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Must We (NOT) Mean What We Say?

SERIOUSNESS AND SINCERITY IN THE WORK OF
J. L. AUSTIN AND STANLEY CAVELL

Hent de Vries

Stanley Cavell speaks of his personal encounter with J. L. Austin’s 1955 William James Lectures at Harvard, which would be published posthumously in 1962 as How to Do Things with Words, as nothing less than a “conversion experience.” He ties this “experience,” which seems no longer or not yet governed by rules or criteria, to the theme of “seriousness” and, by extension, “sincerity.”

Austin’s teaching was the occasion for me on which to ask, somehow differently from any way in which I had been able to ask it before, whether I was serious about philosophy—not quite as measured by its importance (to the world, or to my society, or to me), but as measured by a question I felt a new confidence in being able to pose myself, and which itself posed questions, since it was as obscure as it was fervent. It presented itself as the question whether I could speak philosophically and mean every word I said. Is this a sensible test in choosing a career? . . . And does it mean that I have—before I speak—to ask whether I am sincere in my words, whether I want all of their consequences, put to no matter what scrutiny? Who would say anything under such conditions? (Cavell 1996, 59–60; first emphasis added).

Does Cavell indirectly confess or prophesy here that we cannot say anything (or at least anything meaningful) under conditions where seriousness and sincerity are fully realized or realizable? And is this a lesson that Austin has taught us, albeit indirectly, unintentionally, and only when read against the grain? Is seriousness—and, by extension, sincerity—not a “sensible test” in human relations? Or are “seriousness” and “sincerity” simply not open to a “test” (at least not a “sensible” one)? And how can such questions be at once “obscure” yet also “fervent,” if not necessarily “important”? How does one speak philosophically and still mean every word that one says? How, if this is what we feel we must do—if we “must mean what we say”—could we ever avoid or escape and disengage from speaking seriously or sincerely? How, if this is what we feel we ought to do, could we begin doing so, in word and deed?

Of course, we do say some things, and we do so all the time. “[L]ots of things will have been done,” Austin says, even where a performativetaken “act of speech” (1962, 20) to be distinguished from a statement of truth or falsehood—is infelicitous, which never means “without consequences, results, effects” (17). As Austin shows, “saying something is sometimes doing something” (Cavell 1994, 88) rather than, say, reporting or describing something. Moreover, saying something, even when and where we are competent users of a language, is often doing something inadvertently, unwittingly, unintentionally, with a slippage or side-effect of sorts.

Austin adds that there are cases in which to say and do things is to be subject—that is to say, exposed or vulnerable—to “possible ways and varieties of not exactly doing things”; in other words, of “not quite doing (or saying) something” (1962, 93; cf. 92). He suggests that this may be so even when and where we had intended our words to have an opposite effect (or sincerely thought and genuinely felt they might). This can happen in several ways, and every one of these unsuccessful utterances or infelicities needs to be clarified, he claims, “if we are ever to understand properly what doing things is” (271).

Cavell agrees with this overall diagnosis of the perils no less than the chances of speech, but he contests Austin’s implication that there is a way of doing—or, for that matter, of understanding—things “properly.” The possibility of misunderstanding, of “infelicity,” “misfiring,” or “abuse,” belongs to the heart of the matter, he claims. But in what sense, precisely?

Cavell speaks of seriousness and sincerity as being, philosophically speaking, unfathomable, that is, immeasurable in terms of any worldly,
social, or even subjective importance; and irreducible to any cognitive, normative, or existential register whose criteria or rules would leave us no room for doubt. On the contrary, the flipside of seriousness and sincerity is anxiety about their absence, a horror of posturing and masquerading; and, perhaps, also a terror at their presence, that is, at the claims they lay upon us, whose consequences we cannot foresee or whose foreseeable consequences we know or suspect we are unwilling—to too weak—to bear.

