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No Picnic: Cavell on Rule-Descriptions

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Abstract

In his first paper, 'Must We Mean What We Say?', Stanley Cavell defended the methods of ordinary language philosophy against various charges made by his senior colleague, Benson Mates, under the influence of the empirical semantics of Arne Naess.¹ Cavell's argument hinges on the claim that native speakers are a *source* of evidence for 'what is said' in language and, accordingly, need not base their claims about ordinary language upon evidence. In what follows, I maintain that this defence against empirical semantics applies equally well to experimental philosophy's attack on doing philosophy from the armchair. In so doing, I attempt to clarify – and adjust – Cavell's claim that statements about ordinary language are rule-descriptions that are neither analytic nor synthetic.

I. Prologue

'I don't know what I could have meant by that. You say things sometimes, you don't know what the hell you mean. But you're sincere when you say it'.

Bob Dylan

Stanley Cavell's paper, 'Must We Mean What We Say?', was first presented at the Pacific APA the year before its publication, practically under coercion. In Cavell's own words:

[I]n the spring of 1957, I was told that a panel on ordinary language philosophy was being scheduled at the coming Christmas meetings of the Pacific Division of the American Philosophical Association, in

1. Naess (1938; 1949; 1957); cf. Mates (1958, esp. 73, n.12). The influence is briefly discussed by Cavell (2010:361), who describes how it ultimately led—with Mates' help—to the publication of his paper in *Inquiry*.

which I would have a chance, let's say an obligation, to defend in public the views that I had been advancing all year concerning the groundbreaking philosophical importance of the work of Austin, in the form of a response to a paper to be presented by my senior colleague Benson Mates.²

Philosophical works published that year (i.e. 1957) include G.E.M. Anscombe's monograph *Intention*, as well as J.L. Austin's 'A Plea for Excuses', H.P. Grice's 'Meaning' and Gilbert Ryle's 'The Theory of Meaning'. Not a bad year for linguistic philosophy, then.³ Nevertheless, work on the relation between meaning and speech was still in transition.⁴ On the one hand, Ryle had already distinguished usage from use,⁵ and Austin had begun lecturing on words and deeds. On the other hand, Grice's account of conversational implicature did not appear until 1961 (first formed as part of his defence of the causal theory of perception⁶), and it is only after this and Austin's 1955 lectures on *How to Do Things With Words*, which were published posthumously in 1962, that people began to talk of 'speech-acts'.⁷ While Wittgenstein had anticipated much of this in the late 1940s, some of his most relevant remarks would not be published until 1980:

What is it that is repulsive in the idea that we⁸ study the use [Gebrauch] of a word, point to mistakes in the description of this use and so on? First and foremost one asks oneself: How could that be so important to us? It depends on whether what one calls a 'wrong description' is a description that does not accord with established usage [*Sanktioniertem Sprachgebrauch*⁹] – or one which does not accord with the practice

2. Cavell (2002:xix).

3. For a characterisation of linguistic philosophy and why it should not be conflated with the philosophy of linguistics, see Vendler (1967:5ff.).

4. Cf. Laugier (2000:14).

5. Ryle (1953), discussed below.

6. Grice (1961); the view was subsequently developed in a number of papers reprinted in Grice (1989).

7. See Sbisà (2011). Thanks to an anonymous referee for pointing out that Mates (1958) already refers to the semantics-pragmatics distinction in a way that is relevant for challenging the claims of OLP.

8. For who 'we' are for Wittgenstein, see Sandis (2019a).

9. While Anscombe translates '*Sanktionierten Sprachgebrauch*' as '*established usage*', Wittgenstein seems to be talking about established *use*, that is to say, usage that has in some way been sanctioned. We may thus distinguish between the first time a speaker misuses 'begs the question' to mean 'raises the question', the state of affairs in which the misuse has become established usage, and the further state of affairs in which this established usage has come to be sanctioned as correct use. The lattermost of these comes to obtain through gradual change over time and not via some kind of official ceremony (although acceptance by institutions such as the OED are symbolic and constitute evidence). The source, however, of such evidence for settling disagreements regarding the current status of any expression is native speakers themselves.

of the person giving the description [*Praxis des Beschreibenden*]. Only in the second case does philosophical conflict arise.¹⁰

1957 was a peak year of kinds, whereafter people began to take more seriously the worry that linguistic questions were ultimately empirical, owing to which they needed to be tested *as such*, in order to be verified or falsified accordingly.¹¹ Naess thus challenged what he saw as the brute appeal to personal ‘intuitions’ of those who practise so-called ordinary language philosophy (OLP).¹² This, in turn, inspired Mates to argue that we should instead use empirical means to settle conceptual and linguistic questions.¹³ Cavell sought to show that such criticisms are misplaced. In what follows, I build on his arguments, showing thereby that they largely stem from (i) what Ryle refers to as the ‘insidious’ conflation of ‘use’ and ‘usage’,¹⁴ and (ii) a basic misunderstanding of how appeals to ordinary language work. On this account, fluent speakers do not have intuitions about what everyday words mean, any more than seasoned chess players have intuitions about how the pieces move.

