Journal for the History of Analytical Philosophy

Volume 9, Number 9

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ISSN: 2159-0303

jhaponline.org

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Cavell and the Quest for a Voice: The Importance of the Notion 'Claim' in Aesthetics and Ethics

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In this article I focus on Cavell's theme of finding one's voice, as it is articulated with reference to the philosophies of language of Wittgenstein and Austin. I start by spelling out Cavell's Wittgensteinian-Austinian view of culture as the background for his approach to aesthetics and ethics. I then set out to explore the work done by the theme in aesthetics and ethics around the notion *claim*. I argue that Cavell's effort to counter the pull of non-cognitivism in aesthetics and ethics, building on the notion claim, is not only illuminating of his unique way of inheriting the history of analytic philosophy but also gives us a glimpse of where and how Continental and analytic philosophy may again cross paths in the future.

Special Issue: Recovering the History of Analytic Philosophy with Stanley Cavell
Edited by Edward Guetti and G. Anthony Bruno

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Sofia Miguens

1. Isolated Issues? The Stakes in Aesthetics and Ethics and The Things We Do With Words

Within analytic philosophy it often seems as if work in philosophy of language is already finished where work in ethics and aesthetics starts. Notions such as cognitivism and non-cognitivism, expressivism, or emotivism are ready at hand, their content apparently having been settled elsewhere. In the very use of these notions a separation between the 'natural' inarticulateness of sentiment or emotion and the conceptual character of that which is truth-evaluable is taken for granted. How such separation relates to a more comprehensive view of language is usually not center stage. This makes ethics and aesthetics at best applications: being largely involved with matters of sentiment or emotion, it is as if they belonged to a weaker part of philosophy. That is not where the real action is. Things are quite different with Cavell. His cases against non-cognitivism, expressivism and emotivism in aesthetics and ethics are where the action is, and they are central in his work.[1] He is no less a philosopher of language for that. In fact his whole oeuvre, no matter how far it reaches, whether it be Hollywood film, erudite music, Caro sculpture, incursions in Nietzsche or Heidegger, Shakespeare or Beckett, rests on the philosophies of language of Wittgenstein and Austin. But how do the many topics of Cavell's work fit within a view of culture and of philosophy's role in it? Focusing on the theme of the quest for a voice, I am interested in answering that question and also in bringing to the light the fact that philosophical traditions currently at odds converge in it. I start by spelling out Cavell's Wittgensteinian-Austinian view of culture. I then focus on Cavell's theme of the quest for a voice in its connection with the notion of 'claim'. Exploring particular examples of the theme in aesthetics and ethics, I call attention to how close they are to discussions around pragmatics in analytic philosophy of language.[2] Still, for Cavell, issues concerning our doing things with words and our relation to our own words do not lead to technical proposals, as in analytic philosophy of language, but ultimately to what within Continental philosophy could be called a critique of subjectivity. I conclude by claiming that Cavell's way of inheriting the history of analytic philosophy gives us a glimpse of where and how Continental and Analytic approaches may again cross paths in the future of philosophy.

2. The Quest. Philosophy and Culture. Three Senses of 'Culture'

A significant number of Cavellian questions come under the guise of what I am calling the quest for a voice. I have in mind questions to be found at the very beginning of *The Claim of Reason* (Cavell 1979, 3–36) such as: what is speaking for oneself? What is speaking for others with whom you consent to associate? How can a singular voice ever be shared? How can I speak for others or have others speak for me? What is it to acknowledge others, to be acknowledged, to recognize a community? How can one escape inexpressiveness? What is it to give consent and to dissent? What responsibility does one have for the way language is used? Is

[1] My main references in this article are Cavell (1969b,c,d, 2005).

[2] Cavell's focuses on the notion of 'claim' in its relation to action, whereas at the core of pragmatics-oriented discussions within analytic philosophy of language are the relations of speech acts to truth. The difference points towards a critique of the Cavellian positions I discuss.

there such a thing as one's agreement with oneself, as there is agreement and disagreement with others? How can one come to have not only a voice of one's own but a voice capable of articulating newness, e.g., artistic? How can one claim that such a singular voice ever be shared? All of these questions involve our relation to our own words and things done with words; they are formulated around the notion 'claim'. They are also, for Cavell, articulations of central stakes in aesthetics and ethics.[3]

One first step before looking at examples of how exactly such questions arise in aesthetical and ethical contexts is to consider what a claim is within human life with language. My reference here is French philosopher Sandra Laugier (see, e.g., ?Laugier 2013, 2019.[4] Laugier defines a 'claim' as what a voice does when it bases itself on nothing but itself and itself alone in order to base an agreement (Laugier 2013, 94). She credits Cavell for bringing the idea to the fore that language is *always spoken by a human voice* within a form of life. Three ideas are fundamental for Cavell there. Since language is used, it is action: speaking, or writing, are performances, and thus thinking about language brings in the problems of action. Also, in saying that 'language is our form of life', *life* should be stressed prior, as it were, to the plurality of *forms*. Finally, it is always possible that a voice not be shared—this is part of its condition as 'claim'. The notion of 'claim' is then put to use, by Cavell, in understanding what counts as natural and conventional within human life with language, as well as what is at stake in expression. Laugier stresses that the issue of expression changes shape completely in Cavell's hands. According to the public-private duality of textbook Wittgenstein, 'private' concerns an inner subjective realm whereas 'public' concerns outer manifestations thereof. Once such public-private duality is not taken as a strict dichotomy anymore, then 'to not be public is not to be private, it is to be inexpressive' (Laugier 2013, 94).

