

Journal for the History of Analytical Philosophy

Volume 9, Number 9

Editor in Chief

Audrey Yap, University of Victoria

Editorial Board

Annalisa Coliva, UC Irvine

Vera Flocke, Indiana University, Bloomington

Henry Jackman, York University

Kevin C. Klement, University of Massachusetts

Consuelo Preti, The College of New Jersey

Marcus Rossberg, University of Connecticut

Anthony Skelton, Western University

Mark Textor, King's College London

Editor for Special Issues

Frederique Janssen-Lauret, University of Manchester

Review Editors

Sean Morris, Metropolitan State University of Denver

Sanford Shieh, Wesleyan University

Design and Layout

Daniel Harris, Hunter College

Kevin C. Klement, University of Massachusetts

ISSN: 2159-0303

jhaponline.org

© 2021 Edward Guetti

Cavell and the "History of the Rejection of the Human"

Edward Guetti

This essay focuses on the explosive claim Cavell inserts in the middle of *The Claim of Reason* that a narrative history of a certain style of philosophy should be called "Philosophy and the Rejection of the Human." In order to understand the accusation, I shape interpretations of what Cavell means by nearly each of the terms of this dramatic sentence. I begin by comparing senses of "philosophy" by way of a comparison with Rorty's critical review of *The Claim of Reason*; I proceed by underlining how, in Cavell's work, the notion "human" and its rejection *also* is entangled with that which Cavell describes as "skepticism." It is necessary, therefore, to understand whether there is a specific characteristic difference between skepticism and the style of philosophy that is implicated in the "rejection of the human." It seems as if there *should* be a difference, given Cavell's notorious approval of the *truth* or the *moral* of skepticism and the apparent criticism of the philosophical style that rejects the human. I show that the difference can be discovered by focusing on Cavell's understanding of criteria. In particular, I emphasize the (open) space of a subject's relation to criteria, a subjective claim to universality without objectivity, in pursuing and extending Cavell's own appeal to Kant's *Critique of Judgment*. It is this subjective component that is rejected in the style of philosophy that Cavell singles out.

Special Issue: Recovering the History of Analytic Philosophy with Stanley Cavell

Edited by Edward Guetti and G. Anthony Bruno

Cavell and the "History of the Rejection of the Human"

Edward Guetti

The problem is no longer how to do what you want, but to know what would satisfy you. We could also say: Convention as a whole is now looked upon not as a firm inheritance from the past, but as a continuing improvisation in the face of problems we no longer understand. (Cavell 2002, 201)

In the middle of *The Claim of Reason*, Stanley Cavell makes a startling accusation that entire traditions of philosophy have rejected the human, but he does not pursue any explicit clarification of this extraordinary accusation. This paper considers the reasons that could be provided across Cavell's texts for this accusation and considers its applicability to foundational perspectives in the history of analytic philosophy. In order to render the terms and the force of this accusation clearly, we must consider the following questions: what reason do we have for thinking that there is anything worrying about traditional philosophy's relationship to the human? What is the meaning of the rejection of the human? What distinguishes this accusation from Cavell's famous examination (and valorization) of the truth of skepticism? In other words, what makes the accusation of the *rejection* of the human a distinct problem within other (apparently acceptable) varieties of skepticism? I then provide explanations of Cavell's use of terms from both Wittgenstein's and Kant's later philosophies in order to fully elucidate the point of the accusation. The upshot of these explanations is to better connect the accusation with formative moments in the early development of analytic philosophy, of which I provide examples in the conclusion. I conclude by illustrating what Cavell means by a practice of philosophy that is not founded upon this rejection.

1. Why Worry About Traditional Professional Philosophy?

As Cavell describes it, Wittgenstein's importance as a philosopher of culture is to be grounded on his evaluation of his own time as a "world beyond recovery by morality, in which moral relationship itself declines society" (Cavell 1989, 77), but also "into the balance against this. . . Wittgenstein stations nothing more nor less than a practice of philosophy—and moreover a practice that is based on the most unpromising ground, a ground of poverty, of the ordinary, the attainment of the everyday." (1989, 77) It is not surprising (although it may seem equally unpropitious) that Cavell locates his own vision of a renewal or realignment of philosophy around this practice. In describing the composition of *The Claim of Reason*,¹ Cavell remarks that one of the earliest aspirations of his philosophical writing had been to "realign" the "English and Continental traditions. . . after their long mutual shunning" or, failing that realignment, to at least "write witnessing the loss in that separation." (CR, xvii)

If it seems unfavorable to us now, it appeared equally so to Cavell. He plainly recognized the idiosyncrasy of Wittgenstein's later philosophy, specifically the style of writing, as "not of a character that lends itself to professionalization." (CR, xx) Later, Cavell claims that "Wittgenstein is still *to be* received. . . his work, and of course not his alone, is essentially and always to be received, as thoughts must be that would refuse professionalization." (CR, xx–xxi) Precisely because of this thought of being a perpetual outsider to the professional life of North American philosophy, Richard Rorty, in his review of CR, sought to critically nudge Cavell away from his devotion to reckoning with the tradition:

But if one is not concerned about being professional, why worry about 'American philosophical life'? The latter phrase can only refer

¹Cavell (1979), henceforth "CR" followed by page number.

to current trends in fashionable philosophy departments. Among intellectuals generally, Wittgenstein is in fact being read, and used more and more. It is only within certain philosophy departments that he, and 'Oxford philosophy,' are *vieux jeu*. (Rorty 1981, 761)

But this accusation too quickly passes over the rich relations with the past or alternate traditions that Cavell marks out (both in CR and beyond).² In describing the lines he wished to keep open specifically with "the reception of ordinary language philosophy" (1979, xviii), Cavell himself notes that there absolutely *were* developments in this reception in the fifties and sixties, to be seen as "one significant reaction, the principal inner reaction, away from, or beyond, the reception of logical positivism in the thirties and forties." (1979, xviii) So, Rorty's presentation of the datum of reception, even the attitude that Wittgenstein and Ordinary Language Philosophy are *vieux jeux*, entirely misses Cavell's deeper claim. Cavell characterizes this flurry of activity as "producing, so it seems to me, a kind of immunized state." (1979, xviii) The "immunizing" effect of the historical reception of Wittgenstein and Austin must be understood as the development of systemic resistances, protecting professional philosophy from exposure to Wittgenstein and Austin.³ Where Rorty sees boredom, Cavell sees evasion.

This immunization against the philosophical insights of Wittgenstein and Austin, which presents itself as an exhaustive flurry of activity, is not to be detected by assessing the quality

²One way of reading the first three of Cavell's 1983 Beckman Lectures at Berkeley, collected in Cavell (1989, 3–75), is as a long response to Rorty's question "why worry about professional philosophical life in North America?"

³One might understand Rorty's response to what he regarded as Cavell's apparent preciousness concerning the worth of maintaining an idea of American philosophical life if one compares Rorty's notorious antipathy towards the idea of a specifically philosophical discipline against Cavell's efforts to have, for example, Emerson and Thoreau recognized as philosophers. For a compelling broader account of the differences between these two see Mahon (2014).

of argumentation produced in the reception.⁴ In one of Cavell's earliest publications he already dismisses this approach:

Traditional forms of criticism, of logical refutation preeminently, are unavailing. Our new problems do not arise through inconsistency or falsehood; they are worse than false, and *they are all too consistent*. What one must do is to alter the terms and ground upon which the whole argument rests. (Cavell 1964, 959, my emphasis)

There is a mutual reinforcement of the sense that something is *lost* when the tradition becomes immunized against work of Wittgenstein (and Austin) and the separate recognition that this loss will not be expressible within the "all too consistent" standards of traditional philosophical argumentation. The key that Cavell turns here is not to think of these as independent formations but as expressions of a common underlying tendency. This prognostic moment prepares the diagnosis of the rejection of the human.

Rorty would be correct were he claiming that some of the slogans or methods associated with Wittgenstein and Austin had become *vieux jeu*. After all, in tracing versions of the appeal to ordinary language, Cavell marks out a line of thinking that stretches from G. E. Moore's defenses of common sense against philosophical alienations to one strain in the work of J. L. Austin.⁵ Against this line, Cavell contrasts the later work of Wittgenstein (and, to a qualified extent, of Austin) in appealing to "what we ordinarily say":

In [Wittgenstein and Austin] the emphasis is less on the *ordinariness* of an expression (which seems mostly to mean. . . an expression not used solely by philosophers) than on the fact that the are *said* (or, of course, *written*) by human beings, to human beings, in definite contexts, in a language they share: *hence* the obsession with the *use* of expressions. (CR, 206)

⁴Rorty portrays this as Cavell's approach for bridging traditions. See Rorty (1981, 767).

⁵See CR, 206–7. One way of narrating this line of thinking can be seen in the contributions to Chappell (1964) by Malcolm and Ryle.