Mates proceeds by noting the disagreement between Ryle and Austin on the meaning of the term ‘voluntary’. The former claimed that the word was typically reserved for cases in which someone did something she should not have done¹⁵; the latter denied this normative dimension in the very year in which Mates and Cavell had their debate.¹⁶ Was the disagreement to be resolved empirically, by appeal to intuition, or in some third way? In the paper to which Cavell was responding at the APA, Mates writes:

10. RPP I, §548.

11. Hare (1957) would answer the question negatively, characterising philosophy as a form of recollection that cannot be reduced to empirical discovery (cf. Sandis 2008: §2). His position received friendly pushback from Henle (1957) and Körner (1957).

12. Naess (1957). This attack on the use of ‘intuitions’ in OLP is revived by Jackman (2005). Like Naess and Mates before him, Jackman’s arguments against conventionalism are based on (i) sliding between ‘use’ and ‘usage’, and (ii) assuming that ‘conventionalism’ must appeal to either intuition or authority. But even descriptivists must allow for the misuse of language. This leaves us with the question of how many people within a community must be engaged in the misuse of a term (and for how long) before this usage occasions a common convention. There is, of course, no equation that can provide an answer to it.

13. For Austin’s reaction to Naess, see Longworth (2018:13–14).

14. Ryle (1953: 321ff.). The conflation would be compounded by Grice’s influential attempts to explicate sentence meaning in terms of speaker intentions (Grice 1989; see also Grandy and Warner 2017: §4).

15. Ryle (1949:67).

16. Austin (1957:139).

If agreement about usage cannot be reached within so restricted a sample as the class of Oxford Professors of Philosophy, what are the prospects when the sample is enlarged?¹⁷

Cavell, influenced by Austin's lectures at Harvard,¹⁸ saw it as his job to offer an analysis of the methods of Oxford linguistic philosophy that were invulnerable to the sort of objections made by Naess and Mates, whose views Nat Hansen nicely characterises as 'a mid-century version of experimental philosophy that originated in Norway'.¹⁹ The debate between them thus mirrors the contemporary debate between the defenders of *a priori* conceptual analysis by appeal to intuitions about thought experiments²⁰ and the proponents of experimental philosophy, with their rhetoric of burning the armchairs of the first group. Indeed, there are lessons that participants of the current debate can learn from the one that took place 60 years ago.

Cavell's paper offers strong arguments against both sides, steering a path in which OLP need not – and indeed *should not* – appeal to either intuition or Gallup polls.²¹ He is here in surprising alliance with Alan Turing. In the opening paragraphs of the article that introduced the world to his famous 'Turing Test', he dismisses an important aspect of linguistic philosophy:

If the meaning of the words "machine" and "think" are to be found by examining how they are commonly used it is difficult to escape the conclusion that the meaning and the answer to the question "Can machines think?" is to be sought in a statistical survey such as a Gallup poll. But this is absurd.²²

It is not obvious whether he has OLP or empirical semantics as his primary target. Quite possibly, Turing is rejecting what he takes to be a shared preoccupation with ordinary language. Whatever his intentions, Turing's point works better against experimental philosophers interested

17. Mates (1958:65).

18. Cavell (2002:xix). In his autobiography, Cavell exclaims that 'no intervention in philosophy more clearly than Austin's prompted an awareness of our apparent failures to mean what we say' (2010:360).

19. Hansen (2017: §1).

20. E.g. Jackson (1998).

21. Wittgenstein is conspicuous by his absence in all of this. One explanation is that Cavell thought his understanding of Wittgenstein at the time was 'primitive' (2002:xix). Cavell's early work is, ironically, much closer to Wittgenstein's way of thinking than later work (e.g., Cavell 1979), in which his understanding is thought to be 'less primitive' and Wittgenstein becomes an explicit focus. This transition (under the sceptical influence of Thompson Clarke) is captured in Cavell (2010:362ff.). For criticism of Cavell's later work, see Moyal-Sharrock (2017, esp. chs.2–4).

22. Turing (1950:433). Cf. Williamson (2007:7).

in usage than ‘armchair’ OLP philosophers who are preoccupied with correct use.²³

A Gallup poll can only tell us about usage, not use. That is to say, it can only tell us how the majority of subjects questioned are using a term or phrase (e.g., ‘novel’ or ‘beg the question’), not whether they are using it correctly.²⁴ As Ryle puts it:

A usage is a custom, practice, fashion or vogue. It can be local or widespread, obsolete or current, rural or urban, vulgar or academic. There cannot be a misuse any more than there can be a miscustom or a misvogue.²⁵

If the rules governing linguistic use are normative, then the job of the philosopher (as opposed to, say, the anthropologist) is to recall, describe, and elucidate them.²⁶

II. The Cavellian ‘Must’

While the rhetoric of Cavell’s response to Mates’ reaction to the debate between Austin and Ryle has echoes of Turing, its content stands firmly within OLP:

There is clearly a clash here. But is our only intelligent course *at this point* to take a poll? Would it be dogmatic or unempirical of us to conclude simply that Ryle is wrong about this, that he has settled upon a generalisation to which an obvious counterinstance has been produced?²⁷

Cavell sides with Austin over Ryle in *detail* only. In allowing that Ryle may have been onto something but simply overgeneralised, it could be argued that he does not go far enough. Oswald Hanfling (2000:56ff) argues persuasively that Cavell is wrong to maintain that ‘when we ask whether an action is voluntary we imply that the action is fishy’ (Cavell 2002:12), offering various instances – such as that of voluntary vs. conscripted service – where no fishiness is required (indeed, we need think

23. It is true that, while Austin writes of “‘experimental” data’ (1966:274), he immediately makes it clear that such data are the *explanada* not the *explanantia*. For the view that linguistic data may function as a tool for OLP, see Vendeer (1967:2–4; 32).