Conceptions of what counts as natural and conventional within human life with language, as well as what is at stake in expression, are the building blocks for the view of human culture that Cavell puts forward in his major work, *The Claim of Reason*. This is a view of what is involved in a human animal breaking into a form of life, and eventually in the quest for a voice within a space already shaped by prior linguistic understanding. Some observations about what is meant by 'culture' are needed here though.

Cavell's starting point is agreement in judgment. The notion of agreement in judgment, said to be at the same time deep and fragile, is in itself a view of the relations between language, nature, and convention in human life. It is the core of what I will call the anthropological sense of 'culture'.[5] Here Cavell distances himself from the conventionalist-behaviorist readings of Wittgenstein promoted by e.g., Saul Kripke or Richard Rorty. He views agreement in judgment as neither intersubjectively negotiated agreement nor based on convention. Kripke's appeals to community and convention assume a form of behaviorism which Cavell does not attribute to Wittgenstein. Also, unlike Kripke, Cavell sees the notion of convention as itself problem-

[3]One should add political thinking; the three fields of questions are closely connected; that is actually quite important at the very beginning of *The Claim of Reason*. Here I will leave the political dimension of the notion claim aside (see Sandra Laugier 2019 for emphasis of it).

[4]In Laugier (2013) see, especially, the final four chapters: Chapter 6, 'Language as Given: Words, Differences, Agreements'; Chapter 7 'The Ordinary as Heritage: Natural and Conventional'; Chapter 8 'The Myth of Inexpressiveness'; Chapter 9 'To Speak, To Say Nothing, To Mean To Say'.

[5]It might be argued that I am forcing the use of the term 'culture', and that Wittgenstein himself refrains from using it in the *Philosophical Investigations.* It is true and important, as Juliet Floyd (2019) remarks, that Wittgenstein carefully avoids the word 'culture' in the *Philosophical Investigations*. Speaking from where he speaks, considering the controversial undertones of the *Kultur-Zivilization* distinction in German, it is understandable that he had qualms with the term. I suggest that we keep it anyway for the anthropological touchstone of Cavell's philosophy.

atic, not as a solution (see Laugier 2013, 88). As for Rorty, he appeals to sanction of truth by a community of peers, thus attaching agreement to intersubjective negotiation. According to Cavell, in contrast, agreement in judgement is prior to any explicit agreement or disagreement in discussion or debate—it is agreement in forms of life. Besides taking agreement in judgement as start, doing philosophy after the 'Wittgensteinian event' means, for Cavell, coming to terms with a scene of instruction, a scene of the breaking into such form of life by human animals. When a human child comes into language there already is language in use within forms of life. Uses of language precede our understanding. We inherit them, we learn, teach, project and eventually make them (or, better, parts of them) ours. We are all teachers and students outside contexts of institutional learning. This is what Cavell thinks agreement in judgment is based on. We can agree and disagree because we are thus bound. Nothing else. Such absence of foundation permeates Cavell's view of nature and convention. It, as it were, 'haunts' philosophy done after the Wittgensteinian event, according to him. The question how a human animal breaks into forms of life thus becomes the question of education. Education, according to Cavell, does not end: humans learn in contexts, teach, project; nothing ensures that they will make and understand the same projections (Cavell 1969a, 52).

The *Philosophical Investigations* (Wittgenstein 2009)[6] provide a picture of the landscape to be investigated in these terms by the philosopher. There Wittgenstein is describing what humans do. He is, as it were, describing the natural state of culture of humans. There are ongoing conceptual practices which shape human lives: using numbers (PI §§143–44, §151, §185), recognizing colours (PI §1, §33, §§57–58, §§273–75, §281), seeing human bodies as ensouled (PI §283, §§420–22, i 6, iv, v, vi, vii, viii, ix, x) and other objects not (PI §361), seeing intentions (PI §§591–92, §§627–29, §647, xi 328), knowing lions do not speak (PI xi 327)—in general, using concepts and knowing how to continue.[7] Philosophy done in this anthropological key looks into human forms of life as they go on. That all this is at stake is one reason why Cavell himself sometimes doubts that what he is doing is philosophy of language. All these elements belong within Cavell's anthropological sense of culture. For Cavell, human speech, as well as sanity and community, rest upon nothing else but forms of life sustained and shared in agreement (Cavell 1979, 20).