Versions of this thought—i.e., that the meaning of an expression is a function of its use—had already been broadly recognized even in Frege’s context principle as it occurs in his *Foundations of Arithmetic* (1974).⁶ Context-sensitivity of meaning is not an exclusive possession of Ordinary Language Philosophy. Yet, in describing Wittgenstein’s particularity, Cavell emphasizes the *human contribution* to context: “The meaning is the use’ calls attention to the fact that what an expression means is a function of what it is used to mean or to say on specific occasions *by human beings.*” (CR, 206, my emphasis) But is it plausible that this mundane notice—that the analysis of what is said or meant is *that which is said by humans in definite contexts*—so thoroughly escaped philosophical attention? “That such an obvious fact should assume the importance that it does is itself surprising.” (CR, 206) It would, indeed, be surprising if such a trivial notice were *capable* of being neglected. Describing it as an “obvious fact” presents the matter as if the philosophical understanding of “use” or “context” were premised upon something tantamount to overlooking the number of coffee cups on a table or forgetting the current month. “The human contribution to what is said” might sound like “the numerical contribution to addition” or “the painter’s contribution to the painting”: a pointless addendum. Can these be said to suffer *neglect*? Such addenda can be outlined as ambiguously either as the sorts of statements that Wittgenstein describes as “idling” (2001, §132), which provoke a mesmeric philosophical fantasy, or the sorts of statements that he thinks of as “reminders for a particular purpose” (2001, §127) whose obviousness, when recognized, precipitates the collapse of philosophical constructions. Whether the “human contribution to what is said” is an idling verbal engine or the initial step of clarifying self-recovery cannot be settled *a priori*.⁷ A pro-

⁶See Frege (1974, §60).

⁷As James Conant has convincingly argued, there is no *general form of the reminder* in the later Wittgenstein as there was a *general propositional form* in the *Tractatus*. See Conant (2020, 962–83, esp. 977–83).

ductive line of response must consider how it is *possible* for any human contribution to the constitution of linguistic meaning to have been suppressed or rejected by the philosophical analysis of linguistic meaning.

The subsequent sentences of CR prepare the unwieldy and exotic accusation that the history of traditional philosophy is a history of the rejection of the human.

[T]o trace the intellectual history of philosophy’s concentration on the meaning of particular words and sentences, in isolation from a systematic attention to their concrete uses would be a worthwhile undertaking. It is a concentration one of whose consequences is the traditional search for the meaning of a word in various realms of objects, another of which is the idea of perfect understanding as being achievable only through the construction of a perfect language. A fitting title for this history would be: *Philosophy and the Rejection of the Human*. (CR, 206–7)

It is a sweeping accusation, but what does it mean and how much significance should be attributed to it? What is at stake in judging that a tradition of philosophy rejects the human?

2. What is the Rejection of the Human?

What I am trying to make out is *how* [the philosopher] has dismissed himself; and therewith delineate a danger we all run, a fact about human knowing. (CR, 222)

The accusation that traditional philosophy “rejects the human” appears in the eighth chapter of CR, where Cavell pursues a scattered and segmented argument against a set of positions that he attributes to the “philosopher.” It is clear from the identifying features of this chapter (and elsewhere) that Cavell thinks of the “philosopher” not as any particular person but, rather as a *type* that includes, at least, wide lineages of thinking from Descartes to founding figures of the analytic tradition (Moore, Frege, and Russell are all mentioned in this chapter). The chapter itself advances, in a reformist Wittenbergian spirit, a series of

theses about “the philosopher”: “The Philosopher’s Ground for Doubt Requires Projection,” “The Philosopher’s Project Poses a Dilemma,” “The Philosopher’s Context is Non-Claim,” and “The Philosopher’s Conclusion is Not a Discovery.” Although this sequence of claims in the text is generally offered with examples from epistemological arguments, it need not be thought to pertain exclusively to epistemological questions.

One provisional way of addressing what is at stake in the accusation describing a rejection of the human approaches the accusation as a methodological assertion: that, at best, there is an unavoidable non-relation and, at worst, a substantial distortion inherent to traditional frameworks for understanding linguistic normativity. Although this provisional expression of the point of the ‘rejection of the human’ is partially correct, it does not exhaust the point of Cavell’s accusation. To get this properly in view, we will need to step back from this passage and consider wider samples from Cavell’s texts to understand how this intersects with the themes of *skepticism* and *criteria*.

In a later lecture, Cavell remarks that a principal claim of *The Claim of Reason* is that Wittgenstein’s *Investigations* is “endlessly in struggle with skepticism” (1989, 56) and to maintain that ideal epistemic or semantic conditions only serve as a propulsion towards evasion and emptiness. This conception of ideality represents a frame of mind that requires that “[a]nything short of the ideal is arbitrary, artificial, language at its most mediocre. I must empty out *my* contribution to words, so that language itself, as if beyond me, exclusively takes over the responsibility for meaning.” (Cavell 1989, 56–57) This thought is a paraphrase of the parable of ice in Wittgenstein’s *Investigations*, where he remarks on requiring the applicability of the “crystalline purity of logic” in the analysis of language use. In the requisite space for analysis we seem to have entered a region of “slippery ice where there is no friction and so in a certain sense the conditions are ideal, but also, just because of that, we are unable to walk.” (2001, §107)

Both passages iterate a connection between idealization, automatization (“language itself . . . takes over”), formalization, and a diminished or vanishing human ability (to walk, to contribute meaningfully to language use). Within the philosophy of language, it is a surprising connection to make insofar as one might describe the historical demand for logical form or the possibility of schematization as a route for ensuring the possibility of meaningful communication and objective analysis. In CR, however, this motivation to evacuate any subjective contribution to meaningful communication appears as the philosopher’s compulsion to “speak without the commitments speech exacts.” (CR, 215) CR formulates this compulsion as an evasion of responsibility, subjective commitment, worldliness, and, thus, speech or language itself. Cavell illustrates this mode of uncommitted or irresponsible speech with an existentialist motif of avoiding the responsibility of subjective decision-making. He frames this as the desire “to get the world to provide answers in a way which is independent of our responsibility for *claiming* something to be so (to get God to tell us what we must do in a way which is independent of our responsibility for choice).” (CR, 216) This, we might say, is the existentialist analogue to the approach that portrays language as able to “take care of itself” without any particular subjective (human) commitment. This analogy will be cogent to the extent that we can identify the degree to which actual speech, everyday language use (“what we say”), structurally makes a demand on the claiming subject to take on a personal responsibility in the same way that reflecting upon “what we do” reveals first-personal commitments.

It must be remembered, also, that Cavell’s accusation is not merely that a rejection of the human occasionally happens, but, rather, that it is characteristic of philosophical practice so that the *history* of philosophy is a history of the rejection of the human.⁸ Moreover, what basis is there for understanding this as a

⁸One of Cavell’s well-known legacies is surely to have shown how dynamics of Shakespearean drama, literary romanticism, and other works of literature

criticism? Indeed, one of Cavell's formulations is that "nothing could be more human" than the denial of the human, to remove, as it were, the living animal from meaningful language use. (CR, 207) In contrast, the contributions of Wittgenstein and Austin are described by Cavell in the same passage as putting "the human animal back into language and therewith back into philosophy." (CR, 207) If we are able to isolate this drive that seeks to replace subjective conditions with generalizable and *a priori* available forms, then we seem to have isolated what is meant by the *rejection of the human*. The force and cogency of this accusation will rest upon (a) the degree to which we would admit that meaningful language-use depends upon a subjective contribution that, in particular, cannot be generalizable *ex ante*; (b) the extent to which this should be grasped as a culpable idiosyncrasy of "the philosopher"; and (c) the relation between "the philosopher" of Cavell's chapter and actual philosophers.