24. Of course, popular misuse over prolonged periods *can* give rise to a new or modified use, but it does not do so automatically. Correct use is not a popularity contest.

25. Ryle (1953:321). Turing was alert to the relation of use to practice, correctly predicting that ‘at the end of the century the use of words and general educated opinion will have altered so much that one will be able to speak of machines thinking without expecting to be contradicted’ (Turing 1950:442).

26. Where appropriate, this job includes the noting of changes through time.

27. Cavell (2002:4).

no further than the conceptual links to the word 'volunteer'). He is here in rare agreement with Fodor and Katz, who note the irony of Cavell's own example of joining the army voluntarily counting against him, but not the irony of their ably doing so from their own armchairs.²⁸

Cavell's paper is not about the concept of voluntariness but about the method(s) of OLP.²⁹ Still, the 'fishiness' debate raises general questions regarding the relation of a word's meaning to what we typically imply in using it, hence the rhetorical (by implication) question of the paper's ambiguous titular question, which might be parsed in any one of the following ways:

- (i) **Must** we mean what we say?
- (ii) Must **we** mean what we say?
- (iii) Must we **mean** what we say?
- (iv) Must we mean **what** we say?
- (v) Must we mean what **we** say?
- (vi) Must we mean what we **say**?

Must Cavell have meant any one of the above at the exclusion of the others? Does each new emphasis give rise to a different question and answer? Finally, does the 'must' in each question signify logical necessity or a normative imperative? As Stanley Bates and Ted Cohen put it, 'explicating Cavell is no picnic'.³⁰ On the one hand, Cavell is obviously interested in how to understand the connection between the conventional meaning of what is said and the pragmatic implicatures generated through its being said in a certain context. On the other, he evinces a surprising lack of interest in the ways in which we may intentionally use euphemisms to *not* say what we mean.³¹ Nor is he concerned with cases of misspeaking, including (but not limited to) the Freudian sense in which we may slip into saying something other than what we *intended* to say (whatever else we may have had in mind), which would give a negative answer to question (vi).

Cavell prescinds from telling us explicitly, but we can safely assume that at least part of what he is interested in is whether, in saying that an action is voluntary, I *must* mean that it is fishy; and, conversely, whether I can mean that an action is fishy without (explicitly) saying so. The gist of his argument seems to be that it is the job of OLP to elucidate

28. Fodor & Katz (1963:64). The U.S. Army (Signal Corps), who part-funded the work, would have been relieved to read this.

29. See Hacker (1996) for why there is no single school of ordinary language philosophy. For a reassessment of Austin's method, see Sbisà (2009).

30. Bates and Cohen (1972). Cf. Vendler (1967:12ff.) with whose valiant attempt to 'pare away the trimmings of mysticism' from Cavell's account I am in sympathy.

31. See Holder (2013).

concepts by uncovering implicit commitments. The point is weakened by being made in the absence of Grice's later system of conversational implicatures, which would have enabled Cavell to distinguish it from strict implication, employing the concepts of detachment and cancellation.

Given that his main target is Naess' and Mates' criticisms of OLP, Cavell's question must be read as one regarding the role of OLP in uncovering the meaning of *what* was said (iv), the reference of the highlighted word remaining itself ambiguous between the actual word(s) spoken and what was said in giving it expression. In the former sense, the question must, once again, be answered negatively; whereas in the latter, the answer hangs on whether we are talking about what would come to be called "speaker meaning," by contrast with "expression meaning."

Cavell argues that Mates' reaction is much too rash and drastic. All that has happened is that a philosopher contemplating correct usage has (perhaps in the grip of a certain picture) neglected to recall one or more uses of a term or phrase. Indeed, Hanfling's own correction of Cavell's 'fishiness' constraint continues along the same lines, thereby adding credence to the latter's underlying point about OLP. A philosopher of any stripe who offers an account of a concept may be corrected by the simplest and most powerful of OLP methods: recollecting the variety of ways in which we use any given term, and reaching appropriate conclusions about the concept(s) it expresses. This point can be stated simply enough. But Cavell has 40 more pages to go.

His aim is to demonstrate that it is a mistake to think that we typically need to appeal to evidence to know what 'we'³² mean by the things we say. Evidence is something the anthropologist or linguistic tourist might seek when trying to understand a foreign expression. Still, it is not the normal way of the 'native' speaker.³³ As Ryle puts it: 'Mrs Beaton tells us how to make omelets; but she gives us no information about Parisian chefs'.³⁴ Equally, the native speaker tells us how to use words, without giving us information about local speakers.