In the limited space I have here, I cannot fully reconstruct what I take to be the most illuminating context for analyzing these matters, namely, Cavell’s detailed discussion, in A Pitch of Philosophy and Philosophical Passages, of “the relevance, but inaccuracy, of what Derrida had to say about Austin” (Cavell 2003, xiii). As will become clear, the debate revolves around Cavell’s conviction that the condition of so-called ordinary language philosophy is, first of all, its “intuition of the worldboundness of language,” which is to say: “Bound not necessarily to this world; and, as performatives are meant to show, not necessarily by reference” (1994, 118). Moreover, Cavell hastens to add, this is “worth saying if only to mark that the practice of ordinary language philosophy privileges the concept of a word as opposed to privileging the concept of the sign. This might be the difference between my view of Austin and Derrida’s view comes down to” (118). But how is it that words bind us to the world, whether this one or another? And how can they do so in a nonreferential (in any case, nondescriptive, nonassertive, neither verifiable nor semiotic) way, and yet, in so doing, still be all the more serious and sincere?

In the remainder of this essay, I will concentrate on what Cavell, in this context and almost in passing, calls Austin’s “theory of insincerity.” Yet a few words indicating this striking controversy are in order, even though I hope to return to it elsewhere at somewhat greater length.

A Debate Revisited

In his remarkable essay “Signature Event Context” (1972) as well as in the extended argument of Limited Inc. (1988), Jacques Derrida depicts Austin (on Cavell’s perceptive reading) as “attempting to track insincerity to its metaphysical roots, to attack metaphysics as an excuse for a cover for, insincerity” (Cavell 1994, 103). This means that, according to Der-
although it was heralded by some as the first serious encounter between so-called analytic and continental philosophy, have in fact “done more harm than good.” For one thing, it established or served as an alibi for a suspicious view of Derrida’s thought in professional philosophy (at least in representative philosophy departments in the English-speaking world) and, in the wake of Derrida’s increasing influence in literary theory, allowed a too-restrictive reception of Austin’s actual thought. All this, Cavell notes, “has helped perpetuate the thought that Austin underwrites some idea that language contains a general unified dimension of effect that can be called one of performance, and that he advances a general contrast between ordinary language and literary language.” Yet “these ideas alone,” Cavell continues, “are sufficient to destroy any contribution Austin’s distinctiveness might lend in such discussions” (1994, 61).

Cavell’s own assessment of Austin’s “contribution” and “distinctiveness” intends to shift the discussion in an altogether different—and far more “difficult”—direction, one that would bring out his central concern with seriousness and sincerity whose all-too-indirect but crucial link with tragedy would need to be brought far more forcefully than has been hitherto realized. In Cavell’s words: “My own feeling is that while Derrida found Austin philosophically interesting, even congenial, and Searle had found Austin useful and worth defending against Derrida’s treatment of him, neither really felt that Austin’s is a philosophical voice whose signature is difficult to assess and important to hear out in its difference. If what either of them says about Austin’s ideas of language is right, then my question of seriousness, forced upon me by those ideas, is not only difficult to articulate, but pointless” (1994, 61).

Interestingly, Cavell goes on to explain that his reservations with respect to Derrida (and Searle) reiterate the ones voiced in his earliest defense of Austin (against Benson Mates’s views) in the opening essay of Must We Mean What We Say? His unease over the conditions of seriousness and sincerity that are obscured in the early and recent assessments of Austin’s work thus cuts across the divide of what seem to be two opposed schools of thought, whose “styles or voices or signatures”? Cavell does not wish to regard as alternative or surmountable positions. Instead, more interestingly, he regards them “as forming the contesting, all but exhaustive, senses of the present, hence of the foreseeable future, of philosophy,” as he notes in the foreword to ShoshanaFelman’s The Scandal of the Speaking Body (2003, xii). And the discomfort on Cavell’s part seems only aggravated by the reception of Austin’s work in literary, critical, or psychoanalytic (more precisely, Lacanian) theory, as seen in the writing of Eve Sedgwick, Judith Butler, and others.