3. What is the Difference Between the Rejection of the Human and (the Truth of) Skepticism?

... it is felt that Wittgenstein's view makes language too public, that it cannot do justice to the control I have over what I say, to the innerness of my meaning. But my wonder... is rather how he can arrive at the completed and unshakable edifice of shared language from within such apparently fragile and intimate moments—private moments—as our separate counts and out-calls of phenomena, which are after all hardly more than our interpretations of what occurs, and with no assurance of conventions to back them up. (CR, 36)

It is necessary to admit certain mitigating considerations that Cavell does not make explicit against the somewhat dramatic

and film can be understood as engagements with this problematic dynamic. The difference here between these artistic representations and philosophical practice will involve a discussion of skepticism. "But while philosophy has no monopoly, I of course think the fate of skepticism is peculiarly tied to the fate of philosophy, and that only in that tie are they both to be decided." (1989, 57)

sense of *culpability* attached to Cavell's accusation of the tendency to reject the human. Nothing could be more human than, in the words above, removing the human animal from philosophical accounts of knowledge and meaning. Whence the sense that there is some guilt or error? Any attribution of guilt would need to confront the sense in which the rejection of the human is a motor of cultural, philosophical, and even scientific industry. In Cavell's own terms, the rejection of the human seems to apply to all endeavors to overcome or solve that mystery which is insisted upon in this oft-cited passage from the end of the eighth chapter of CR concerning the "truth of skepticism":

An admission of some question as to the mystery of existence, or the being, of the world. . . implies. . . what I have called the truth of skepticism, or what I might call the moral of skepticism, namely that the human creature's basis in the world as a whole, its relation to the world as such, is not that of knowing. (CR, 241)

The rejection of the human can be understood as a response to the truth of skepticism. Again, for Cavell, this is no theoretical error; the "struggle with skepticism" is "human, it is the human drive to transcend itself, make itself inhuman." (1989, 57) The central term, "the human," is to be understood in two competing ways: as bound by non-ideal conditions of knowing and meaning yet, also, as the drive (and driven) to deny the binding authority of these conditions. Given this complex self-relation, "rejecting the human" is not obviously a mere denunciation. *Rejecting the human* could seem to be an enabling condition for the desideratum of *transcending the epistemic limitations of human existence*, of establishing objectively intelligible form. It seems to be a variation on the theme of Cavell's diagnosis of skepticism. But to leave things thus only displaces the need to understand that which is being *rejected* or *transcended*. We need to arrive at a better grasp of, as it were, the aetiology of this rejection rather than tracking its symptoms (which seem, in Cavell's texts, to be innumerable).

This calls for a clarification of the idea of the disavowal of human conditions of knowing, acting, or meaning. The disavowal of these conditions is representative of the skeptical attitude at large, broadly recognizable as such from ancient to modern forms of skepticism, including external world skepticism and other minds skepticism. It expresses a sense that no epistemic, practical, or semantic norm could be known to be foundational. For Cavell, the *truth* of this attitude is an anti-foundationalist position with respect to epistemic grounding: the human creature's being in the world (including conditions for what we say) is not one that is founded upon objective knowledge. The autonomy of the normativity of human practices must be acknowledged apart from any form of anti-skeptical grounding. This is the heart of Cavell's positive anti-foundationalism, the truth of skeptical groundlessness. A sufficient elaboration of this position will include a discussion of criteria, the kind of agreement obtained in forms of life, the hazards of interpersonal recognition, and the necessity of rearticulating or reforming the terms of one's sociality.⁹

But the disavowal of human normative conditions is not always recognized as such. Cavell elaborates tactics of this disavowal as "The Quest of Traditional Epistemology" (chapters six and eight of CR) and shows how these tactics can only be thought to achieve unrepresentative results. The first example to consider is the basis upon which you know that another person is angry. Whatever response that is given, call it *x*, ("from his behavior, the way he acts . . ." CR, 161), the skeptic is able to pursue the apparently reasonable possibility that someone might *not* show *x* and still be angry (or, might show *x* and not be angry). After examining this pattern in this context (CR, 162–63), Cavell breaks from the line of thought to confess: "I want to say: It isn't that we *don't* know from his behavior ('by means of the senses', 'because I see it') but that *that* is not *how* we know,

are in a position to say, are competent to judge, here and now that this man is angry." (CR, 163) The second example involves a consideration of Moore's attempt to circumvent a skeptical impasse (which here will be centered on the question: 'But did you see *all* of it?') by thinking about what we would say after Moore holds up an envelope to us. (CR, 219) Even though the example might be thought to be advocating a theoretical line that Cavell should welcome (i.e., that ordinary language-use outstrips technical epistemological defenses), this is not Moore's aim in the argument. After holding up the envelope, we imagine (as Cavell cites it) Moore saying: "We should certainly say (if you have looked at it) that we all *saw* that envelope. . . the *same* envelope." (CR, 219) "But," Cavell replies, "'should say' here only means: there are occasions on which we would in fact say this, claim it. But this is not one of them." (CR, 219) After comparing Moore's set up with that of a huckster or magician, Cavell describes the heart of the problem with Moore's example:

I take it that Moore's use of 'say' means that we should certainly claim, if we looked at it, that we all saw it. But, taken literally, that is mad: it suggests that whenever any of us sees anything we claim to see it, e.g., that flower, its shadow, this sheet of paper, the piano as I look up, etc.—everything catches our attention, every moment. 'Obviously', it will be said, 'he doesn't mean that.' No; he can't mean that; yet he must somehow mean that we would somehow claim to see it; and the reason he has for supposing that we would is simply—that we looked at it. (CR, 219)

In both the approach of skepticism (in the "anger" example) as well as the anti-skeptical *response* (Moore's envelope), the traditional epistemological terms (behavior, feeling, seeing the envelope as opposed to seeing "part" of it, or *really* only seeing sense-data) are premised upon claims of what we say which Cavell claims are not representative of what we would say. Cavell's argument is that we would not say that we *know* that someone is angry (or that we see an envelope) entirely from her outward behavior (from someone holding it up, from the sense-data), but

⁹See CR, 37–48, 231–43, 329–496.

we equally wouldn't say that we *don't know* that someone is angry from her behavior. This is a paradox only if we presume that the terms of the epistemological setting (i.e., feeling, outward appearance, the propriety of the "all of it?" question, sense-data, etc.) are fixed as the only available terms to use. And who fixes them there? The question, after all, is what *we* would say about these situations. It is not that what we see *does not* include a particular whitish color in a certain shape but that is not a sufficient description of *how* we understand ourselves to have a reason to (or to be in a position to) say "I see an envelope."

In short, the sense of skepticism that Cavell valorizes as true is rooted in his anti-foundationalism. The operations of skepticism that are being drawn out within the Quest of Traditional Epistemology, the "traditional skeptical" argument (about knowing when anyone is angry) or a representative "anti-skeptical" argument (from Moore) both trade on unrepresentative claims of what we say. In saying that these are "unrepresentative," I do not mean that no one would say them (plainly, this is not the case). I mean that they are not observant of the situatedness of what we say (i.e., Cavell's emphasis above that meaning is a function of use *by humans*) and have little truck with any but the thinnest contextual considerations which are arbitrarily insisted upon in the (anti-)skeptical set-up.¹⁰ These represent a disavowal of human normativity but not in the sense that they accede to anti-foundationalism. Instead, they reject the relevance of the *human* contribution to normativity,¹¹ which here would include being

¹⁰In Cavell's directive cues: "the philosopher's context is non-claim" and "the philosopher's conclusion is not a discovery." See CR, 217–24.

¹¹An anonymous reviewer has commented that this passage seems to imply "normativity from non-human sources." It is not clear to me if the reviewer means that the philosophers who are on the quest of traditional epistemology are accepting non-human sources of norms or whether the statement "*human* contributions to normativity" on its own suggests non-human sources. To be clear: I take Cavell to be claiming that the quest for traditional epistemology is predicated upon the hope that there are non-human contributions to the norms of our practices and that the vagaries of human situatedness and potentially

"in a position to say" as well as avoiding the particular responsibility for saying something by thinking that the determination is entirely given through external means (i.e., by behavior alone, by sense-data). Now that I have distinguished between the rejection of the human visible in responses to the *truth of skepticism*, I will properly explain the details of the *rejection of the human* as it features in the critical indictment of traditional philosophy. To do so, I will now turn to the terminology that Cavell develops out of Wittgenstein and, then, Kant.

Returning to Wittgenstein's parable of the ice, in calling for a return to the "rough ground" (2001, §107) or, in the subsequent passage, to rotate the axis of our investigation "around the fixed point of our real need [*um unser eigentliches Bedürfnis als Angelpunkt*]," (2001, §108) it is clear that these returns and realignments of angles of investigation can only be taken as guides if we are able to recognize and distinguish the rough ground from ice, to recognize a region of familiarity or sanity apart from its skeptical imposters. This ability to distinguish the familiar from its counterfeits should not be understood as an ability that secures certain determinate norms of speech or thought once and for all, but, as is dramatized by the intrusion of interlocutory voices in *Philosophical Investigations* and in CR, as always only imperfectly or partially achieved.¹²

One conception of familiar normative ground could be understood to be the capacities that are acquired by (and as) a native speaker of a language. One familiar model would present these capacities as an array of normative rules. This conception of rules might be understood as bearing an internal affinity with logi-

creative rearticulations of "what we say" ought to be eliminated whenever possible. The elimination of a meaningful subjective contribution is a necessary condition for the possibility of the determinative, objective, and stable norms that are the hallmark of philosophical analysis.