Why so? One may think it sufficient to reply that being a native speaker already entails a certain mastery of a language. When we learn a new language as native speakers, we do not do so by means of *evidence* but through an initiation into norm-governed practices.³⁵ These are not claims that Cavell disputes. He nevertheless wants to go further, putting

32. See Sandis (2019a); cf. Vallée (1996) and Levy (2013).

33. Nor of the fluent speaker, though fluent speakers are not (as a group) as straightforward a source of evidence as native speakers.

34. Ryle (1953:322).

35. This much has to be true, no matter what one makes of the poverty of the stimulus argument.

forth the positive thesis that native speakers are a *source* of evidence for what is said in their language:

[Native] speakers do not, in general, need evidence for what is said in the language; they are the source of such evidence.³⁶

of evidence for what is said in their language:

In what sense can a native speaker be a *source* of evidence if she is liable to being corrected by examples of correct use that conflict with her analysis? Do counter-linguistic instances not function as *evidence* against the original analysis offered? In a sense, yes. But Cavell uses the plural ('native speakers'). When an individual native speaker fails to notice difference or similarity in linguistic usage, the evidence that tells against her analysis is proffered by other native speakers. The important point is that the evidence does not lie outside of the community of native speakers in such a way that would allow for a foreign ethnographer to amass it and thus prove that *all* native speakers were mistaken.³⁷

III. Fishy Rules

When the anthropologist, ethnographer or tourist attempts to find out what the 'natives' mean by the words they use, their speech *is* the data, viz. the source of evidence. The norms of language do not exist independently of its native speakers. Through their linguistic behaviour, speakers not only follow the norms they have learned, they also (consciously or otherwise) alter them and create new ones, as older uses of words become obsolete, and new uses – alongside entirely new words – come into existence.³⁸ What, then, are these rules of grammar that we cannot break willy-nilly but we can nonetheless come to overturn and put behind us? Cavell attempts to answer the question by considering the logical form of statements such as:

S: "When we ask whether an action is voluntary we imply that the action is fishy."³⁹

He writes:

When I am impressed with the necessity of statements like S, I am tempted to say that they are categorial [...] Statements about ordinary

36. Cavell (2002:4); cf. Hare (1957 & Hare 1960).

37. Cavell's suggestion here anticipates later debates about whether one can follow a rule in isolation from a community of speakers (e.g., Baker & Hacker 1990 vs. Malcolm 1989).

38. Cf. Rundle, 1979:283-9).

39. Cavell (2002:12).

language. . . are not analytic, and they are not [...] synthetic [...]. Nor do we know whether to say they are *a priori* [...] there is no way to classify such statements; we do not yet know what they are.⁴⁰

Hanfling's criticism (see §2), however, suggests that it is simply false that one typically implies anything about the fishiness of an action by saying that it was voluntary or involuntary. We are thus being presented with a false statement masquerading as the kind of statement whose 'necessity' Cavell is struggling to explain. If the statement is false, then it would seem to be synthetic. Are all statements like S truth-apt? It would be premature to say so without hearing what Cavell has to say about them, and without prejudice. So, let us put Hanfling's particular objections aside for now and focus instead on the general point that Cavell is trying to make. This involves the introduction of what he alternately calls 'categorical declaratives' and 'rule-descriptions'. Cavell claims that the employment of such declaratives reminds us that the 'pragmatic implications' of our utterances *must be* meant, because 'they are an essential part of what we mean when we say something, of what it is to mean something' and 'what we mean (intend) to say, like what we mean (intend) to do, is something we are responsible for'.⁴¹

As it stands, the claim is unconvincing for two distinct reasons. First, we can be held responsible for things that we did not intend. Second, we must contend with Grice's (later) distinction between strict implication and implicatures that are cancellable; a distinction that could have been phrased in terms of essential and *inessential* parts of what we mean when we say things, such as 'she did it voluntarily' or 'his handwriting is excellent'. In cancelling an implicature (e.g. that the candidate's work was poor) we acknowledge its presence while signalling that we did not intend it. In this straightforward sense, it simply is not true that we *must* mean what we say, viz. that the pragmatic implications of our utterances *must be* meant. But in another, less direct sense, Cavell's point remains at least partly untouched by Grice. For in order to say certain things in certain contexts,⁴² we must intend their strict implications and at least be aware of the conversational ones – even when we are prone to cancelling them.

40. *Ibid.*:13–16. Cf. Toulmin (1949), who offers a pre-Sellarsian defence of 'synthetic necessary truth'.

41. Cavell (2002:30–32).

42. Cavell, like Ryle, is insufficiently sensitive to context when discussing what we must mean by the things we say. This suggests that he has sentence meaning (as opposed to speaker meaning) in mind. But there is space for a third alternative: expression meaning, viz. the social meaning that an utterance has in a very particular context (e.g., one of dog-whistling).

One decade later, Cavell transposed his question to art, concluding that '[i]ntention [...] is a way of understanding the thing done, of describing what happens'.⁴³ His stark conclusion is that whether or not someone intended to do something 'depends on what he *did*, on the work itself'.⁴⁴ I have argued elsewhere that it is a mistake to conflate one's deeds with one's *doing* of it.⁴⁵ A similar conflation, viz. between what is said and one's saying of it, lies at the heart of Cavell's conservative attitude towards pragmatic implication.

