mentioned earlier, Labov noticed that a distinctive pattern of pronunciation in the /ay/ diphthong emerged among fishers of English ancestry, and in particular among younger ones, on Martha's Vineyard. This sound change emerged, in Labov's telling, as a kind of way for fishers to distinguish themselves from the summer holidaymakers they saw as buying up the island and changing the local pattern of life. By pronouncing words in a certain way, the islanders positioned themselves socially, proudly manifesting their island-first ideology and building a sense of in-group solidarity. But it is not hard to think that the people from the mainland would likely have overlooked the sound completely, or if they noticed it, that they would not take it to have any particular social meaning. In such a scenario, there are likely to be occasions on which a resident of the Vineyard produces the sound in question with a particular illocutionary aim in a mixed or majority-audience context, but fails to realize that aim as the uptake condition goes unmet.

We can extend the example hypothetically to cover the second sort of situation as well. Imagine some tourists encounter some fishers during their vacation. They hear the Vineyard diphthong and think the fishers are being intentionally disrespectful or mocking them by producing it. After repeated contact of this sort, the variant comes to be seen among the tourists as an index of aggression. If they are wrong about the social meaning that is at stake—imagine that the fishing community generally has no hard feelings towards the outsiders—, then further contact between them and fishers will involve Kukla-style 'queering' of the illocutionary actions wrought by means of the variant in question.

Suppose, for example, that one of the fisher's children is interviewed for a place at Harvard, and one of the tourists is on the interview panel. The child uses the variant in question, aiming to conscientiously emphasize the depth of their commitment to their heritage, but is taken to be engaging in an aggressive display. Intuitively, there is a problem here that goes beyond the possible negative effects this misreading might have on the child's bid for a university place—there is a sense in which the asymmetry of the two speakers' positions means that one speaker is able to 'be themselves', to manoeuvre fully freely in social space, in a sense the other is not.

Now, in order for this circumscription on the possibilities for self-construction to count as an injustice, it has to be the case that it result from problematic asymmetries in the background social order that produces it. If

a group of teenagers that hang out at a particular village skatepark develop a form of slang whose social meanings pass unnoticed, or are misunderstood by their parents, then this does not seem like a question of discursive justice. The same goes if the teenagers travel to a different state and attempt to engage some skateboarders there, or those skateboarders' parents, or anyone else.

It is not hard to imagine ways the background social order might be that *would* intuitively result in injustice, however. In the case of the Vineyard, the relationship between the tourists and the fishing community was an economically asymmetrical one—the tourists bought up all the land, raising the prices of property and making it harder for the fishers to continue to live in the way of their ancestors. If it should turn out that this imbalance contributes significantly to the tourists' not properly appreciating the significance of the distinctive forms of speech the fishers employ—if it leads to their tending to look down on the fishers, say, in a way that precludes taking them altogether seriously—I think the examples we have looked at would plausibly rise to the level of discursive injustice. Since autonomy in the way we are able to construct our public selves using variation is something each of us has a plausibly fundamental interest in, the resulting injustice would be a significant one.

V CONCLUSION

I began this paper with a survey of data from sociolinguistics that demonstrate the breadth of the variety of ways in which natural languages make it possible for a speaker to express a particular content. I showed how sociolinguists have characterized the differences between various extensionally equivalent expressions in terms of their social meanings, and I gave reasons for thinking that regardless of what the right philosophical characterization of the mechanisms involved in the production of such meanings turns out to be, they can be usefully distinguished in speech act theoretic terms. Following Eckert (2012)'s presentation of third wave thinking in variationist sociolinguistics, I claimed that speakers use one or another variant in order to construct a public persona and position themselves in social space, with regard to their interlocutors, to other groups and individuals, and to the questions that are socially salient at a particular time and place. Finally, I claimed that this fact raises significant new questions about linguistic justice—if different people are differently empowered with regard to the speech acts they can realize by means of variation, this means that different people are, in a sense, more free to manoeuvre socially than others.

Importantly, I do not mean to suggest that injustices of this form are the only or the most important problem that is likely to be faced by speakers in this position, or even that the asymmetry in familiarity of the sort I described in the previous section is the only or the most important factor with deleterious

illocutionary consequences. I imagine that in most cases, the kind of asymmetry I have focused on here will play the role it does in conjunction with familiar first-order prejudices about race, gender identity, class, geographical origin, and so on. Nevertheless, I think that the forms of illocutionary disablement I have called attention to here raise substantial ethical questions that have so far been obscured by standard thinking in the philosophy of language. By calling attention to the speech act theoretic work done by sociolinguistic variation, I hope to have provided a foundation that will be useful to philosophers as we begin to take work on linguistic justice in new directions.

Although I have focused my discussion here on ethical challenge raised by variation, my hope is that identifying their outlines will be the first step towards a philosophical conversation about possible strategies for mitigation. Should governments encourage media visibility for speakers of diverse dialects? Should some minimal standards for diversity be a requirement for a broadcast license? Questions like these have been asked in many countries, but to the best of my knowledge, are not questions that have been motivated by the kind of speech act theoretic considerations I have adduced here. If the considerations I have advanced concerning the relationship between a person's social autonomy, however, and their ability to navigate maximally freely in speech act space are correct, then questions like these and other possible mitigation strategies take on a new dimension of significance.²⁰

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