¹²See Das (2019) for a cogent emphasis on the dual character (skeptical and restorative) of the everyday. See also Cavell's play on the word "partial" in the first chapter of Cavell (1990).

cal form, bearing the same universal apriority as logical laws, or such a conception of normative rules might be articulated as conventions which either resist a complete logical transcription or which suppose nothing about reality.¹³ Cavell clearly departs from the conception that is shared between these two presentations of normativity as rules/conventions: that a native speaker's competency can be understood as the grasp of impersonal, (necessarily) antecedently available, and generalizable thetic norms.¹⁴ Importantly, the domain of such forms and rules would also include a sense of what we *ordinarily* say were this to be interpreted as data available as an everyday lexicon, a book of phrases or reports gathered from quotidian (i.e., putatively non-philosophical) occasions.¹⁵

The norms of language-use are not, as Stephen Mulhall puts Cavell's thought, "a system of precisely defined and wholly transparent linguistic principles, a body of objective linguistic expertise which ultimately authorizes any claim one might make concerning what is said when." (Mulhall 2006, 6) Rather, for reasons to be echoed below, competency of such abstract rules,

¹³It would be interesting here to compare Quine's developing sense of convention, from the 1934 lectures on Carnap—where we read: "The analytic depends upon nothing more than definition, or conventions as to the uses of words. But in the ordinary uncriticized language of common sense we have little to do with deliberate definition. We learn our vocabulary through the usual processes of psychological conditioning. We proceed glibly to use our vocabulary, and so long as we move among compatriots we get on without much difficulty: for their conditioning has been substantially the same as ours. At this level we feel no need of defining terms, or introducing deliberate conventions as to the use of language." (as in Creath 1990, 49)—and essays where Quine seeks to undermine the anti-metaphysical syntactical-conventionalist project that he identified in Carnap. See Quine (1936); Putnam (1981); Hylton (2001), and Soames (2014, 207–30).

¹⁴As, e.g., the notorious rule-following paradox emerged in the wake of Saul Kripke (1983). Cavell's specific responses to Kripke can be found in his Cavell (1990, 64–100) and (2005, 132–38).

¹⁵For such an approach, consider the example of Friederich Waisman as presented by Coliva (2019), or Moore's conception of "correct language" as presented by Malcolm in Chappell (1964).

forms, or principles as are available will be deficient for the actualization of language's normative capacities. Such actualizations characteristically require a personal authorization (meaning: entirely the subject's responsibility, ultimately unconstrained by impersonal normative entailments) of one's own projection of words or phrases into new contexts. At such a moment, any speaker, in producing what she would say in her native language about something that is novel in any way at all, exhibits a capacity for speech that "is ultimately based on the speaker's self-reliance." (Mulhall 2006, 7) That is to say: exhibiting mastery of one's own native language requires the ability to draw upon a mode of non-generalizable subjective capacity, which, in Mulhall's telling, is essentially a form of self-reliance of the subject "to make manifest the criteria governing her use of words." (2006, 19)

There is, moreover, no reason to think that this experience of an ultimately non-generalizable or -transferrable subjective (spontaneous, improvisatory) capacity is restricted *only* to the contingent cases of encountering novel circumstances. This seems to present the circumstances that invite the imaginative projection of words or phrases as if it were the case that it were only required on extraordinary occasions.¹⁶ But the conditions that invite imaginative projection are not exhausted by exceptional circumstances if these are understood as impingements from beyond the boundaries of a secure zone of mastery. There is, in

¹⁶As can clearly be seen, a modification of this qualification of the familiar and the unfamiliar can easily be structured around the arbitrary delineation between what is *non-philosophical* or *ordinary* and what is *philosophical* or "*metaphysical*." It is a superficial delineation which enervates the appositeness of the need for imaginative projection. This mode of opposing the familiar against the novelty also seems to present human language-use on the "side" of the familiar, so to speak, as always untroubled, as if everyone always has something appropriate to say. One polarizing way of presenting this delineation between the familiar and the unfamiliar is to say that it denies the possibility that things, people, words, phrases, or events may present themselves as uncanny (i.e., something strange or unfamiliar dawning within the horizon of the familiar).

principle, no external limit to the possibility of “new contexts. . . , new needs, new relationships, new objects, new perceptions to be recorded and shared” (CR, 180), but Cavell’s reflections also cast doubt on the pretense of having already conceptually domesticated the wild or unforeseen possibilities that might emerge *within* a familiar space. The process of being initiated into a form of life, of acquiring one’s mother tongue, “is never over. . . we keep finding new potencies in words and new ways in which objects are disclosed. The ‘routes of initiation’ are never closed.” (CR, 180)¹⁷

The capacity to imaginatively project a word is a constitutive capacity for the determination of the everyday linguistic normativity and, as Cavell understands it, the program of the canonical method of Ordinary Language Philosophy. The petition to imagine contexts for the words or phrases that are under consideration by the Ordinary Language Philosopher are not secured by empirical data, by the authority of College Presidents, or by the editors of dictionaries.¹⁸ This is all equivalent to saying that the question of “what we say” is not asking for a *prediction*. Yet, if it is neither open to prediction (anyone’s imagined projection is tautologically representative of her own sense), nor is entirely closed by laws (we are able to find “new potencies in words and situations”), then what is the proper descriptor to use concerning our relation to what we say? How do we become aware of the space of *possibilities* that govern the propriety of what we say without collapsing into either complete normative closure by rules or completely ungovernable privacy?¹⁹

¹⁷For more on the invitation to projective imagination, see CR, 147–67.

¹⁸Not only because to locate the authority in a one-sided way occludes the constitutive role of that claim being recognized, acceded to, granted, etc., by an audience, reader, etc. These considerations of what it means for knowing what we say to be potentially informed by experience, and so capable of being represented by an expert of some sort, are rooted in the criticisms of some of Cavell’s early essays made by Fodor and Katz (1963).

¹⁹Although they are concerned with a different context of problems, the “Kantian paradox” and conditions for improvisation, and similar answer to what I will provide here can be found in Bertinetto and Bertram (2020).

In “The Availability of Wittgenstein’s Later Philosophy”, Cavell describes Wittgenstein’s method of supplying reminders to resolve philosophical problems as giving

. . . facts about what we call (how we conceive, what the concept is, what counts as), for example, a piece of wax. . . And we could say that what such answers are meant to provide us with is not more knowledge of matters of fact, but the knowledge of what would count as various ‘matters of fact.’ Is this empirical knowledge? Is it a priori? It is a knowledge of what Wittgenstein means by grammar—the knowledge Kant calls ‘transcendental.’ (Cavell 2002, 64)

One of the hallmarks of Cavell’s novel reading of Wittgenstein is his tendency to promote unexpected historical connections, as can be glimpsed here in equating the Kantian transcendental with Wittgenstein’s concern with grammar and criteria as disclosing *possibilities* of phenomena.²⁰ “Criteria are not alternatives or additions to evidence. Without the control of criteria in applying concepts, we would not know what counts as evidence for any claim, nor for what claims evidence is needed.” (CR, 14) Criteria concomitantly enforce and are supported by considerations of what we say. They can be understood as the “governing” (but not absolutely foundational) factor which controls our expectations of kinds of claims that can call for evidence, but, more than that, they are what we, anyone, resort to in answering questions for epistemic justifications (“how do you know that. . . ?”, “how can you tell. . . ?” “what reason is there to think. . . ?”). Criteria, per Cavell, are elicited by Wittgenstein’s grammatical investigation, where this means eliciting thought about the *possibilities* of phenomena (ref needed) or the expression of (what has become of) “essence.” (2001, §371) Yet the full range of these possibilities is not articulable (once and for all) prior to any concrete instance of judgment.

²⁰See Wittgenstein (2001, §90): “Our investigation. . . is directed not towards phenomena, but, as one might say, towards the ‘possibilities’ of phenomena.”

Cavell's notion of Wittgensteinian criteria is an extension of the everyday sense of the term, but there are specific breaks or "disanalogies"²¹ with the ordinary sense. The everyday sense, according to CR, is gleaned from various fora of judgment²² which Cavell summarizes as: "specifications a given person or group sets up on the basis of which (by means of, in terms of which) to judge (assess, settle) whether something has a particular status or value." (CR, 9) Criteria not only tell us *what* kind of object of judgment anything is (including physical objects along with attitudes, names, artworks, etc., in other words: not marking only those objects which arise within a strictly empirical domain), but also outline possibilities for settling questions, establishing justifications, *about* our judgments.