But then could this debate between schools of thought that feed on disputation—and, it seems, must of necessity do so—ever be seriously and sincerely resolved by reasonable argument? Cavell suggests it cannot. And, perhaps unintentionally, no one more compellingly than Austin with his elliptical reference to the tragic.

The Tragic Hint: Rethinking Austin

But what would it require to live without the representationalist (descriptivist or verist) metaphysical backup, no longer using it as an “excuse” or “cover”? Would it allow or force us to live more seriously or sincerely, no longer living our knowledge and ignorance, do’s and don’ts, likes and dislikes theoretically (as the representationalist stance would seem to imply), but instead in a more thoughtful, examined, responsible, and therefore lived (and who knows, more truly) way? Could this be done? Or is doing (or letting) not the mode and mood in which sincerity—and, by implication, seriousness—is found or founded? Is its mode and mood, if not motif, perhaps far more tragic (or, in philosophical terms, aporetic) than the philosophy of ordinary language (Austin), not to mention speech act theory (Searle) and their deconstructive detractors (notably Derrida), seems to suggest?

Cavell suggests that Derrida’s scholarly omissions (beyond the lectures on speech acts) in taking stock of Austin’s How to Do Things with Words “might not have been so costly had Derrida taken up the appearance, in the opening chapter of that book, of the citation—uniquely there in Greek, as if calling attention to itself—from Euripides’ Hippolytus. Not that any other reader I know of How to Do Things with Words stops to wonder at it either” (Cavell 1994, 52–53). In fact, Cavell confesses to having initially overlooked or underappreciated the literary citation himself. And no reference to it can be found in yet another deconstructive reading that he critically yet sympathetically engages with, Felman’s book on Austin. As he ponders the reasons behind this near-total forgetfulness and, indeed,
proposes the affect of “wonder” as the most appropriate—that is, serious and sincere—response to the oblivion of the citation, Cavell imagines the meaning it must have had for Austin himself. Perhaps we can comprehend the neglect of the passage if we realize that it almost “seems to make no sense to say that the deliberately superficial, witty, mocking Austin would be inscribing the relation of his work on performative utterances to the realm of the tragic” (Cavell 1994, 93).

I will focus here on Cavell’s (and, albeit only indirectly, on Derrida’s) reading of Austin in the second chapter of Cavell’s A Pitch of Philosophy, and its parallel study in Philosophical Passages. Both culminate in the interpretation of a line from Euripides’ Hippolytus (line 612)—ignored, Cavell claims, by even the most sophisticated readers of How to Do Things with Words, such as Derrida and Felman—which Austin translates as “my tongue swore to, but my heart did not.”

This line, as discussed by Cavell, holds the key to a better understanding of the rhetoric of sincerity, a concept whose implications form a constant point of reference in his other work as well, most notably The Claim of Reason. Not the least of the promises of Euripides’ line is that it enables Cavell to explore in more detail what it means to “speak philosophically and mean every word” one says; it enables us to address, if not fully to answer, the question whether “I have—before I speak—to ask whether I am sincere in my words, whether I want all of their consequences, put to no matter what scrutiny” (Cavell 1996, 60; emphasis added).

Cavell leaves no doubt that “the cause of the neglect of Austin’s citation from Euripides is a function of underestimating Austin’s, let’s say, seriousness” (1996, 81). This, more than anything else, would be the flaw in Derrida’s (on Cavell’s reading) selective, now appreciative, now overly dismissive reception of the theory of performative speech acts and the all-too-implicit allusion to tragedy on which it is based.

More broadly, Austin’s sense of the tragic would allow us to ask what it means to live a philosophical theory—more precisely, to live one’s theory and to do so seriously and thereby sincerely. I am not thinking, in this context, of the ancient topos of the bios theorētikos or of the reduction of life to theory, of living theoretically—which would mean, following ordinary usage, living hypothetically, and hence not really living at all. Rather, I assume a connection between the theme of our volume and what might turn out to be a specifically modern—though also classically tragic—problem. Specifically, I would like to ask to what extent living theory or living one’s theory requires a certain acceptance (Cavell would say “acknowledgment”) of truth, truthfulness, trust, and trustworthiness; indeed, of seriousness and sincerity. In this sense of “living philosophy” as living one’s theory rather than merely having one, or of a theory sustaining itself only to the extent that it is lived and alive, Cavell’s remarkable work is an indispensable guide.

