

I of II: Consideration 2 – Speech Act Analysis

Is there consideration for the following promises (Yes/No)? Then **explain** your answer using speech act theory.

1. Mrs. Hammerhead's cat is stuck in a tree and won't come down. Just then a couple, arm-in-arm, walk by and Mrs. H says to the man: "If you get Pussycat for me, I'll give you \$37.50." The man effortlessly climbs the tree and returns the cat to its owner. Mrs. H. remarks on how well he climbs trees. The man replies: "Oh, I'm a fireman for the city and I've gone after a lot of cats." Is there consideration for Mrs. H's promise?
2. Susie Q, a student in linguistics 105, got 24 pts. (out of 25) on the midterm exam, turned in all her homework assignments, handed in her 3-page paper on the last day of class, and took the final exam on Monday (as scheduled that quarter). That evening at dinner, Mrs. Q, her mother, says: "Susie, darling, if you get an A in your linguistics course, I'll take you to Nordie's and buy you a new winter hat and coat." Three days later Susie checks the course web site for her grade. Much to Susie's and her mother's surprise and delight, Susie got an A+. Is there consideration for Mrs. Q's promise?
3. Mr. & Mrs. American have booked a hotel room for \$75 in San Francisco. When they arrive at the hotel the check-in clerk says: "If you attend a time-share presentation in our giant ballroom, we will give you your room for half price." Is there consideration for the clerk's promise?
4. Mrs. Vandersnoot, prim and proper, a socialite and dowager, has a favorite grandson who is gay. She says to him: "If you get married, and for as long as you stay married, I'll give you a generous allowance of \$6000 a month." Georgio, the grandson, and a young woman acquaintance get married. Although they don't have sex together they live in the same household and appear at social events as husband and wife. Is there consideration for grandma's promise?
5. Jake, a former New Yorker and a prototypical bachelor (no relation to Georgio), lives in Waikiki. With the holidays approaching he sends greetings to his friends back in the snow and the slush. He writes on his cards: "If you come to Hawaii, you won't have to stay in a hotel, but you can stay with me in my plush bachelor pad." Is there consideration for Jake's promise?
6. Hoffer is interested in getting as many people as possible to vote in his union's forthcoming election. He says to Julius, a union member who is eligible to vote: "If you vote in next Friday's election, I'll give you this valuable commemorative button that has a picture of George Bush on it." Is there valid consideration here?

7. Meg and Peg are at the horse races at El Caliente Racetrack in Tijuana. Meg is feeling particularly lucky and has just placed \$100 on the horse 'Mala Suerte'. Meg says to Peg: "If I win, I'll take you to dinner at this great seafood restaurant on Avenida Constitución." Is there consideration for Meg's promise?

II. Little Red Riding Hood (Review of 'hearsay')

Read the following unconventional version of the story of Little Red Riding Hood. Then answer the hearsay questions found at the end of the story. The numbers appearing on the left side of the story will be referred to in the questions.

Little Red Riding Hood (Adapted from James Finn Gardner, *Politically Correct Bedtime Stories*).

There was once a young person named Red Riding Hood who lived with her mother at the edge of a forest. One day her mother asked her to take a basket of fruit and some mineral water to her grandmother's house. On the way to Grandma's house RRH was accosted by a wolf:

- 1) **Wolf:** "What do you have in that cute little basket?"
- 2) **RRH:** "Some snacks for my grandmother, who is capable of caring for herself."
- 3) **Wolf:** "My dear, it isn't safe for a little girl to be out walking alone."
- 4) **RRH:** "I find your sexist remark extremely offensive."
- 5) **RRH:** "Now if you'll excuse me I'll be on my way."

Red Riding Hood continued on her way, taking the main path to her grandmother's house. But the wolf knew a shortcut and got there first. He burst into the house, gagged the grandmother, shoved her into a closet, then he put on her night clothes and crawled into bed. A half hour later Red Riding Hood entered the cottage.

6) **RRH:** "Grandma, I have brought you some sodium-free snacks to salute you as a wise and nurturing matriarch."

7) **Wolf:** "Come closer, my child, so that I might see you."

8) **RRH:** "Oh, Grandma, what big teeth you have."

The Wolf leaped out of bed and grabbed Red Riding Hood in his claws. She screamed. Her screams were heard by a woodchopper-person, who just happened to be passing by. He ran into the house, approached the wolf and raised his ax to strike.

9) RRH (to the Wood-Chopper): “And what do you think you’re doing, bursting in here like that?”

10) RRH: “Sexist! Idiot! Neanderthal! How dare you assume that women and wolves can’t solve their own problems without a man’s help.”

Assume that a Witness (in court) is relating this story as something she observed as she walked through the woods and then subsequently as she stationed herself outside the window of Grandma’s house. In telling her story, the Witness quotes utterances made by Red Riding Hood and the Wolf, both of whom are **NOT** in the courtroom. For each of these out-of-court statements, decide whether or not it is **hearsay** and **give an explanation** for your decision based on **speech-act theory**.

The number before each question refers to the numeral in the left margin of the text, which is where you will find the particular utterance at issue.

- 1) Issue: That the wolf asked Red Riding Hood about the contents of her basket.
- 2) Issue: That Grandmother was quite competent to take care of herself.
- 3) Issue: That the Wolf gave a warning to Red Riding Hood.
- 4) Issue: That the Wolf made a sexist remark.
- 5) Issue: That Red Riding Hood excused herself on leaving the Wolf.
- 6) Issue: That Grandma was a nurturing woman.
- 6) Issue: That Red Riding Hood believed that Grandma was a wise matriarch.
- 7) Issue: That the Wolf told Red Riding Hood to come closer.
- 8) Issue: That Red Riding Hood thought that Grandma had big teeth.
- 9) Issue: That Red Riding Hood made an inquiry to the Wood-Chopper Person.
- 10) Issue: That Red Riding Hood used a few uncomplimentary names in addressing the Wood-Chopper Person.
10. Issue: That the Wood-Chopper Person was a sexist.