The expansive function of criteria in Cavell's Wittgensteinian interpretation of "criteria" becomes clear in examining the disanalogies or breaks with the everyday sense. The first disanalogy with the ordinary sense of criteria is that, within the Wittgensteinian use, there is no "separate stage at which one might, explicitly or implicitly, appeal to the application of standards. To have criteria. . . for something's being so is to know whether, in an individual case, the criteria do or do not apply." (CR, 13) Call this the *foundational* or *non plus ultra* role of criteria. If there is any ambiguity in the application of criteria, then that indicates an important ambiguity *in the judgment itself*, that "the case is in some way 'non-standard.'" (CR, 13) The second disanalogy with the ordinary sense is that, ordinarily, the objects that call for criteria are given within a context of expecting an evaluation or are susceptible to an assessment of their status or ranking. But Wittgensteinian criteria, *per* Cavell, are much more *pervasive* than cases that explicitly call for an authoritative judge or panel of experts. "Remember the sorts of things Wittgenstein appeals to criteria to determine: whether someone has a toothache, is

sitting on a chair, is of an opinion, is expecting someone between 4 and 4:30, was able to go on but no longer is." (CR, 14) Call this the *pervasive* aspect of criteria. It should be read as Cavell claiming that his points of emphasis here are not exclusively *about* language use as such, "anyway not in any sense in which it is not also about the world. Ordinary language philosophy is about whatever ordinary language is about." (Cavell 2002, 95)

If we recall now that criteria are both enforced by and supportive of what we say, then the connection with Kantian transcendental logic becomes more plainly apparent. As opposed to *general logic*—which "abstracts from all content of knowledge. . . from all relation of knowledge to the object, and considers only the logical form in the relation of any knowledge to other knowledge; that is, it treats of the form of thought in general" (A55/B79) and "has nothing to do with the origin of knowledge but only considers representations" (A56/B80)—this "other logic" treats of "the origin of the modes in which we know objects, insofar as that origin cannot be attributed to the objects." (A55–56/B80)²³ Transcendental logic provides that "only by which we know that—and how—certain representations. . . can be employed or are possible purely *a priori*. The term 'transcendental' . . . signifies such knowledge as concerns the *a priori* possibility of knowledge, or its *a priori* employment." (A56/B80–81)²⁴ In Cavell's reading, this *transcendental* aspect of criteria is that which is produced in the Wittgensteinian investigation into the grammar of what we say, although its aprioricity shifts from Kant's designs (the *a priori* possibility of knowledge) to that which is discovered and recognized *through* subjective improvisatory hazards (or, possibilities of agreement in forms of life, possible communities).

Any philosopher who appeals to her sense of "what we say" is not providing a generalization that excludes her own partic-

²¹See CR, 13–14 and Mulhall (2006, 78–85).

²²Cavell supplies instances from governmental decisions, poetic and musical criticism, psychoanalytic diagnosis, university admissions, the historical application of Marxist theses, and economic evaluations. See CR, 8–9.

²³All references to Kant in this paragraph are to Kant (2007).

²⁴See also (Cavell 2002, 65).

ipation, nor is she making a predictive hypothesis, nor is she providing a summary of empirical data. Articulating “what we say” or “what we would (or should) say” about a particular event or context or made from within a particular difficulty (e.g., “What would *you* call such problematic behavior?”) exemplifies criteria. For Cavell, it is “a (supposed) *instance* of what we say. We may think of it as a sample.” (CR, 19) As an instantiating sample, any judgment of what we would say, structurally, partakes of a degree of subjective representativeness, although, as we see, this may be refused or overlooked in the philosophical scorekeeping, the judge’s proffered sense becomes, upon its utterance, a candidate exemplary standard of what we would say. Where there is conflict between judgments of what we would say, there is no appeal to a separate standard: this is the heart of the *non plus ultra* foundationalism of criteria.

One sample does not refute or disconfirm another; if two are in disagreement they vie with one another for the same confirmation. The only source of confirmation here is ourselves. And each of us is fully authoritative in this struggle. . . . But if disagreement persists, there is no appeal beyond us, or if beyond us two, then not beyond some eventual us. There is such a thing as intellectual tragedy. It is not a matter of saying something false. (CR, 19)

One of the consequences of this view is that criteria admit a wide, radical, variance of aptness, liable to the same shifts of mind or temperament as cultures or social formations, susceptible to similar fascinations or fetishes as we who speak them. They are *non plus ultra* foundational but are not completely determinative *a priori*, and, as such, are quite tenuously or partially realized (and never once and for all). The world is not given independently of the transcendental shaping provided by what we say. This could be an interpretive paraphrase of Wittgenstein’s Tractarian thought about the different worlds of the happy and the unhappy person, and it emphasizes a different thesis than the behaviorist-eliminativist thesis of the famous Beetle in the Box

allegory.²⁵ This view requires constant subjective (first-personal and unassured) activity at the heart of the constitution of norms. It might be noticed that both Wittgenstein and Cavell consider the possibility of *natural* limits or norms for the activity of constructing criteria, although, in both, such limits could not be said to be available *a priori* or of particular interest for an investigation for what is established through language, and they always arise in light of mediation with human conventions.²⁶

Some of the central terms of the paper can now be clearly surveyed. The sense of mystery evoked by the passage above on the truth of skepticism would include the *fact* of our (ever provisional or exploratory) agreement in criteria, or what Wittgenstein calls agreements in judgment or forms of life.²⁷ Calling these “agreements” suggests a much more intentional, spectacular, or conscientious negotiation than what is manifested in quotidian scenes.

²⁵(2001, §293). I would emphasize that these are not the *only* interpretations of these passages, but am only suggesting a concordance of the points emerging between them and my point above. Here, the Beetle in the Box supports the autonomy of our criteria from any external objective correlate, not a thesis proper to a discussion of privacy or behaviorism in the metaphysics of the mind.

²⁶See Wittgenstein (2001, §142, 195), especially on the possibility of using fictitious natural histories for the purposes of his grammatical investigation. See also the interruption of demand, at §325, to “Consider: ‘The only correlate in language to a natural necessity [Naturnotwendigkeit] is an arbitrary rule. It is the only thing [das Einzige] that one can pull out of [abziehen] such a natural necessity in a sentence [Satz].’” For a view which seeks to defend the relevance of natural limits, see Moyal-Sharrock (2015, 2017) for a wider criticism of Cavell. For Cavell’s take on the idea of natural limits see CR, 86–125

²⁷See Wittgenstein (2001, §241–42). See also Cavell (2005, 139) and CR 20, “How does [Wittgenstein] know such things? I mean, apart from any philosophical claim into whose service he would press such findings, how can he so much as have the idea that these fleets of his own consciousness, which is obviously all he’s got to go on, are accurate wakes of our own? But the fact is, he does have the idea; and he is not the only one who does. And the fact is, so much of what he shows to be true of his consciousness is true of ours (of mine). This is perhaps the fact of his writing to be most impressed by; it may be the fact he is most impressed by—that what he does can be done at all.”

Yet such negotiations, gambits, and hazards are taken on in formulating sentences, in thinking of what to say to a loved one or a stranger or someone holding up an envelope, or in privately noting events. That they are shown to be successful in these instances is not assured by anything beyond a capacity for others to acknowledge what you have said as exemplary for what an attained “we” says. This seems to entail that nothing less than new social contracts of a proposed community are constantly being evaluated, consented to, or revised in considerations of “what we say.”²⁸ It follows from the fact of such agreement and the *non plus ultra* determinacy of criteria that we are perpetually trafficking in minor or major miracles within the everyday. Criteria are thoroughly pervasive. We must say, then, that part of the scandal of removing the human animal from speech, the general drift of analytic philosophy that Cavell identifies Wittgenstein as swimming against, is the profanation of this secular mystery.

We are in a position now to understand the culpability mentioned above, the sense that the accusation of the rejection of the human is more than mere name calling and not synonymous with the sense of skepticism that Cavell identifies as its truth. The rejection of the human evinces a dissatisfaction with the tenuousness of these agreements in criteria or forms of life. A similar dissatisfaction occurs, as mentioned above, in Cavell’s complex representations of skepticism (and reactions to skepticism). But the rejection of the human, in the diagnostic sense leading this entire essay, is rooted in its particular characteristic mode of response (i.e., suppressing the subjective as the means of *overcoming* the lack of a secure foundation). This is contained within but not exhaustive of Cavell’s broader account of the complexity of skepticism (interpreting finitude as an intellectual lack):

²⁸The social aspect of “what we say” is drawn out in the opening chapter of CR through considering Rousseau and is equally characteristic of Cavell’s interpretation of Thoreau in Cavell (1992), which of course includes a different discussion of the desperation of failing to acknowledge these commitments of speech than what can be laid at the door of philosophy.