What does any of this have to do with rule-descriptions and categorial declaratives? According to Cavell, rule-descriptions, such as S, tell us that it is part of the meaning of certain words or phrases that we imply certain things in their utterance. The following question then arises: how do we figure out what these implications are? Cavell has both a negative and a positive answer to give: the first is 'not by conducting any kind of poll', while the second is to 'look to native speakers'. But these jointly give rise to a further question: 'why not poll native speakers?'

An alien statistician may well want to do this. But while not infallible, a native speaker has no need to poll other native speakers to know the meaning of the ordinary words she uses. To know the meaning of a word or phrase is to have internalised (i.e., be able to follow) the rule-descriptions that reveal what is being said when the word is employed, viz. what is *meant* by the word or phrase in question. Cavell calls the 'rule-descriptions' in question 'categorial declaratives'. This is in order to highlight (via allusion to Kant's categorial imperatives) what he takes to be their peculiar form: they are neither synthetic nor analytic statements; they describe neither necessary nor contingent truths and are not known either *a priori* or *a posteriori*.

Cavell's term 'rule-descriptions' is intended to suggest that the rules are *definitive* of their object: any activities that fall under them are logically dependent upon them. Such rules are akin to what John Rawls denominates 'practice rules' (and would later become known as 'constitutive rules').⁴⁶ So understood, 'rule-descriptions' are more like the rules of chess than the (merely regulative) rules of cooking, pertaining to activities that are logically independent of them. If you break a rule of chess (e.g., 'the bishop only moves diagonally'), then you are not so much playing bad chess as not playing chess at all (at best, you are playing a variant game). By contrast, if you infringe a culinary rule, then you

43. Cavell (1967:230).

44. *Ibid.*:233.

45. Sandis (2017).

46. See Cavell (2002:29–30, n.27); Cf. Midgley (1959). The origins of rule-constitutivism lie with Wittgenstein (for an overview of his remarks, and the point at which the chess/language analogy breaks down, see Gustafsson 2019).

will most likely end up cooking badly, rather than not at all (unless you misunderstand ‘grease the *bottom* of the pan’).⁴⁷

But Cavell simultaneously allows that *some* rules are more like the rules of cooking than the rules of chess. Such ‘standards’ or ‘maxims’ specify how to do a thing *well*, rather than what it takes to do it *tout court*. Cavell’s question, ‘[w]hen is not doing a thing well not really doing the thing?’⁴⁸, is deeply intertwined with that of whether we must mean what we say. Just as the line between poor cooking and no cooking can be crossed in certain instances of breaking the same rule, so too with the line between poor communication and no communication at all. When I mean to suggest that something raises a new question and do so by saying ‘this begs the question...’, am I saying what I mean, saying something *different* from what I meant to say, or not really saying anything at all? More importantly, who gets to decide and on what basis?⁴⁹

Some rules, then, would seem to have both regulative and descriptive applications, whereas others only have the former. A rule such as ‘no picnic’ on a park sign, for example, is a purely regulative norm. In breaking it, you make it true that a picnic is taking place in the park. And the picnic in itself is not a defective one for being forbidden. By contrast, if you fail to pre-heat the oven before you bake your bread, then you are not baking well, and if you never heat the oven you are not baking at all. Similarly, the rules of grammar will divide between those whose flouting leads to (i) poor prose, (ii) saying something different from what one meant to say and (iii) not saying anything at all. The term ‘rule-description’ serves to highlight Cavell’s interest in (iii). The rules of chess and language are thus said to ‘describe’ how the (chess or language) game is to be played. It muddies the waters, however, because rules themselves are not descriptive of anything. Rather, the same string of words (e.g., ‘bishops only move diagonally’) may be used to both state a rule and describe how the game of chess is to be played. In the latter case, our uttering of ‘the rules’ serves as shorthand for a description of what the rules are (e.g., ‘the rule for bishops is that they only move diagonally’). The latter, but not the former, is a statement that may be either true or false.

This arguably explains why Cavell finds statements such as ‘S’ impossible to classify and why he is consequently puzzled regarding the kind of statement a ‘rule-description’ is. If by ‘rule-description’ we mean a description (or account) of what the rule *is*, then such things are synthetic judgements with a truth value. By contrast, rules themselves – be

47. I owe this example to Julia Tanney.

48. Cavell (2002:29).

49. My thanks to Matt Dougherty for pushing me on these matters.

they constitutive *or* regulative – are not truth-apt.⁵⁰ Ryle's claims about what is 'voluntary', as well as Cavell's own offering of 'S', are not rules but (in my view, false) statements about what the rule in question is. When Cavell writes that 'there is no way to classify' statements about ordinary language because they are neither synthetic nor analytic (etc.), it would thus be charitable to understand him as using 'rule-description' or 'categorical declarative' to refer to the rule itself.

Cavell here makes a final, and intriguing, distinction:

[T]he philosopher who proceeds from ordinary language is "establishing a norm" [...] He is certainly not *instituting* norms, nor is he *ascertaining* norms.⁵¹

He tells us characteristically little about how he conceives of the differences between these three activities involving norms, and whether any of them amounts to that of *following* a rule. The word 'establish' seems to fall somewhere between 'ascertain' and 'institute'. Ascertaining something – including a norm – is to try to find (or figure) something out. Here, the implication is that we do so by examining the evidence. To *institute* a norm, by contrast, is to originate and establish it, whether through instant stipulation or repeated use. This is the dream of every conceptual engineer. In philosophy, however, this at best leads to the creation of jargon.