Serious Swearwords

Insincerity is at the heart of the question of “infelicities,” sometimes called “masqueraders,” whose “missuse,” Austin says, “engenders rather special varieties of ‘nonsense’” (1962, 4). Infelicities are failed performative utterances: they indicate the ways in which a performative utterance, while neither true nor false report or description, can still be “subject to criticism,” for example, when I say “I promise” but do not intend to do what I say (25, 40, 44 for the reference to “insincerity”).

Such a promise, says Austin, is an utterance (or rather “act”) that is not “untrue” but rather not done, in the sense not only of “not implemented,” but also of “given in bad faith” and thereby of having made a “false move” (1962, 11). Such an utterance may go wrong in two distinct ways. First, I may not have performed the act of promising correctly, in which case the performative “does not come off” or “is not achieved.” Or, second, I may achieve the act but do so in ways that are “insincere.” In other words, the infelicity of our utterance may be one of “misfiring” or of “abuse”: in the first case, the performative act and the procedure it invokes are “disallowed” or “botched,” rendering the utterance “void” or “without effect”; in the second case—that of insincerity—the utterance is just “professed,” “hollow,” “not implemented,” or “not consummated” (16).

As he does so often, Austin hastens to add that these distinctions, while necessary, are not “hard and fast” (Austin 1962, 16). They do not contradict each other, since “we can go wrong in two ways at once.” Moreover, they “shade into one another” and “overlap” to the point where “the decision between them is ‘arbitrary’ in various ways” (23). Interestingly, though, Austin worries that even his own theory of performatives might seem to imply that merely uttering certain words on the right occasion or in
the appropriate context does not by itself warrant seriousness. But what more or what else could be needed? Do performatives, Austin asks, not require "the performance of some internal spiritual act, of which the words are to be the report" (1962, 9)? Pur differently, is the theory of performatives not ultimately based upon some metaphysical understanding of representationalism, that is, of "verism" and the descriptive, constative, or "logocentric" fallacy after all?

True enough, a performative, Austin says, is a case of utterance whose sense is to say something is to do something, or in which by saying or in saying something we are doing something" (1962, 12). Furthermore, it is important to recall in the passage concerning the tragic dimension of ordinary language philosophy that, for Austin, the performative has a certain investment in (saying) words: what is to say, in "words," which are not merely representational or differential "signs" and whose "worldboundness," we found, is not based on semantic reference of any kind. Hence Austin's striking claim, early on in the lectures, that "the act of marrying, like, say, the act of betting, is at least preferably (though still not accurately) to be described as saying certain words, rather than as performing a different, inward and spiritual, action of which these words are merely the outward and audible sign. That this is so perhaps is hardly proved, but it is, I should claim, a fact" (13).

And yet, there is a certain privilege Austin attributes among the "necessary conditions" for the "smooth or 'happy' functioning of a performative (or at least of a highly developed explicit performative)" (1962, 14). He locates these conditions in the speaker's having "certain thoughts or feelings" and "intentions" (15, 15.1). This latter appeal—but, apparently, not to something merely "inward" or "spiritual"—introduces his subsequent differentiation between what we could call negative conditions under which the performative is "not successfully performed at all, does not come off, is not achieved" (16). Examples abound. Austin mentions someone entering a ceremony to be married while married already or his or her saying "I" without saying "I do." But he also distinguishes those cases in which, as he says, "the act is achieved, although to achieve it in such circumstances, as when we are, say, insincere, is an abuse of the procedure. Thus when I say 'I promise' and have no intention of keeping it, I have promised but..." (16). This differentiation calls, Austin continues, for the further distinction within the general category of "infectilities" between so-called misfires, on the one hand, and abuses, on the other (even though Austin urges us immediately not to "stress the normal connotations of these names!" (16). All of which requires us to consider "insincere" as falling under "abuse," that is to say, "acts professed but hollow" (18).