The dissatisfaction with one’s human powers of expression produces a sense that words, to reveal the world, must carry more deeply than our agreements or attunements in criteria will negotiate. How we first deprive words of their communal possession and then magically and fearfully attempt by ourselves to overcome this deprivation of ourselves by ourselves, is a way of telling the story of skepticism I tell in [CR]. I note here merely that ‘being driven to deny my agreement or attunement in criteria’ is my lingo for being driven to deny my internal, or natural, connection with others, with the social as such. As if my reaction to the discovery of my separateness is to perpetuate it, radicalize it, interpreting finitude as a punishment, and converting the punishment into self-punishment. (Cavell 1989, 60)

In CR, Cavell takes a different explanatory route, one that connects back to an important connection with the earlier (1963) essay “Aesthetic Problems of Modern Philosophy.” In CR, the direction for interpreting criteria becomes a bridge for connecting judgments of value. “[E]very surmise and each tested conviction depend upon the same structure or background of necessities and agreements that judgments of value explicitly do.” (CR, 14) This background of necessities and agreements is the (miraculous, absurd) extent of agreement in our form of life mentioned above. Although there may be a way of misconstruing Cavell’s point as isolating such necessities or structures of agreements such that they could be a foundational epistemic foothold that is independent of or available apart from what can only be discovered in our subjective (spontaneous, improvisatory) activity. But such a direction of reading would overlook that which Cavell is describing as necessary or as structurable. In a later essay, “What is the Scandal of Skepticism?”, he explicitly remarks that such a notion of necessities is not to be equated with a hidden formalizable structure of rules. These necessities emerge within “the human life form. . . call it the life of necessities without rules” (2005, 138) along with the dawning awareness that “we cannot have agreed before to all that would be necessary.” (CR, 31) Here, again, we are proximate to the central mystery advocated by the truth of skepticism.

4. Subjective Claims to Universality without Objectivity

Cavell's appeal to Kant's *Critique of Judgment* misplays the strength of his own argument. In "Aesthetic Problems of Modern Philosophy", Cavell draws attention to Kant's "universal voice" exhibited in judgments of beauty as "what we hear recorded in the philosopher's claims about 'what we say.'" (2002, 94) But, even though Cavell adduces those capacities that are drawn upon in making judgments of value and Kant's *sensus communis* for his comparison between Wittgenstein and Kant, it would be more useful, for what I read as Cavell's purposes, to pursue the exploration of the transcendental conditions for judgments in the *Critique of Judgment* (i.e., not merely aesthetic judgments).²⁹ In both the *Critique of Pure Reason* (A133/B172) as well as the *Critique of Judgment* (1987, 180)³⁰ Kant argues that the basis of our ability to apply empirical laws cannot be guaranteed by, or be an instance of, an empirical law. For the first *Critique*, general logic (the logic of pure a priori forms and structures, say) can contain no rules for judgment because, congruous with Frege's designs for a *Begriffsschrift*,³¹ its task is "to give an analytical exposition of the form of knowledge. . . and so to obtain formal rules for all employment of understanding." (A133/B172) There can be no contribution here that impersonally *directs* judgment, for, Kant imagines, even if an abundance of rules "borrowed from the in-

²⁹After all, the passage from CR that stimulated this line of thinking only attributes that establishing and testing criteria "depend upon the *same structure or background of necessities and agreements that judgments of value explicitly do.*" (CR, 14, my emphasis) In other words, criteria are only grasped through examining this background of necessities without seeking to reduce it to an articulation of a priori cognitive rules. And the only way to do so is to consider what we say. This amounts to the very same background Kant explores in the First Introduction to the *Critique of Judgment*.

³⁰References to Kant (1987) will be followed by the marginal page numbers, given in 1987, that refer to the Akademie Ausgabe edition.

³¹The consideration of Frege is postponed until the next section.

sight of others" could be "grafted upon" an initiate into a language (his term: "a limited understanding") the ability to use these appropriately cannot be located in the rules themselves but "the power of rightly employing them must belong to the learner" and the absence of this "natural gift" (which here is a coded phrase for the secular mystery I highlighted above) "no rule may be prescribed [that] can ensure against misuse." (A133/B172) Kant's recognition that judgment is "a peculiar talent which can be practiced only and cannot be taught" (A133/B172) becomes consonant with a paraphrase of Cavell's anti-foundationalist claim of the truth of skepticism: there is no possible rule that can be expressed within general logic that would authoritatively secure the limits or norms of what we say. These grounds would only be outlined by the articulation and rearticulation, inheritance and rediscovery, of what Cavell calls criteria, which inherently depend upon a subjective contribution, a representative sample of what any speaker would personally express.³²

The Kantian route for exploring the transcendental aspects of judgment becomes increasingly focused on a subjective principle not only with regard to what Cavell isolates as judgments of value, but also judgments related to systematic orders as the basis of empirical judgments. Under the title of "reflective judgment" (1987, 179), Kant is exploring a mode of judgment that "is obliged to ascend from the particular in nature to the universal" that, for similar reasons as given in the preceding paragraph, "requires a principle which it cannot borrow from experience" (1987, 180). This mode of judgment clearly maps onto Cavell's depiction of the Ordinary Language moment of supplying "what we say" and, thus, is representative of the constitution of criteria. For

³²Quite apropos for the discussion here is the debate about whether Kant was wrong to think that judgments of beauty are not objective, or, not based on objective properties of the world. This would seem to present an analogue to the question of whether the ability to contribute a sense of *what we say* ultimately only draws upon objective rules as the basis of such competency. See Ameriks (2003); McDowell (1998); Ginsborg (2015).

Kant, this motivated the emphasis that the transcendental principle operative in reflective judgment is not objective but rather is a law given only to itself. (1987, 180)

The only aspect that I will draw out from this complex later argument from Kant is his conviction that the basis for understanding the unity or systematicity in universal laws, or one might say the applicability of every schematization of logical relation, can only be viewed as such under the guise of having been

given by an understanding (even though not ours) so as to assist our cognitive powers by making possible a system of experience in terms of particular natural laws. That does not mean that we must actually assume such an understanding. . . In other words, through this concept [i.e., the purposiveness of nature in its diversity] we present nature as if an understanding contained the basis of the unity of what is diverse in nature's empirical laws. (Kant 1987, 180)

Our capacity to judge upon the basis of a presumed system of experience—in particular, the basis for the applicability of cognitive rules generally—requires this application to either depend upon (i) some naturally (or divinely) given objective ordering (i.e., “nature’s referring [its products] to [their] purposes” Kant (1987, 180) or (ii) a subjective (i.e., human) principle that presents such a system *as if* it were arranged by a non-human one. An objective system of rules would not be able to adequately govern any judgments that require what Cavell called imaginative projection,³³ or that locate a particular (judgment, individual, object) in relation to such a system (of rules, concepts).³⁴ Therefore, a

³³Paradigmatically, this includes considerations of *what we say*, which, in turn, is constitutive of the establishment and governance of criteria (which, it might be said, in turn, provides the terms of our agreement within forms of human life).

³⁴Kant, here and elsewhere, also gives other reasons why natural or objective purposiveness is a non-starter for him, for reasons having to do with the freedom required for moral judgments to be possible. See, e.g., (1987, 181). The Wittgensteinian background of this thought includes, without exaggeration, all of the literature on the supposed rule-following paradox.

subjective principle, one that is heautonomous (i.e., a law that is not formed on the basis of that which is *judged* but, rather, a law that shapes the possibility of judgment itself, see 1987, 185–86), must be recognized as the basis upon which even the possibility of a system of judgments can be cognizable. A noteworthy effect of this contribution is to present the world *as if* it were ordered independently of our judgments and that such a presentation *appears to* disclose the world independently of any subjective commitment or essentially unruléd practice.

There is much more to say than can be said here for a full appreciation of the continuities between Cavell’s conception of criteria and Kant’s defense of a subjective a priori principle that makes possible determinative judgments and the systematic application of general logic. I have only described the beginning of what I take to be a fruitful endeavor of looking into Kant beyond the citations Cavell makes in *CR* or in *Must We Mean What We Say?* as a means to clarify the conditions for grasping the method and presumptions of Ordinary Language Philosophy as bearing an affinity with reflective judgment. These considerations of the subjective a priori principle for reflective judgment and the heautonomy of this principle help clarify that any disagreements resulting from conflicts in appealing to what we would say could not be decided through a headcount, by a restricted survey of native speakers, or by invoking empirical laws.³⁵ One final point

³⁵Robert Pippin alludes to the same normative dynamic I have been illustrating here in the introduction of his 2013. There he only highlights the conditional claim that *if* it could be shown that reflective judgments were inseparably involved with ordinary determining judgments, then “even a precisely worked-out inferentialist account of conceptual content could not formalize or even methodologically render ‘explicit’ the rules for such inferences.” (2013, 6) Earlier in the same introduction, Pippin also emphasizes that the mode of reflective judgment underlines a “normative claim on or appeal to others that other thinkers took to be also relevant to moral experience, the nature of sociopolitical unity, and the most important dimensions of self-knowledge.” (2013, 4) Following the line of thought I have traced in this paper, these are the same themes that Cavell elaborates out of his interpretation of Wittgensteinian criteria and forms of life.

of comparison concerns the consideration that this subjective contribution, because it presents a world *as if impersonally made coherent*, is likely to be suppressed in the interests of what Kant calls a “need of our understanding.” (1987, 184)³⁶

In Cavell’s words, we might paraphrase this tendency as the tendency to deny our own humanity and that nothing could be more human than doing so. For Kant of this First Introduction to the *Critique of Judgment*, when we take ourselves to have discovered a systematic unity among merely empirical laws, we may rejoice at our luck but, he writes, “actually we are relieved of a need” and *misrecognize* such a system of laws as a lucky discovery of *external properties of a judgment-independent world* instead of that which “we necessarily had to assume” (Kant 1987, 184). In the eighth chapter of CR, this becomes the thesis that “The Philosopher’s Conclusion is Not a Discovery” (CR, 221–??) For Cavell, “[t]he reason that the philosopher’s conclusion constitutes no discovery is that what his conclusions find in the world is something he himself has put there, an invention, and would not exist but for his efforts.” (CR, 223) But it is important, in concluding this section, to emphasize not only that this includes the ascription of Cavell’s examination of the “projection by which ‘parts’ of a generic object are established” (CR, 223) but also would include the method by which a philosopher might announce that she intends her words in a special or more restricted sense than that which is ordinarily used (CR, 223) as well as the (heautonomous point that) empiricist representations of the human sensorium are, per Cavell, “a matter of construction *opposed* to the revelation of things as they are.” (CR, 224)

³⁶Although this quite obviously also is an echo of the totalizing search for causes or basis that is characteristic of Reason in the first *Critique*.