The OLP philosopher, we are told, neither ascertains nor institutes norms. She rather *establishes* them. Many dictionaries offer 'institute' as a synonym for 'establish'. But there is also a use of 'establish' that is closer to that of 'ascertaining'. Perhaps Cavell is using the word 'establish' to indicate that the OLP philosopher attempts to *settle* debates, as in 'establish once and for all'. If so, then the OLP philosopher establishes *what* the norm is. Establishing, so conceived, is not something one does to a norm *directly*, as in the case of instituting. It is true that norms themselves become *established* through repeated use, but it is not the job of the OLP philosopher to establish them in this sense. Establishing *what* (once established) the norm is, by contrast, runs parallel to ascertaining. For, 'ascertaining norms' can only really mean ascertaining *what* the norms are. The difference is that 'ascertain' implies evidence-based discovery, though perhaps this implicature is cancellable. Cavell's exploration stops short of establishing what the norms surrounding the use of the words 'ascertain' and 'establish' are, but by the latter he seems to have something like 'ascertaining without evidence' in mind.⁵²

50. See Baker and Hacker (2009:II & VII).

51. Cavell (2002:29), emphasis in original.

52. Matt Dougherty has suggested to me that this might be similar to Cavell's later phrase, 'finding as founding' (Cavell 2013:77).

Does Cavell think of OLP as establishing *what* the norms are, or as establishing norms, viz. setting them up? The latter seems too close to instituting, and Cavell has good reason to state that the philosopher is *certainly* not doing that, since each OLP philosopher would be free to institute her own norms (insofar as one can do such a thing at all in isolation). It seems charitable, then, to assume that he means something closer to establishing *what* the norms are. But this is not in itself a method because one can establish things in different ways. Indeed, one way of establishing what the norms are would, presumably, be by ascertaining what they are.

We would do better, then, to read Cavell as asserting that fluent speakers *qua* ordinary language philosophers establish what the norms are in a sense connected to their being a source of evidence. The fluent speaker is not in the business of finding out the meaning of everyday words, because she already knows what they mean. What she is trying to do is bring this knowledge into the correct light.⁵³

IV. Experiments in Language

Cavell's paper landed like a jar of Marmite. V.C. Chappell referred to it as '[t]he most detailed explanation and defence of the procedures of ordinary language philosophy that has yet appeared'.⁵⁴ Fodor and Katz reached the mirror opposite conclusion:

The position Cavell advocates [...] seems [...] to be mistaken in every significant respect and to be pernicious both for an adequate understanding of ordinary language philosophy and for an adequate understanding of ordinary language.⁵⁵

The latter were right to criticise Cavell's claim that the baker who uses 'inadvertently' and 'automatically' interchangeably fails to notice something about the world.⁵⁶ But in conflating use with usage throughout their paper, Fodor and Katz fail to notice something of philosophical importance. They also make the additional mistake of thinking that sequences of words such as 'my name is not Stanley Cavell' are 'clearly empirical' statements,⁵⁷ as opposed to, say, non-propositional hinge certainties.⁵⁸ This all leads them to offering their readers an uninspired

53. See Wittgenstein (PI, §109) and Hanfling (2000:57-8).

54. Chappell (1964:4); cf. Laugier (2011).

55. Fodor & Katz (1963:57); cf. Alson (1962).

56. Fodor & Katz (1963:68).

57. *Ibid.*:64.

58. Cf. Moyal-Sharrock (2007, esp. chs. 2-4).

choice between ‘empirical investigation’ and ‘transcendental logic’.⁵⁹ There are more things in OLP than are dreamt of in this philosophy.

While the debate was eventually left behind without being ‘won’ by either side, Fodor’s ‘language of thought’ hypothesis would gain prominence at the expense of OLP. While the latter receded from mainstream analytic philosophy during the final quarter of the 20th century, Cavell’s work would nonetheless give rise to a whole new wave of concern with the ordinary, from James Conant and Cora Diamond to more recent proponents such as Avnar Baz and Toril Moi.⁶⁰

Fast-forward to the 21st century, experimental philosophy has become a *bona fide* (albeit highly controversial) area of philosophical practice. Its target now is not simply OLP, but any form of armchair conceptual philosophy, from Bertrand Russell and G.E. Moore to David Lewis and Frank Jackson. These disparate methodologies are sometimes brought together under the familiar term ‘conceptual analysis’, despite the fact that many practitioners of conceptual elucidation and conceptual cartography are explicitly against conceptual analysis.⁶¹ X-Phi arguments vary slightly from one experimental philosopher to another, but the following statements are typical of mainstream attacks on conceptual analysis:

[T]he conceptual analyst might write “in this case, one would surely say...,” while the experimental philosopher would write, “in this case, 79% of subjects said...” and back her claims with statistical data.⁶²