Notice that 'culture' in the sense of the *Investigations*, is not 'high culture'—it is rather anything learned and elaborated by humans within a form of life, from counting with sticks to giving people proper names. 'High culture' and 'popular culture', as in my initial examples, respectively, of Beckett and Caro, on the one hand and Hollywood movies on the other, are important strands in Cavell's work. Yet first we should simply think of culture in the sense anthropologists think of culture—the object of interest is the same: human forms of life, ordinary forms of life, any human form of life. That there is nothing obvious about the ordinary is part of the importance of anthropology as a discipline and part of the importance of anthropology for philosophy.

Cavell's philosophy is built on an exploration of human culture in the above sense. What goes on in human forms of life with language is then considered in terms of criteria, 'means by which the existence of something is established with certainty' (Cavell 1979, 6). There are shared uses of language among humans; there is agreement in judgment — and agreement in judgment determines criteria. The next questions are: how do claims relate to criteria? How does agreement in judgment, and criteria, relate to voice? And how do we investigate that? So far, I have

[6]Henceforth cited as PI followed by either the section (from part 1 of *Philosophical Investigations,* preceded by '§'; references to part 2 of that work are given in lower-case roman numerals)

[7]On rule following see PI §§185–202, and Cavell (1979) sections II, VII and XI.

largely made use of the Wittgensteinian elements of Cavell's philosophy. But Cavell's anthropological approach, from the start, is systematically practiced with Austinian instruments.[8] Agreement in judgment is what is to be grasped by the Austinian 'what we say when'. Austin provides Cavell with techniques for doing philosophy as an examination of agreement in judgment and going on according to criteria. His focus on the performative aims at capturing language as action, and thus, as 'claim'.[9] This is, then, the place to ask 'What allows Wittgenstein and Austin to say what they say about what we say?' (Laugier 2013, 81). Such a question about *what we say when* is a question about the method and the starting point of ordinary language philosophy; it already involves what is at stake with the notion of 'claim'.

This is the general Wittgensteinian-Austinian shape of Cavell's view of human culture and the investigation thereof. All three senses of 'culture' find their place in Cavell's philosophy within the very same framework of criteria and claims. Such is the home for Cavell's approach to the questions in aesthetics and ethics that I will move on to discussing. A key passage, almost at the end of the section V (Natural and Conventional) of *The Claim of Reason*, spells out the connection between these senses of culture:

> I may take the occasion to throw myself back upon my culture, and ask why we do what we do, judge as we judge, how we have arrived at these crossroads. What is the natural ground of our conventions, to what are they in service? It is inconvenient to question a convention: that makes it unserviceable, it no longer allows me to proceed as a matter of course; the paths of action, the paths of words are blocked. 'To imagine a language means to imagine a form of life' (cf. §19). In philosophizing, I have to bring my own language and life into imagination. What I require is a convening of my culture's criteria, in order to confront them with my words and life as I pursue them with the life my culture's words may imagine for me: to confront the culture with itself, along the lines in which it meets in me (Cavell 1979, 125).[10]

Such convening of criteria and confrontation with my own words and life, and thus with my claims, underlies all questions I listed above under the heading of the quest for a voice. I said they were at the same time questions which articulate the stakes of aesthetics and ethics. They are also questions which bring back into philosophy the concern with problems of culture. As Cavell puts it:

> An intellectual commitment to analytical philosophy trains concern away from the wider traditional problems of human culture which may have brought one to philosophy in the first place (Cavell 1969, 74).

Cavell's approach to aesthetics and ethics counters this training, just as, as we will see, it counters the idea that matters aesthetic and ethical largely concern sentiment or emotion, thus lying outside language. This is how Cavell brings back into analytic philosophy the value of culture as experience. In all three senses of 'culture', culture is experience which changes us and changes how we think, how we apply our concepts. This could be a child learning to use numbers or a matter of highly intellectual art (e.g., in 'Music Discomposed' with Schoenberg's disciple Krenek). When approaching art, Cavell is less concerned with artistic hierarchies, or with reversing them, than he is concerned with self-transformation, the self-transformation provoked by encounters with new experiences.[11] He has his eyes on moral education and edification. It is *Bildung* proper that he is after

[8] See e.g., Cavell (1969, xvii–xlii, 97–114); or Cavell (1979, 49–64).

[9] For a very clear recapitulation of what Cavell takes the Austinian method to be, aimed at non-philosophers interested in Austin, see Performative and Passionate Utterances (Cavell 2005).

[10] This passage is about the voice of philosophy—that aesthetic and ethical concerns are so important in the voice of philosophy is—an idea in the background of this article.

[11] In fact one say Cavell is more concerned with ethics than with philosophy of art in his incursions into popular culture. Other philosophers of art (e.g., Noel Carroll) have dealt with the issues of art for the masses directly from the viewpoint of aesthetics.

when he is thinking about *confronting criteria (my culture's criteria) with my words and life*, as in the passage I quoted above (Cavell 1979, 125). This not only intertwines the stakes of aesthetics with the stakes of ethics, but does it within a framework which locates both within a wider view of culture in the anthropological sense.