5. Conclusion: Not Led On Externally

By way of concluding, I would turn to the question of the extent to which the Analytic tradition should be considered part of the tradition that Cavell accuses of rejecting the human. Analytic philosophy was not, after all, founded upon the purposes of launching a project of self-knowledge through skeptical inquiry (as we might say of the founding of modern philosophy in Descartes) but, quite explicitly, was conceived as a positive foundational project in the anglophone tradition that specifically sought relief (conceived of as a rebellion) from the British tradition of Kant and Hegel.³⁷ In Russell’s own reminiscences:

It was towards the end of 1898 that Moore and I rebelled against both Kant and Hegel. . . I felt. . . a great liberation, as if I had escaped from a hot house onto a windswept headland. In the first exuberance of liberation, I became a naive realist and rejoiced in the thought that the grass is really green. (Russell 1959, 22)

Perhaps nowhere among the anglophone writings of the analytic tradition, was this sense of an attained, liberated, simplicity of direct appeal more evident than in Moore’s (1925) “Defense of Common Sense” or the later (1939) “Proof of an External World.”³⁸ Yet even in the relatively early “Refutation of Idealism” (1903), Moore prepares his refutation by considering the strangeness of the notion that “reality is spiritual.” (1903, 28) This idea of the *spiritual* (presumably a translation of cognate terms of *Geist*), meant in Moore’s text to convey a hidden or unrecognized life proper to objects in the external world (1903,

³⁷As it would have appeared in the works of F. H. Bradley, Bernard Bosanquet, and J. M. E. McTaggart. I would not defend this quick sketch of the founding motivations of the analytic tradition as the only correct one (obviously, a separate motivation might be located in the logicist quest for foundations of mathematics that could be said to be *almost* entirely innocent of Kant and Hegel even if wholly innocent of British Idealism).

³⁸A comparable approach from the Viennese *locus* would be the confidence in the Scientific World-Conception avowed by the Manifesto written by Carnap, Hahn, and Neurath.

28), surely would number among the ideas of the hot house that Russell wished to escape. Moore himself is untroubled in claiming that a principle of empirical idealism (*esse is percipere*) is at the heart of *all* idealism: “I believe that every argument ever used to show that reality is spiritual has inferred this (validly or invalidly) from ‘*esse is percipere*’ as one of its premisses; and that this again has never been pretended to be proved except by use of the premise that *esse is percipi*.” (1903, 437) But, even if the depiction of the spiritual is adequate, on its own, to paraphrase Berkeley’s Idealism, it is a stretch (as Moore’s efforts to align Berkeley and Kant betray)³⁹ to think of this as a refutation as also cogently undermining the author of *The Critique of Pure Reason* (who, of course, provided his own refutation of Berkeleyan Idealism). But, without the conflation of Berkeley with Kant, the strangeness of an alienated spiritual life of things (as characteristic of all Idealism) cannot be sustained.

But if we turn to the material above that compared Cavell with the Kant of the (First Introduction to the) *Critique of Judgment*, we will be more suspicious of Russell’s relief or the cogency of Moore’s linking of the spiritual with an alienated life of *things* (as opposed to an alienated subjective activity of the judge). The recovery of the open headland and the simplicity of “the grass is green” (Russell) or holding hard to the principled distinction of analytic and synthetic propositions (Moore), both of these will seem to be an evasion of or elision of the necessarily subjective authority in the capacity to judge even when we would say (when we do sometimes say) that the “grass is green,” or a mode of mistaking the heautonomous “spiritual” activity in prescribing laws for subjective judgment as if it were threatening to usurp the objectivity of a world with which we were somehow independently acquainted. Cavell and Kant harmonize here in viewing the naive celebration of direct realism as a disguised construction that has acquired its own fetishistic power. In this

³⁹see Moore (1903, 453).

way, Moore’s conception of spirituality looks for a spirit to exercise in the wrong places, and Russell’s sense of liberation is destined to self-estrangement.

These brief considerations of the motivations of Moore and Russell to turn towards what they took to be the common and available determinations of sense independent of idealistic subjective activity provide an illustrative case of what Cavell is railing against in the eighth chapter of *CR*:

[W]e take what we have fixed or constructed to be *discoveries* about the world, and take this fixation to reveal the human condition rather than our escape or denial of this condition through the rejection of the human conditions of knowledge and action and the substitution of fantasy. (*CR*, 216)

It is important to note that this is not a matter of saying, *pace* Rorty, that there is an internal flaw within the argument. The heart of the matter does not concern validity but, instead, the supposition that all problems can be completely addressed through a schematic logical or argument-based approach.⁴⁰ To turn to another major figure at the foundation of analytic philosophy, there is no debilitating internal incoherence within Frege’s *Begriffsschrift*. But, after Cavell, we must be concerned with the repeated demand in Frege to eliminate anything from the representation of a proposition that is lacking conceptual content [*begrifflicher Inhalt*].⁴¹ The critical point of departure for Cavell does not concern the internal mechanics of this (or any) formal representation

⁴⁰See also Cavell (1964, 956–57), where he stresses his sense of injustice rendered to his diagnostic concern by merely dismissing or taking oneself to have “refuted” traditional arguments.

⁴¹See the preface to *Begriffsschrift*. N.B. that this demand remains intact throughout Frege’s career, in, e.g., the posthumously-published paper simply called “Logic” (as in Beaney 1997, 227–50, where thought proper ascends up a Platonic path from its physical/audible trappings, through imaginative, psychological, and semantic shadings of near synonyms (e.g., “stroll” for “walk”, “cur” for “dog” 1997, 240–41); to an awareness of grammar (1997, 242); with what seems natural or what actually takes place in ordinary contexts (“The normal person with no training in mathematics would find it highly unnatural

of concepts. Rather, such an impersonal display of logical relation or form is already far downstream from the logically more primitive capacities that are exhibited in the manifestation of criteria, the initiation into a form of life, the ability to imaginatively project a sense (i.e., your own). The point is that such formal displays which eliminate the subjective contribution cannot be complete or sufficient explanations of basic normativity. This is what Cavell means in invoking Wittgenstein's remark that the use of explanations only adduces "external" or "exterior" facts about language (2001, §120) and claiming:

You cannot use words to do what we do with them until you are initiate of the forms of life which give those words the point and shape they have in our lives. When I give you directions, I can adduce only exterior facts about directions. . . . But I cannot *say* what directions *are* in order to get you to go the way I am pointing, nor *say* what my direction *is*, if that means saying something which is not a further *specification* of my direction, but as it were, cuts below the actual pointing to something which makes my pointing finger point. When I cite or teach you a rule, I can adduce only exterior facts about rules, e.g., say that it applies only when such-and-such is the case, or that it is inoperative when another rule applies, etc. But I cannot *say* what following rules is *überhaupt*, nor say how to obey a rule in a way which doesn't presuppose that you already know what it is to follow them. (CR, 184)

Here we may align the otherwise disparate approaches of Frege, Russell, and Moore insofar as these each presume that the grasping of external facts, quite independent of any internal view, is sufficient for rendering authoritative command of what we say or the normative conditions in judging something to be

if he were to have the rudiments of the subject explained to him in terms of the utmost rigour" (1997, 247); until we arrive at the complete impersonality of thoughts: "Unlike ideas, thoughts do not belong to the individual mind (they are not subjective), but are independent of our thinking and confront each one of us in the same way (objectively). They are not the product of thinking, but are only grasped by thinking. In this respect they are like physical bodies [although they are non-spatial and timeless]." (1997, 250)

thus and such. Their shared confidence in externally available facts as a liberating condition for philosophical expertise requires the suppression of any unforeseeable spontaneous activity of the subject who judges. This line can now be seen as a tendency to reject the human, human conditions of knowing, the subject's constitutive role in normative determinations within a context of use that now should be understood as an indefinite approximation or deferral of full initiation into the forms of human life. This position recognizes that claiming something as *what we say* is always within a potentially agonistic space of competing claims and underdetermined by strictly objective conditions. This is not to claim that there are no relations of logical entailment between judgments, but it is to claim that the full normativity of what we say is not discovered through investigating these relations. A consequence of this claim is redescribing the philosophical pursuit of seeking a ground upon reason as better expressed by a pursuit of community that recognize shared criteria.⁴²

