

Emma Tieffenbach (Università della Svizzera Italiana / University of Zürich)

Title:

*How to Make Gifts With Words*

Abstract:

Speech act theorists take a gift to be among the range of things we can do with words. They also disagree regarding the extent of the giftee's participation in the act. Can a gift be made unbeknownst to its recipient? If not, is the latter required to accept the gift in addition to hearing and understanding the utterance through which it is made? Because they give their insights about gifts in passing, speech act theorists also leave important aspects of the act in the dark. In particular, they hint at the power of gifts to modify the deontic status of its two parties, but they also leave the details of the related changes to one's guess. To further reflect on how gifts are made with words, I mobilize Adolf Reinach's *The Apriori Foundations of the Civil Law* (1913). Reinach has written very few and sparse remarks on gifts. However, his theory of "social acts" provides the notions and distinctions to elucidate the aspects of gifts that Austin and his followers have parenthetically addressed or neglected. The main results of the present Reinachian inquiry are that gifts do require uptake, but not acceptance and that their deontic powers become visible if, instead of focusing on the *thing* that is gifted, as Austin did, we look at the *ownership* over that thing and its *transfer* to the giftee.