3. The Voices

The stage is set: we have a Wittgensteinian-Austinian view of culture and of a method for exploring it philosophically.[12] I will now look more closely at two specific examples of the search for a voice within the Cavellian framework of criteria and claims.

As Sandra Laugier puts it, 'It is not by nature that one has a voice, a voice of one's own' (2013, 93). So how does it come to be that one has a voice of one's own? My first example is Cavell's characterization of the shape problems in aesthetics have in the condition of modernism. The second example is passionate utterance. This last example is particularly interesting considering the loyalty to Austin and to Austin's method evident throughout the whole of Cavell's work, since this is a point where he is definitely critical of Austin. He is critical of Austin not only because Austin is 'skittish' about emotion and dismissive of the role of passion in human life (Cavell 2005, 156), but mostly because of a particular restriction in Austin's view of the performative which he believes precisely opens the way to non-cognitivism in ethics. Cavell calls it 'the catastrophe', and writes that it closes a door it should invite others to open (Cavell 2005, 160).

[12]This is not, naturally, Wittgenstein's own view of culture. The distance between Wittgenstein the man, and his observations on culture, and Cavell's picture of philosophy and culture is large. The moral importance of popular culture explored by Cavell (for that see Laugier's ERC Project on popular culture, 'DEMOSERIES, Shaping Democratic Spaces: Security and TV Series') would certainly be quite alien to Wittgenstein.

3.1. Aesthetical claims: the condition of modernism and also a view of intention

It was Cavell's purpose to bring aesthetics closer to contemporary art; he famously claimed in 1969 that aesthetics had been, up until then, 'aesthetics of the classics' (Cavell 1969b, 189). Analytic philosophers' incursions into aesthetic and artistic matters contrasted negatively, he thought, with the work of critics, who were naturally concerned with the art of their times.[13]

Cavell's early work in the 1960s has many important things to say to those working in aesthetics today, starting from what he sees as the first question in aesthetics: How does *that* (sensuous object) *mean* anything (Cavell 1969c, 228)? I will focus on two issues. The first is Cavell's idea that the condition of modernism is important for revealing what the stakes in aesthetics are. The second is Cavell's rejection of both Monroe Beardsley's anti-intentionalism[14] and New Criticism's idea of the self-sufficiency of the art object. 'A Matter of Meaning It' (1969c) is a response to the reaction (and incomprehension) to 'Music Discomposed' (1969c) by Monroe Beardsley and Joseph Margolis. It will be my main reference here.

Why is the condition of modernism important for revealing the stakes in aesthetics? Think of the analytic philosopher's trade of defining art, of asking what the necessary and sufficient conditions for art are, no matter which orientation the answer takes. For Cavell, this way of proceeding completely obscures the fact that the philosophical stakes lie there where 'we do not know' (whether this is art, or what art is) and are precisely trying to come to terms with that fact. The revealing situations are those where we do not know whether something, *this*, in front of me, is art (is this sculpture? Is this music? Is this theatre? Is it dance?).

[13]That there were certainly exceptions (such as Arthur Danto) does not by itself prove that Cavell was wrong about most of analytic aesthetics then.

[14]Anti-intentionalism is the idea that artists' intentions are irrelevant criteria for an object of art being art.

Within a tradition of doing and thinking a certain way, there are (obvious) criteria; I called the familiar objects music, theater, or dance. Now I call my criteria into question. Calling past criteria into question is something Cavell believes the critics of 'Music Discomposed' do not entirely grasp. Beardsley and Margolis believe Cavell wants to rule out as music one particular work he considers. So they answer Cavell by calling for defining the concept art in a way broad enough to encompass problematic objects, or allowing for borderline cases (of art). But for philosophy to 'scramble for definitions' which

> accommodate these objects unproblematically as art—or art in a wide sense, or borderlines cases of art—assures its irrelevance—does not take seriously the claims the objects make, the attitude towards art of the past (it is past), the despair under the fun, the nihilism under the comment, the cultural-philosophical confusion which makes such claims and fun and comment possible (Cavell 1969c, 215).

What interests Cavell is precisely taking seriously the claims such objects make when I no longer stick to the criteria of tradition. What is called for is not adjustment in a definition. Taking such claims seriously leads Cavell far away from the analytical aesthetician, who is engulfed in definitional exercises, and brings him to attend to 'the oblique and shifting relations between art, criticism and philosophy' (Cavell 1969c, 223). Such relations are in fact one of the themes of 'Music Discomposed', (1969a) in the need felt by composers to explain themselves in theoretical papers. It also comes out in his analyses of Caro's sculptures, or Beckett's theatre. Here is the example about Caro from 'A Matter of Meaning It':

> I had. . . thought. . . that a piece of sculpture was something worked (carved, chipped, polished, etc.); but Caro uses steel rods and beams and sheets which he does not work (e.g., bend or twist) but rather, one could say, places. I had thought that a piece of sculpture had the coherence of a natural object, that it was what I wish to call spatially closed or spatially continuous. . . but a Caro may be open and discontinuous. . . I had thought a piece of sculpture stood on a base. . . and rose; but a Caro rests on the raw ground and some do not so much rise as spread or reach or open. I had heard that sculpture used to be painted and took it as a matter of fashion or taste that it no longer was. . . ; Caro paints his pieces (Cavell 1969c, 216–17).