Thus, "all the philosopher. . . can do is to express, as fully as he can, his world, and attract our undivided attention to our own." (2002, 96) This call runs all of the risks that Cavell diagnoses as symptomatic of the condition of modernism (e.g., constantly in danger of being fraudulent, powerless to assert its relevance or urgency directly, failing to find community, etc.).⁴³ Such is the basis for claiming that the philosopher is presented with the *same* problems faced within the arts: "[t]he problem of the critic, as of the artist, is not to discount his subjectivity, but to include it; not to overcome it in agreement but to master it in exemplary ways." (2002, 94) To fully weigh the representativeness of one's own spontaneous subjectivity within shared forms of what we say, not even mentioning mastery, cannot help but threaten to plunge into skepticism, but Cavell's critical point is that idealizations of impersonal content characteristic of traditional and

⁴²See CR, 20.

⁴³See esp. Cavell (2002, 176–78).

analytic philosophical approaches are implicitly committed to (and occasionally celebrate) the rejection of human conditions of speech and knowledge.⁴⁴ One chief concern of this paper has been to explain what that means, to identify this activity within Cavell's broader account of skepticism as a disavowal of similar conditions, but, also, to provide an explanation of *how* this is not a dissociation from tradition but a thorough recounting of tradition. Such a thorough recounting or rearticulation of the tradition as it is inherited by the subject is not an aberration for Cavell but is the governing mechanism of his otherwise diffuse and heterogeneous engagements across philosophical schools, thematic boundaries, and the specific media of various disciplines. This constant recovery of philosophical tradition as it intersects with the subject's articulation of her own position with respect to what she would say is not a task that is subsidiary to a more direct philosophical investigation but is, as Cavell argued across his early texts, an entailment of recognizing the following dynamics within the complexity of our present: the fact of our agreements in forms of life, the plural avatars of skepticism, and the identification (cited as the epigraph to this paper) of even the conventions we inherit as an ongoing improvisation that, structurally, seeks universal accord but, in each moment, cannot (and should not) presume sufficient external governance.

⁴⁴His positive contribution is to elaborate a framework that calls for forms of exemplary subjectivity, but to fully draw this out would take me beyond my limits here. See Cavell (1990) for the explicit development of this doctrine.

Acknowledgements

I would like to thank G. Anthony Bruno for his helpful attitude in consultations during the writing of this paper, and also to offer my thanks to the anonymous reviewer for helpful comments and pointing out moments where I am excessively unclear. Finally, especially, I want to single out Marianna Poyares for her constant support and supererogatory philosophical-editorial help with this and much more.

Edward Guetti

Centro Brasileiro de Pesquisa
e.guetti@gmail.com

References

- Ameriks, Karl, 2003. "How to Save Kant's Deduction of Taste as Objective." In *Interpreting Kant's Critiques*, pp. 285–306. New York: Oxford University Press.
- Beaney, Michael, ed., 1997. *The Frege Reader*. Malden, MA: Blackwell.
- Bertinetto, Alessandro and Georg Bertram, 2020. "We Make Up the Rules as We Go Along: Improvisation as an Essential Aspect of Human Practices?" *Open Philosophy* 3: 202–21.
- Cavell, Stanley, 1964. "Existentialism and Analytic Philosophy." *Daedalus* 93(3): 946–74.
- , 1979. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. New York: Oxford University Press.
- , 1989. *This New Yet Unapproachable America: Lectures after Emerson after Wittgenstein*. Albuquerque, NM: Living Batch Press.

- , 1990. *Conditions Handsome and Unhandsome: The Constitution of Emersonian Perfectionism*. Chicago: The University of Chicago Press.
- , 1992. *The Senses of Walden, An Expanded Edition*. Chicago: The University of Chicago Press.
- , 2002. *Must We Mean What We Say? A Book of Essays*. New York: Cambridge University Press.
- , 2005. *Philosophy The Day After Tomorrow*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Chappell, V. C., ed., 1964. *Ordinary Language*. Englewood Cliffs, NJ: Prentice-Hall.
- Coliva, Annalisa, 2019. "Waismann on Belief and Knowledge." In *Friedrich Waismann: The Open Texture of Analytic Philosophy*, edited by Dejan Makovec and Stewart Shapiro, pp. 89–106. New York: Palgrave-Macmillan.
- Conant, James, 2020. "Reply to Travis: Wittgenstein on the Non-Relation of Thinking to Being." In *The Logical Alien: Conant and His Critics*, edited by Sofia Miguens, pp. 948–83. Cambridge, MA: Harvard University Press.
- Creath, Richard, ed., 1990. *Dear Carnap, Dear Van: The Quine-Carnap Correspondence and Related Work*. Berkeley: University of California Press.
- Das, Veena, 2019. *Textures of the Ordinary: Doing Anthropology after Wittgenstein*. New York: Fordham University Press.
- Dummett, Michael, 1993. *Frege: The Philosophy of Language*. Cambridge, MA: Harvard University Press.
- Fodor, Jerry and Jerrold Katz, 1963. "The Availability of What We Say." *Philosophical Review* 72(1): 57–71.
- Frege, Gottlob, 1974. *The Foundations of Arithmetic: A Logico-Mathematical Inquiry Into the Concept of Number*, translated by J. L. Austin. Malden, MA: Blackwell.
- Ginsborg, Hannah, 2015. "Kant on the Subjectivity of Taste." In *The Normativity of Nature: Essays on Kant's Critique of Judgment*, pp. 15–31. New York: Oxford University Press.
- Hylton, Peter, 2001. "'The Defensible Province of Philosophy': Quine's 1934 Lectures on Carnap." In *Future Pasts: The Analytic Tradition in Twentieth-Century Philosophy*, edited by Juliet Floyd and Sanford Shieh, pp. 257–76. New York: Oxford University Press.
- Kant, Immanuel, 2007. *Critique of Pure Reason*, translated by Norman Kemp Smith. New York: Palgrave MacMillan.
- , 1987. *Critique of Judgment*, edited by W. Pluhar. Indianapolis: Hackett Publishing.
- Kripke, Saul, 1983. *Wittgenstein on Rules and Private Language: An Elementary Exposition*. Cambridge, MA: Harvard University Press.
- Mahon, Àine, 2014. *The Ironist and the Romantic: Reading Richard Rorty and Stanley Cavell*. London: Bloomsbury.
- McDowell, John, 1998. "Aesthetic Value, Objectivity and the Fabric of the World." In *Mind, Value and Reality*, pp. 112–30. Cambridge, MA: Harvard University Press.
- Moore, G. E., 1903. "The Refutation of Idealism." *Mind* 433-53: 12(48).
- Moyal-Sharrock, Danièle, 2015. "Wittgenstein on Forms of Life, Patterns of Life and Forms of Being." *The Nordic Wittgenstein Review*: 21–42.

- , 2017. "Too Cavellian a Wittgenstein: Wittgenstein's Certainty, Cavell's Scepticism." In *Understanding Wittgenstein, Understanding Modernism*, edited by Anat Matar, pp. 92–110. New York: Bloomsbury Academic.
- Mulhall, Stephen, 2006. *Stanley Cavell: Philosophy's Recounting of the Ordinary*. New York: Oxford University Press.
- Pippin, Robert, 2013. *After the Beautiful: Hegel and the Philosophy of Pictorial Modernism*. Chicago: The University of Chicago Press.
- Putnam, Hilary, 1981. "Convention: A Theme in Philosophy." *New Literary History* 13(1): 1–14.
- Quine, W. v. O., 1936. "Truth by Convention." In *Philosophical Essays for A. N. Whitehead*, edited by O. H. Lee, p. 90–124. New York: Longmans, Green and Co.
- Rorty, Richard, 1981. "From Epistemology to Romance: Cavell on Skepticism." *The Review of Metaphysics* 34(4): 759–74.
- Russell, Bertrand, 1959. *My Philosophical Development*. London: Unwin.
- Soames, Scott, 2014. *Analytic Philosophy in America and Other Historical and Contemporary Essays*. Princeton, NJ: Princeton University Press.
- Wittgenstein, Ludwig, 2001. *Philosophical Investigations*, edited by G. E. M. Anscombe and Rush Rhees. Malden, MA: Blackwell.