Surely a promise, the very enunciation "I promise to..." surmises Austin, "must be spoken 'seriously' and so as to be taken 'seriously'" (1962, 9; emphasis added). Moreover, he continues, this not only holds for promises but is, "though vague, true enough in general—an important commonplace in discussing the purport of any utterance whatsoever. I must not be joking, for example, nor writing a poem" (9).

What does this general requirement entail, imply, or presuppose? In what sense does it form a more than simply empirical, and hence near-transcendental, condition or near-logical necessity? Does this condition parallel—or is it truth-analogous to—certain requirements of constative statements? How does it hold even though the promise remains non-descriptive in any direct way (even though felicity and infelicity have no immediate or strict relation to truth and untruth)?

Austin begins by warning how we should not understand this relationship between uttered promises and the feelings, thoughts, and intentions that ought to—indeed, must—accompany them, and do so almost fatefully, compulsively, and obsessively (or, as Cavell will say, tragically). Intriguingly, Austin ironically echoes, even parodies, the sacramental language of the Anglican catechism in stating this erroneous view:

we are apt to have a feeling that their [i.e., these promises] being serious consists in their being uttered as (merely) the outward and visible sign, for convenience or other record or for information, of an inward and spiritual act: from which it is but a short step to go on to believe or to assume without realizing that for many purposes the outward utterance is a description, true or false, of the occurrence of the inward performance. (Austin 1962, 9)

That this is not the case cannot be "proved," Austin says, but is "a fact" nonetheless. Performatives, such as the acts of marrying, betting, bequeathing, christening, or, indeed, promising are "at least preferably (though not still accurately) to be described as saying certain words, rather than as performing a different, inward and spiritual, action of which these words are merely the outward and audible sign" (13).
Austin notes in a parenthetical aside that the “classic expression” of this latter idea can be found in line 612 of Euripides’ tragedy Hippolytus, which Austin quotes: “my tongue swore to, but my heart (or mind or other backstage artist) did not” (1962, 9–10).

Cavell picks up on this citation as a key moment in his engagement with Derrida. The line also echoes throughout a whole succession of ancient and modern texts that are thereby obliquely inscribed in Austin’s lecture. It is cited in Plato’s Symposium and Theaetetus, in Aristophanes’ The Frogs, and in Aristotle’s Rhetoric, a text that, Cavell suggests, might allow a reading of Austin that would allow one generally to “question a theory of language that pictures speech as at heart a matter of action and only incidentally a matter of articulating and hence expressing desire” (Cavell 1996, 159). The recent Loeb edition of Hippolytus renders the line as: “My tongue swore, but my mind is not on oath” (Euripides 1995, 189); yet another translation reads “My tongue swore, but my mind is unsworn” (Avery 1968). In the even more telling French translation of Les belles lettres, we find: “Ma langue jure, mon coeur s’est abstenu” (Euripides 2003, 52).3

Why has the line been so memorable, both in antiquity and since? One commentator asks, “Why was this line so shocking?” and speculates: Is it because “it seemed to indicate that men could swear oaths with internal reservations?” (Avery 1968, 21). Or does the line, more broadly, summarize the philosophical, religious, and existential “contrast and conflict between inner truth and outer appearances . . . the enormous distance between what one actually is and what one appears to be” (23)? It thereby would anticipate not only the Platonic-Socratic concern with “contradiction,” with “the tongue being safe from refutation, but the heart not being safe from refutation” (Plato 2004, 39), but also the debates and arguments concerning “private language” in Wittgenstein’s Philosophical Investigations. Its echoes even reverberate in Hollywood’s cinematic rendering of the liberating as well as disturbing observation that “the Matrix cannot tell you who you are.”