We have criteria for identifying sculpture (it should be something worked, it should stand on a base, not be painted, be spatially contiguous, etc). *This* in front of me is none of that. But here and now I do count *this* as sculpture. I claim it to be so, and I want to stick to this claim—I never thought I would count something like this as sculpture and yet I do.

Taking this claim seriously means that there is no way to separate the question of evaluation (of art) from the question of classification (of art), as Beardsley and Margolis want (Cavell 1969c, 216).[15] One mark of modernism, then, is that the question of valuation comes first and last (Cavell 1969c, 216). Then, of course, there is the idea that this before which I stand (the Beckett play, the Caro sculpture) might be a fraud. The claim that this is theatre, or that this is sculpture, might be fraudulent and the artist himself might not know that. I myself might not acknowledge that I am pretending, when I take it to be art. The key for Cavell is that artists in the condition of modernity are striving to say something they can mean. Faced with the presentness of the past, the presence of tradition and criteria, their problem is to attempt in every work to do what has not been done and still say something they can mean (Cavell 1969b, 196). Cavell's point is that there is no foundation for such claiming, a claim going against the agreement in criteria which precedes it. This is an occasion where there are no rules to tell you how to state your claim (Laugier 2019).

[15] One might object that e.g., Beardsley with his criticism of the intentional fallacy assumed no such separation. But one should keep in mind that in Music Discomposed Cavell is criticizing the concept of intention with which Beardsley is working, the one he uses namely in criticizing the Intentional Fallacy.

Granted, there might be fraudulence involved; this is quite important for Cavell for many reasons, in particular because issues of skepticism enter the picture here—'I doubt that this is art' is a quite common reaction to modern art. That is not to say that deception is intended (by the artist, say). This brings us to the second issue: what Cavell has to say about intention and works of art. Against Beardsley's anti-intentionalism and in a context marked by the formalism of the New Critics, Cavell claims that artworks are to be treated as persons. Why is that so? Because they can and should be asked questions one asks of persons only and not of natural objects. This, say, a sculpture by Caro, is not a rock found on a beach. The question is not whether psychological states of the artist should be called in; the question is that *this* (object) is meant to be understood. A human made it. You may want to know what the point is. In fact the question 'Why this?' is essential to criticism—why should philosophers have contempt for it? The question asks about the intention of *this work*, not the intention of the artist doing it. Cavell asks: Why wouldn't the philosopher ask such a very natural question?

From the viewpoint of the history of analytic philosophy there is some irony here, when one considers the notion of intention used by someone like Beardsley. According to Cavell, it inherits the logical positivist's view of intention. The logical positivist's view of intention is that of some internal prior mental event, causally connected with outward effects which remain the sole evidence of it having occurred (Cavell 1969c, 226). Cavell claims no step can be taken here without more sophisticated views on action and intention:

> Intention is no more an efficient cause of an object of art than it is of a human action; in both cases it is a way of understanding the thing done, of describing what happens (Cavell 1969c, 230).

Cavell's view of aesthetic claims as claims that my voice be shared is naturally very close to Kant's idea of the universalizability of aesthetic judgment of taste.[16] But here I just wanted to underline the work the notion 'claim' is doing and the conditions in which an aesthetic claim is put forward to be shared: in the condition of modernism I do not know, I am staking my claims, and the question is whether one can mean what one says (what one makes, what one composes, etc.). This is not a matter of an internal and prior mental event of intention coming to external expression. This is my first example of the importance of the notion 'claim.' It is an example of what it means to confront the culture with itself, along the lines in which it meets in me. At the same time, and this is important for Cavell's philosophy in general, it brings attention to what expression is not.

Culture, in all three senses above, changes my experience in the sense that it changes my way of applying my concepts and applying my concepts is my way to become who I am. This is the meeting point of aesthetics and ethics, the gist of Cavell's perfectionism, formulated in Emersonian-Nietzschean terms, and so in terms of becoming who one is with materials found in our lives. What matters is *Bildung*, in Cavell's somewhat deflationary reading: culture is valuable experience for me, experience which changes how I experience further along. Chance for changing could come from the most diverse places. A focus on the experience and application of concepts, whether it be of the viewer, beholder, subject or artist, is what matters for Cavell.[17] This is one connection between aesthetics and ethics. Another connection is brought in by the idea put forward in *A Pitch of Philosophy* that aesthetic judgment is passionate judgment.

[16] See Cavell (1969a).

[17] As a philosopher of film Cavell is criticized for not caring about *cinema d'auteur*. Such is one mark of Cavell's importing of aesthetic issues into a perfectionist arena: either high culture or popular culture materials may be recruited in anyone's 'becoming who they are'; that is what matters.