[A]reas of philosophy that rely on [...] conceptual analysis based in part on ordinary usage [...] are ripe for investigation by experimental philosophers [...] examining these things in a controlled and systematic way [...] there is a shared distrust of philosophers’ (common) claims of the general form [...] ‘The ordinary use of “X” is Y’, [...] based upon armchair reflection on their own intuitions and (perhaps selective) consideration of their conversations with friends, family, and especially students [...] methods [...] highly susceptible to well-known biases.⁶³

In the empirical spirit, I should report that, when I typed the phrase “it would be natural to say” into Google’s Book Search, it happily returned, as its top search results, passages by Gilbert Ryle, Peter Strawson, Max Black and Bertrand Russell.⁶⁴

The above claims contain a number of confusions, including the conflation of use with usage, and the misguided thought that linguistic philosophy done from the figurative armchair must rely on intuitions.⁶⁵ Given

59. Fodor & Katz (1963:71).

60. See Baz (2012 & Baz 2017) and Moi (2017).

61. E.g., Sandis (2010: §2) and Tanney (2013).

62. Knobe & Nichols (2008:4).

63. Nadelhoffer & Nahmias (2007:125).

64. Appiah (2008:VI).

65. See note 12, above.

how strikingly similar these worries are to the empirical semantics complaint against OLP, it seems prudent to assess the extent to which Cavell's original arguments might still be applicable. In this, I am in agreement with Hansen, although our interpretations of Cavell's arguments and, *a fortiori*, our assessment of their precise relevance, differ.⁶⁶

Cavell's argument hinges on the thought that the OLP is in no need of evidence because she can establish what the norms are simply in virtue of being a 'native' speaker. Such establishing does not rely on intuition but on the mastery of 'grammatical' rules one learns in becoming (what I would call) a fluent speaker. The fact that such mastery is neither instant, nor infallible,⁶⁷ does not render it an intuition. While a philosopher of any stripe might (explicitly or otherwise) find themselves appealing to intuition, there is no particular reason why OLPs need do so. The evidence/intuition dichotomy is false: one philosopher may correct another by appealing to neither, e.g., when one brings a momentarily neglected use to another's attention. Philosophers are not appealing to intuition when they recall ordinary uses that we neglect when in the grip of a picture or a concept that leaves no space for them,⁶⁸ or when they show how a number of seemingly diverse uses are more closely related to one another than we had previously supposed.

A philosopher may also elucidate concepts with helpful examples from literature, decent dictionaries (fallible though they remain),⁶⁹ and other reminders of 'what we say' in everyday language; these can even be sought by putting terms and phrases in search engines (without quite getting up from our armchairs). By so distinguishing between correct and incorrect uses of terms and phrases, fluent speakers may improve their grasp of any given concept.⁷⁰ Such things can also play an evidential role in certain disputes⁷¹ (e.g., when playing Scrabble). Still, our everyday ability to speak does not depend upon its confirmation. In sum, while evidence *can* be sought and provided, fluent speakers do not ordinarily ground their claims about use on it; it therefore tends to serve as a reminder, rather than as a ground.

There are further debates to be had here, e.g., about the value of the metaphor of so-called family resemblance.⁷² For present purposes, however, what matters is that native/fluent speakers stand to be corrected by

66. See Hansen (2017).

67. See Henle (1957:218-9) and Longworth (2018:10-11).

68. Wittgenstein (PI, §127 & BT, §419).

69. Henry Jackman goes further in writing that '[e]ven the OED can be ignored with impunity in many quarters' (Jackman 2001:321), but gives no examples.

70. On the relation of the everyday to the ordinary, see Ryle (1953:314-18).

71. Many thanks to Baptiste Cornardeau for pushing me on this point.

72. See Beardsmore (1992).

other such speakers by recognising the validity of various counterexamples.

While linguistic and conceptual norms are 'rules of grammar', statements *about* them are standard empirical claims that *can* be backed up by evidence, although the source of that evidence will ultimately be native speakers themselves. The term 'rule-description' seems to hover between the two. Likewise, Cavell's distinction between three types of statement made about ordinary language (instances, explications and generalisations⁷³) muddies the water in ignoring the difference between expressions of a rule and statements about what the rule in question is alleged to be.

When Cavell maintains S, viz. that something is only voluntary if there is an implication of fishiness, we can respond by pointing to cases where we would naturally say that something is voluntary, without implying anything of the kind. Here, the source of the evidence really is native speakers themselves, and not something that exists independently of them.

V. Epilogue

In a recent article, Hansen objects to similar defences of OLP in the following way:

Some recent defenders of the methods of ordinary language philosophy rely on versions of the conventionalist response to Mates that sidestep worries about idiolects by assuming that certain practitioners of ordinary language philosophy have access to "objective facts about linguistic norms." For example, Sandis (2010) distinguishes ordinary language philosophy from recent experimental investigations of topics of philosophical interest by claiming that ordinary language philosophy makes observations about "proper linguistic usage" and "legitimate use."⁷⁴

But the sort of conventionalism I espouse, according to which linguistic norms are shared arbitrary rules,⁷⁵ does not put *any* OLP practitioner in

73. Cavell (2002:3).

74. Hansen (2017:9). See also Hansen & Chemla (2015).

75. A much fuller defence is provided by Glock (2008; 2010). As Christopher Winch (1988) argues, such conventions arise naturally and are not to be confused with David Lewis' account of the conventionality of language as the result of an effort to solve co-ordination problems (Lewis 1969). For conventionalism in relation to Carnap, Quine, and Sellars see Westphal (2015).