Hippolytus’s line is uttered, of course, by an actor on stage, in a theatrical play, a dramatic genre Austin “deliberately” excludes from consideration in elaborating the theory of performatives and illocutionary force, leaving it up to “a more general account” to situate all utterances more properly, including staged ones.6 The line expresses Hippolytus’s terrified response to the revelation, by her nurse, of his stepmother’s adulterous and quasi-incestuous desire for him—after the nurse has first obtained his solemn oath under no circumstance to reveal the secret that he is about to be told. The line seals his fate as an “unhappy man” in his own eyes, and as a “seducer,” with barely masqueraded “holy manner,” in the eyes of his father. Both of them are unaware of the extent to which they are merely pawns in a hapless game that the gods—Aphrodite and Artemis and, more indirectly, Zeus and Poseidon—are playing with each other according to strict and strangely noninterventionist rules (Euripides 1995, 227). The citation is important for several reasons. First, the example of giving one’s word—of swearing, taking an oath, but especially promising—is Austin’s privileged illustration of what is at stake in, what captures the essence and informal logic of, a performative tout court, what he calls an “explicit performative.” Cavell agrees with the widespread sense, and claim, that the act and concept of promising is not just one more among performative utterances . . . but that promising—even especially the promise to marry—is somehow privileged in Austin’s view, naming as it were the fact of speech itself. . . . [in How to Do Things with Words Austin identifies speaking as giving one’s word, as if an ‘I promise’ implicitly lines every act of speech, of intelligibility, as it were a condition of speech as such. (Kant held that ‘I think’ is such a lining). (Cavell 2003, xii)

Second, the quote is important in that Austin glosses Euripides’ line as claiming that, in Hippolytus’s invocation, the utterance “I promise to . . .” amounts to an internalized and self-imposed act of obligation and hence portrays “my” promise as putting “on record,” Austin says, “my spiritual assumption of a spiritual shackle.” Austin’s implication is, of course, that this is not how the promise—or, for that matter, any performative—should be viewed, at least if we wish to block an immoral “let-out” (1962, 10) that undermines its very undertaking, aim, and effect.

An insightful commentator, Espen Hammer, notes that, in Cavell’s reading of this gloss, “Hippolytus enacts Austin’s suspicion that metaphysics can be used ‘to get out of the moral of the ordinary, out of our ordinary moral obligations.’” Or, as Cavell adds further in the passage to which Hammer refers: “Austin uses this distinction between tongue and heart as a type of the philosophical use of profoundness (call it metaphysics) to exempt yourself, or exclude yourself, from the everyday responsibilities or accountabilities that make civilized life possible” (1994, 62).
But how does Hippolytus's statement "My tongue swore to, but my heart did not" render the absolute (Kant would say "categorical") imperative of obeying or fulfilling one's promise to be merely theoretical or "hypothetical," thus supposedly condemning it to being no longer a promise at all? Austin gives an explanation based upon a moral lesson, an "ethics of speech":

It is gratifying to observe in this very example how excess of profundity, or rather solemnity, at once paves the way for immorality. For someone who says "promising is not merely a matter of uttering words! It is an inward and spiritual act" is apt to appear as a solid moralist standing out against a generation of superficial theorists: we see him [or are apt to see him, and this is our metaphysical "obsession," Austin suggests] as he sees himself, surveying the invisible depths of ethical space, with all the distinction of a specialist in the sui generis. Yet he provides Hippolytus with a let-out, the bigamist with an excuse for his "I do..." Accuracy and morality alike are on the side of the plain saying that our word is our bond. (Austin 1962, 10)

Only words, it seems, can stick and produce a noticeable effect in the world that is morally worth mentioning. Only words can bind, bond, or bend. Intentions (or in any case the "inward and spiritual" thoughts, acts, or feelings) remain—and must remain—ephemeral, disengaged, and perhaps disinterested.