3.2. Ethical claims: passions and what pragmatics is not

There are many different aspects to the importance of the notion *claim* for ethics. That voice is a claim to community, which is a claim to rationality, is a theme present from the start in *The Claim of Reason.* It, as it were, infuses ethically (and politically) all philosophical pursuits for Cavell.[18] Yet here I want to focus on a particular issue that Cavell felt the need to bring up in a relatively recent article, 'Performative and Passionate Utterance', in *Philosophy the Day After Tomorrow* (2005). I am interested in it because there one sees Cavell forced to spell out for himself a limit of his debt to Austin. He wants to throw light into the relation between Austin's approach to language as action and the issue of human passions. It is not indifferent that Cavell found it important to engage in criticizing Austin long (very long) after taking Austin as a guide to all his philosophical pursuits in the 1960s. He felt the need to do it precisely because the Austinian guidance and methodology are everywhere at work in his writings. It is thus a problem for Cavell that the Austinian techniques of the performative, which are meant to capture language as action, exclude perlocutionary acts from linguistic analysis—those acts which Austin saw as producing effects upon feelings, thoughts or actions of addressees with the design of producing them (Cavell 2005, 177). Cavell thinks that such exclusion not only leaves an open way for non-cognitivism in ethics but also renders Austin dangerously close to the position of logical positivist he criticizes (e.g., A. J. Ayer).

As is well known, Ayer is Austin's target when it comes to sense data views on perception. Yet when it comes to moral utterances, in spite of such fundamental opposition, Austin leaves open the very same space that Ayer leaves open. This is a space for moral 'matter', as it were, as pure feeling, inarticulate and inarticulable. The core idea of non-cognitivism in its most classic guise, as it can be found in Ayer's emotivism, is that moral utterances have no cognitive meaning. Some of Ayer's examples are 'You acted wrongly in taking the money', and 'You ought to tell the truth'. These are said to not be statements which may be true or false. If they have no cognitive meaning, then, by the standards of logical positivism, they are nonsense and cannot be subject to linguistic analysis. Austin does not exactly follow the idea that moral utterances do not have cognitive meaning all the way. According to Cavell, he would be satisfied in seeing the meaningfulness of moral utterances, if any, as exhausted by illocutionary acts.[19] So some moral utterances are meaningful—those which are illocutionary acts. It is against such a position that Cavell argues that perlocutionary utterances are also performatives of a special kind (Cavell 2005).

Cavell claims that perlocutionary acts are neither nonsense nor totally arbitrary. They involve encounters and engagement between speakers in which, e.g., the choice of interlocutor as well as the uptake of the utterances are decisive. These situations are crucial in a perfectionist understanding of what's at stake in morality. Linguistic rendering of emotion excites emotion in others, in conditions in which even a judge may judge, *pace* Austin, that a perlocutionary act took place. Some examples in 'Performative and Passionate Utterance' are opera and film examples of encounters or engagement, such as 'Carmen, I love you!' by Don José (Cavell 2005, 177). There can be, Cavell claims, effectiveness and conditions of success in such passionate utterances. He thus proposes an extension to Austin's view of the performative: 'there are conditions to passionate utterances cor-

[18]See, as Laugier (2019) emphasizes, the importance of the use of Rousseau at the opening of *The Claim of Reason* (Cavell 1979, 25): unlike Hobbes or Locke, Rousseau does not claim to know what the state of nature is like—rather he sets out to analyse projections and fantasies regarding such state.

[19]One might still want to ask in which way is Austin a non-cognitivist about value statements. The problem with this question, formulated as such, assumes a fact-value distinction that Austin's opponent accepts and Austin doesn't.

responding to the conditions Austin lists as the six conditions of felicity of performative utterances' (Cavell 2005, 177).[20]

In passionate utterances there is characteristically: (1) no accepted conventional procedure and effect; the speaker is on his/her own to create the desired effect; (2) no specified persons and circumstances for the evocation of the procedure—appropriateness is decided in each case; he/she is inviting an exchange; ((3) and (4) have no analogues for perlocutionary acts there being no antecedent procedures) (5) he/she must declare standing with whomever he/she is intending the exchange; (6) in speaking from passion he/she must be suffering the passion/demand a response /the addressee may contest the invitation to exchange. This last condition, where an invitation to exchange might be contested, represents a particularly important asymmetry (Cavell 2005, 182). It might be denied I have standing with you, consciousness of my passion might be questioned, my demand for response may be dismissed. In Cavell's terms, exchanges with such a shape are an invitation to improvise. It is as such that they are crucial as attempts at moral education, attempts at becoming who one is (Cavell 2005, 182). In 'Performative and Passionate Utterance', Cavell not only describes the conditions for success of passionate utterances, but he also proposes that, without this complement to Austin's view, we are left with a moralistic view of what is at stake in morality. Leaving passions and desire and their relation to linguistic articulation in perlocutionary utterances aside leaves aside a large swathe of the moral life of humans. What one might call the forensic aspects of moral life (action, decision) are retained, yet precisely what the eye of the perfectionist focuses on is left out: the encounters and engagements where one soul touches another and there is change in the self. Thus, unduly restricting to illocutionary acts the role of the performative in ethics excludes human conversation qua encounter and negotiation, which is so central in Cavell's view of the moral life. It leaves morality as the perfectionist thinks of it, as becoming what one is, unaccounted for. This is why Cavell had to take issue with Austin.