a position of privilege above other fluent speakers.⁷⁶ The general reality of linguistic agreement is hardly a privilege of some chosen few.⁷⁷

Hansen is nonetheless right to spot a tension between my appeal to 'facts about linguistic norms' and Cavell's insistence that the OLP philosopher is not in the business of *ascertaining* norms. The tension exists because it is natural to infer that such facts are things to be ascertained from evidence. But the possibility of their being ascertained in this way is compatible with its typically making no sense for fluent speakers to proceed this way (just as I don't normally ascertain that my name is Constantine through the consideration of evidence). Thus, while I see the tension as being largely rhetorical, Hansen's interpretation of Cavell renders him far more radical and anti-conventionalist. He writes:

[I]f my interpretation of Cavell is correct, then Cavell should be seen as rejecting Mates's starting assumption and insisting that there is a central normative component to the statements of the ordinary language philosophers – statements about what we say are not just descriptions, they are proposals as to how words should be used statements about what we say are not just descriptions, they are proposals as to how words should be used.⁷⁸

Understood thus, a categorial declarative is only successful when it comes to be accepted by one's intended audience. As a reconstruction of Cavell, this fails to do justice to his remark that categorial declaratives do not 'institute' norms.⁷⁹ I have tried to show that we would do better to understand Cavell as suggesting that the ordinary language philosopher is in the business of establishing what the relevant norms are. After all, statements such as 'S' are not being offered as *alternatives* to current ordinary use. Be that as it may, we both contend that Cavell denies that statements about what we say are descriptions of popular *usage* and that he is right to do so. *Pari passu*, there is a sense in which he thinks that statements about what we say (such as 'S') are proposals about how words *should* be used. But 'should' here just means that there is such a thing as misusing a word. Cavell is no conceptual engineer in the contemporary sense⁸⁰. Proposals regarding how words should be used are to

76. The 'authoritative status' worry is also raised by Jackman (2001:320–24). But the OLP need not (and, indeed, should not) allege that she is more of an expert on what 'we' would say than any other fluent speaker. Her skills are elucidatory and cartographic, not epistemic (see Tanney 2013).

77. See Midgley (1959). For appeals to fact, evidence, and intuition in the case of *moral* conventions see Sandis (2019b).

78. Hansen (2017:17); cf. Henle (1957:752), who thinks that 'what is involved is primarily a matter of reaching a decision'.

79. Many thanks to an anonymous referee for making this connection.

80. See Westphal (2021: §3.3) for how this differs from Carnap's more conventionalist understanding of 'language engineering'.

be grounded on facts about correct use, e.g., that claiming one is ‘begging the question’ is to say that they are already assuming the truth of what is being argued for.

Where does all this leave experimental philosophy? On Hansen’s assessment:

the answer to the question *must we measure what we mean?* – when that is taken as a question about the need to survey how speakers of the language actually speak when making claims about what we mean by the use of an expression – is no, but it is extremely difficult to make a compelling proposal about the meaning of an expression that ignores evidence about how the expression is in fact used. Citing experimental (or corpus-based) evidence of a distinction in use can be an effective way of convincing an audience that a particular difference in meaning exists and can play a powerful rhetorical role in producing the acknowledgement necessary for a successful categorial declarative.⁸¹

On the first question, I am in agreement with Hansen. However, we agree for different reasons, and this leads us to answer the second question very differently. Experimental evidence may inform us of majority and minority *usage*. In addition, it can point an audience to a particular overlooked difference in *use*, thereby serving as a reminder that assists us in establishing linguistic norms. But in this, it is no different from newspapers, literature, search engine results, and other fluent speakers. Accordingly, experimental philosophy should not place itself in competition with OLP, but at its service. The service it can offer, however, is pretty limited.⁸²

81. Hansen (2017:24).

82. Many thanks to an anonymous referee for helpful feedback. This paper began life as an introduction to a discussion of Cavell’s paper at the 53rd Session of the *Welsh Philosophical Society* (Gregynog Hall, 28–30 April 2017). Paper versions were subsequently presented at *Natural and Formal Languages* (University of Zurich, 6–9 December 2017), *Wittgenstein: Grammar and Nature* (University of Southampton, 9th July 2018), and *Séminaire Wittgenstein 2019-2020: Retour de la Philosophie du Langage Ordinaire* (Université Paris 1 Panthéon-Sorbonne, 1st Feb, 2020). I am deeply grateful to Matt Dougherty and Baptiste Cornardeau, who were my respondents at Southampton and Paris respectively; their detailed comments saved me from many errors. I would also like to thank Louise Chapman, Andrew Lugg, Ken Westphal, and Peter Winslow, as well as the organisers and participants of the above-mentioned events, particularly Jason Bridges, Christiane Chauviré, David Cockburn, Pierre Fasula, Hanjo Glock, Felix Hagenström, Tim Kjeldsen, Hugh Knott, Sandra Laugier, Danièle Moyal-Sharrock, Fionn O’Donovan, Naomi Scheman, Nicole Rathgeb, Stefan Rieglernik, Genia Schoenbaumsfeld, and Roger Teichmann.

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