

# Illocutionary ambiguity (ILLA-Conference 2017, Freiburg)

## Using legal analysis as a tool for linguistic research in illocutionary acts

### Introduction

Tactical use of illocutionary ambiguity by uncooperative speaker

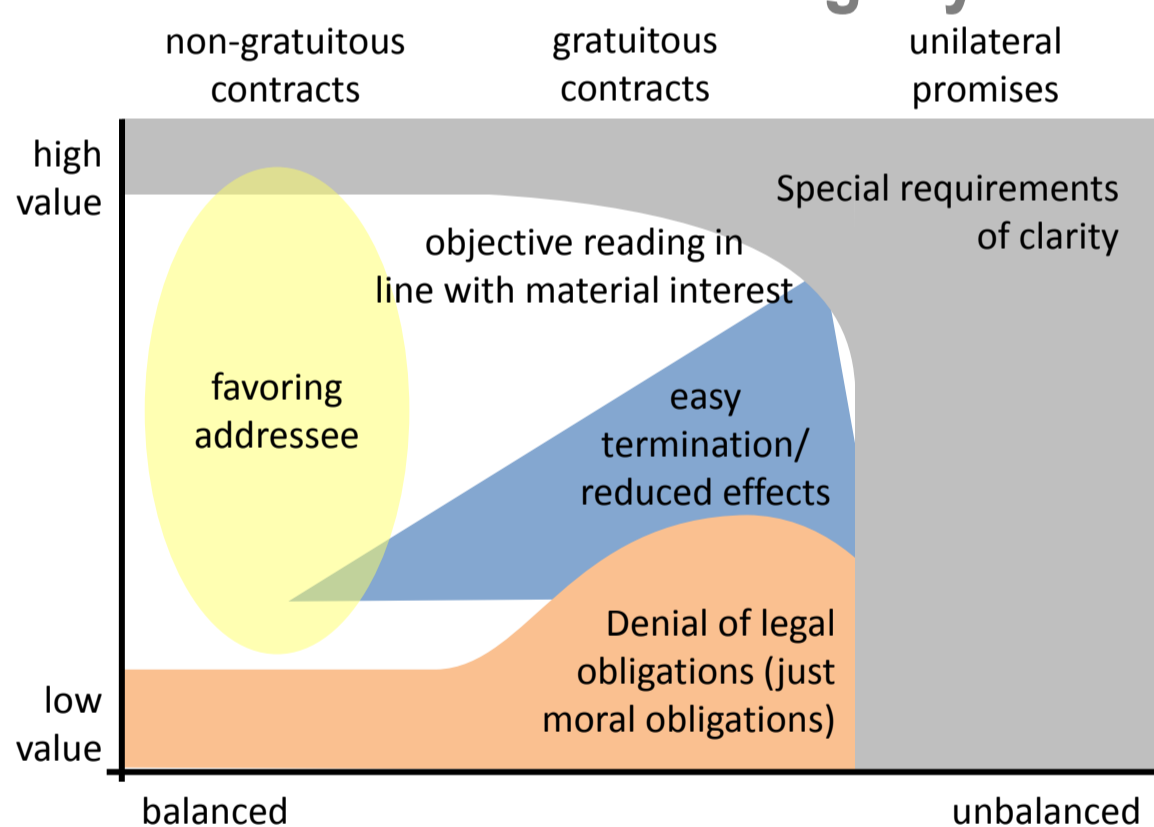
### Theoretical background

- Illocution as framework for creating social effects with communication
- Illocutionary force determining applicable social rules

### Research question

How do illocutionary rules react to the abuse of illocutionary ambiguity?

### Observed illocutionary legal reactions to tactical ambiguity



### Findings

There are different and specific reactions to minimize the effects of illocutionary ambiguity. This ranges from denying legal effect (special requirements of clarity; just moral effects) to mitigating the possible effects of the ambiguity (interpretation, reduced legal effects and binding). Thus there is little space for uncooperative speakers.

### Methodical approaches and their challenges

- Armchair: detailed approach, but subjective bias influenced by social setting and normative preferences/little objective falsifiability
- Lab/Field: wider scope/objective verifiability, but results often unspecific/enormous costs
- Corpus: wider scope/objective falsifiability, but illocution rather social phenomenon

### Methodical approach: legal analysis

Analysing general and specific legal rules on illocution: What is legally binding; how is a declaration interpreted; what are the legal effects?

Advantages: detailed contents, no empirical research, objective/transparent discussion

### Set of examined constellations (in German Contract Law)

- Unilateral promises of speaker (e.g., gift/promise of gift)
- Gratuitous contracts (e.g., gratuitous mandate, gratuitous loan)
- Non-gratuitous contracts

### Gains of legal analysis

- Precise differentiation of situations
- Comparability with other social settings (especially other legal orders)

### Limits of legal analysis

Very specific area of formalised interaction (everyday intercourse as "moral" issue)

### Prospect of legal analysis

- New tool for specific circumstances
- Additional tool for differentiated impulses