[20]Austin's six rules or conditions the breakup of which causes 'infelicity' are: (1) That there should be an accepted conventional procedure, having a certain conventional effect; that the procedure includes the uttering of words by certain persons in certain circumstances; (2) That the particular persons and circumstances must be appropriate for the invocation of the procedure; (3) that the procedure must be executed by all participants correctly; (4) and completely; (5) where the procedure is designed to be used by persons having certain thoughts or feeling the person invoking the procedures should have such thoughts or feelings, and the participants must intend so to conduct themselves; (6) and further actually so conduct themselves subsequently (as in Cavell 2005, 165).

4. What Cavell and Analytic Philosophers of Language Have in Common

The issues above—perlocutionary acts as involving desire, moral life as encounter, philosophy meeting culture—are not issues Austin himself directly wrote about. He would probably see the philosopher going after them as indulging in the craving for depth, the big sin of philosophy, as Cavell puts it in *A Pitch of Philosophy* (1994). They are not Wittgenstein's issues either, nor do they fit what Wittgenstein himself is concerned with when he writes about 'culture'. But these are definitely questions that have a central place in Cavell's Wittgensteinian-Austinian approach to culture.

For my purposes here it is now crucial to explicitly connect the basic philosophical point about language which many analytic philosophers simply accept—that our lives as humans revolve around doing things with words—and something which is particularly important for Cavell. He takes our aesthetic and ethical claims as prime examples of our relations to our own words because they clearly show the perils of the quest for a voice. Aesthetic and ethical claims illuminate the perils of being able to mean what we say, the perils of speaking for oneself and for others and to others. Claiming that 'this (*Caro object*) is sculpture,'

or Carmen claiming to Don José 'I love you' are not matters of rendering external the supposed naturalness of inner emotion or feeling. A claim is a quest for a voice, for engagement with the other, for being acknowledged. It is thus that by working with the notion 'claim' in aesthetics and ethics that Cavell shows that aesthetical and ethical matters are not out of reach for philosophy of language. There is no esthetical and ethical matter already settled within a natural non-cognitive domain of human sentiment or emotion. Aesthetical and ethical claims are rather an ineradicable part of the claim for rationality and humanity.

At the beginning of this article I claimed that Cavell's concern with our relation to our own words was akin to discussions around pragmatics and speech acts in analytic philosophy of language. I meant that in both cases meaning is analysed in terms of action in a context and conditions of felicity. In recent analytic philosophy of language such approach underlies technical analyses of, e.g., predicates of taste, hate speech, slurs, pejoratives, stereotypes or issues in gender theory. Notice that the question is the same as Cavell's: linguistic claims. The philosophical instruments are also similar: pragmatic analyses of language. [21] What is worth asking is where the difference lies between Cavell and analytic philosophers of language. The difference is that Cavell reaches towards that which, in Continental philosophy, for better or worse, would be called a critique of subjectivity.[22] How does this come to be so? From the start, Austin leads Cavell-the-philosopher-of-language to ask about the nature of action. If there is action then there should be an agent (of what we say). Is it me saying what I say? Who am I? Who is the speaking subject 'behind' the speech acts? Is there such a thing as a subject, the author and source of things done with words? Austin's philosophical explorations of action lead to no such conclusion. As Sandra Laugier points out, to the contrary,[23] what Austin's search for action behind our doing things with words in fact reveals is the many-sided vulnerability of action, the many kinds of infelicities, the many ways of failing. What we find out is that we are not the authors but rather the victims of expression.[24] That is how, then, under the guise of pragmatics and speech acts, questions inheriting the concerns of Continental philosophy, in its permanent dialogue with the metaphysical tradition, namely questions regarding the nature of subjectivity, appear. The question of the subject arises under a particular shape: Who speaks? Who says things? Or in Cavell's favoured version, Must I mean what I say? (when I speak for myself? when I say this is art?) Who is the subject of the claims? It is no thing, no body, no consciousness—there is no source of meaning to be pointed out. These are questions about language, questions about action and meaning. They are not a matter of the inarticulate nature of humans as 'feeling creatures' but rather about humans being able to mean what they mean with words in the (natural) condition of culture. They are not about language in the sense of the sciences of language because they are about meaningfulness, felicity and failure in human life with language. As such they stand beyond the interests of the sciences of language. Cavell's concern is with rationality and community, thus his subsequent concerns with inexpressiveness, or with fantasies of privacy (Cavell 1979). His focus on performativity shows that speech acts are not public expression of private intention, as if perfectly formed before the act, but rather that there is a constant risk, temptation, danger of inexpression, of refusing community, refusing rationality, being

[21] See e.g., Marques and García-Carpintero (2014); Ludlow (2018). Cavell himself is aware of uses of Austin in gender theory or in analysis of hate speech (see Cavell 2005, 157).

[22] By 'for better or worse' I mean the attempts, within Continental philosophy, to do away with subjectivity (as e.g., in Heidegger or Foucault or Derrida) or to uphold it (as e.g., in Ricoeur or Dieter Heinrich). I am calling attention to the fact that these are all positions regarding subjectivity and that they stand opposed; I am not here defending any (for that see Miguens 2019).

[23] In spite of the common misreading which infects the Derrida/Searle controversy around Austin (see Cavell 1994, 2).

[24] See Laugier (2013), especially the following chapters: The Myth of Inexpressiveness, and To Speak, to Say nothing, to Mean to Say.

refused, being expelled from community. Such are the conditions of expression in human forms of life. At stake anyway is something which is accessible only by a pragmatic approach to language. These are the philosophical instruments to which I wanted to call attention. Such are Cavell's instruments whether he is looking at Hollywood films, Nietzsche or Heidegger, Shakespeare or Beckett, or, of course, Freud and psychoanalysis.

5. Conclusion: Connecting Aesthetical and Ethical Claims with Philosophy and Culture

In this article I tried to show why and how the work of the notion 'claim' in aesthetics and ethics illuminates Cavell's ambition for philosophy and his unique way of inheriting the history of analytic philosophy. Claims arise within ongoing forms of life with language, against a background of criteria and agreement in judgment. A claim is a quest for voice. One does not naturally have a voice—saying something is a matter of striving for expression within language. Search for expression is not an external rendering of internal feeling or emotion. It is, precisely, a search: for meaning what we say, for being able to mean what we say. Such striving for linguistic and conceptual articulation lies at the heart of aesthetical and ethical claims. They respond to the 'wish and search for community', which is the 'wish and search for reason' (Cavell 1979, 20). This is the mark of the pragmatic or performative dimension in them. Aesthetical and ethical claims reveal Wittgensteinian forms of life to be shot through with human conversation, or to put it in the more dramatic Cavellian terms, with fatality of meaning and terror of inexpressiveness. This is not a matter of revealing nature in my behaviour but of being or not being able to find my place in language. The stakes in claims are, as it were, the stakes of reason, not of 'nature'. This is how the performative Austinian key applied in Wittgensteinian anthropological explorations results in a reintroduction of voice into philosophy.

If we look once again at the questions I started with, the questions of voice from the beginning of *The Claim of Reason* and from *Must We Mean What We Say*, we can now see why, for Cavell, aesthetics and ethics are where the action is. They are central for philosophy. What is at stake in them is not merely an application of prior stipulations regarding what is cognitive or non-cognitive in judgements. This would amount to juxtaposing a layer of truth-evaluable content (taken to be non-problematically linguistic, and thus non-problematically 'cultural') to 'nature in me'. But nothing is settled yet about what counts as 'nature' or 'culture'. What we are dealing with in aesthetics and ethics is our relation to our own words in the natural condition of culture. Classifying judgments as cognitive or non-cognitive assumes that our knowledge of our own dealings with language is settled, as if we were fully clear about what our relation to our own words really is, and about what relations between nature, convention and expression in us really are. Cavell's claim is that we are not. Doing philosophy is about that.[25]

This may be formulated in a vocabulary quite close to that of Continental philosophy. I suggested that Cavell's theme of the quest for a voice meets what in Continental tradition is on ongoing discussion of subjectivity. Thus, as Laugier has stressed, inheriting philosophy amounts for Cavell to inheriting it in its current schism between traditions.[26] Naturally, a subject replaced with a view of rationality as claim is a subject forever demanded. Also, rationality as claim is agonistic, involves a plurality of voices, the powers and impotencies of language, and is thus political throughout (Laugier 2019). Such a view might please those seduced by structuralism and post-structuralism or deconstructionism. Or perhaps not.[27] There is much in Cavell to criticize

[25] A characterization of the voice of philosophy is another important aspect of Laugier (2013).

[26] Status of Emerson, quoted in Laugier (2014, 10).

[27] See Miguens (2019), for a reading of contemporary philosophy in its analytic and Continental guises.

such orientations.[28] What we find anyway in Cavell is a connection with Continental philosophy on the one side and with analytic philosophy of language on the other. In taking the inheritance of Wittgenstein and Austin to deal with what is said, with performativity and expression, Cavell's territory is the territory of both Continental and Analytic philosophy. Even if he himself does not engage in fully explicit dialogue with either side, the path is open.[29] One reason for the importance of the Cavell's use of the notion '*claim*' in aesthetics and ethics is thus that it points at where and how Analytic and Continental traditions philosophy may again cross paths in the future of philosophy.

Acknowledgements

I am thankful to an anonymous reviewer and to Edward Guetti for their very helpful suggestions. This work was done as part of my participation in Project PTDC/FER-FIL/32203/2017, funded by the Portuguese Fundação para a Ciência e a Tecnologia (FCT)

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[28]See the illuminating critique of the misunderstanding of Austin by both Derrida and Searle in Cavell (1994, 53–127).

[29]Such as fully spelling out his approach in terms of speech acts and truth.

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