But what, exactly, is the "let-out" and hence the "immorality" risked in this supposedly "metaphysical" conception? And why is it that tragedy should remind us of it? Is this because philosophy, "apt" as it is to seek "the invisible depths of ethical space," has thus far failed to give a reasonable account of the pitfalls and downside of such "space"? Or, worse, can philosophy not produce an account of the grounds of its own making and design, trapping itself in its own web of mental constructions (that is to say, its representationalism, intentionalist, verism, spiritualism, or logoscentrism; all of which are specimens of naturalism, idealism, or the constative fallacy)? Does not Austin overlook precisely the possibility that the dual perspective of the act of promising—the very distinction between "tongue" and "heart"—is not necessarily or exclusively a moral risk, but a chance (i.e., a risk worth taking and, indeed, always already taken) as well?

Austin says that he wants to "exclude such fictitious inward acts" (Austin 1962, 10)—that is, less fiction or theater as such than fictitiously imagined and thus unrealizable acts)—from the very definition of promising—and hence from performatives that find their model in the paradigmatic case of the promise (this means, again, virtually all performatives). But can he relegate them to another context of study—the "general theory" of performatives, say—that could be safely bracketed or presupposed here? Or does the quote from Euripides, on the contrary, indicate that Austin already implicitly acknowledges the impurity or pervertsibility of all performatives, including the metaphysical and moral "let-out" they presuppose?

The Unfathomability of Sincerity and the Threat of Skepticism

Nothing, Austin suggests, and a fortiori none of the "other things which are certainly required to accompany an utterance such as 'I promise that...,'" is, on closer scrutiny, described in the scene that Hippolytus invokes. But what could Hippolytus's line imply in a nonconstative, nonassertive reading, beyond the dismantling of all apparent representationalism, verism, spiritualism, and logoscentrism? What, in other words, are its "normal concomitants" (Austin 1962, 10)?

In Austin's account, these concomitants are feelings, thoughts, and intentions. But do they announce or impose themselves in more realistic and everyday ways, as Austin believes they should? To put it differently, are these normal "concomitants" "fictitious," or are they just as dubious (lacking seriousness and sincerity) as the literary and the theatrical, which Austin here and elsewhere seeks to exclude?

The citation from Euripides is crucial to Cavell for yet another reason, since it makes clear that the potential misfiring or abuse of promises—of words as bonds—is one of age-old tragic dimensions. He cites Shoshana Felman, from The Scandal of the Speaking Body: "If the capacity for misfire is an inherent capacity of the performative, it is because the act as such is defined, for Austin, as the capacity to miss its goal and to fail to be achieved, to remain unconsummated" (Cavell 2003, xiv). Yet Felman's reading, Cavell suggests, "runs its own dangers of denying something in Austin" (xiv). What she seems to be missing or glossing over (as does Derrida in Limited Inc.) is, Cavell writes, "Austin's horror of using, not to say
constructing, some metaphysical discovery as a cosmic excuse for moral chiseling, as in his example that takes a remark of Euripides' Hippolytus, 'My tongue swore but my heart did not,' as a way of keeping a promise . . . as an excuse for having failed in a given case to do the best one might have done under the circumstances' (xvi). Yet Austin is, Cavell points out, "perhaps falsely remembering Hippolytus's later behavior." For all his moral-metaphysical "let-out," Hippolytus nonetheless keeps his word to remain silent to the end, come what may (as a good Kantian avant la lettre). He does not use the line as an excuse at all. On the contrary, Cavell observes, Hippolytus expresses terror and implores pity, both of which are "some function of the knowledge that the most casual of utterances may be irretrievable: so my tongue swore without my heart—nevertheless I am bound" (Cavell 1994, 62).

Cavell seems to imply that Austin's view of performative misses (infelicities, misfires, and abuses) is one of near-misses, not the general derailment and the hilarity—the affront and "scandal of the speaking body"—they inspire. Yet Austin's sense of infelicity (here, of misfiring rather than abuse), Cavell nonetheless urges, should be distinguished from our common understanding of Freudian "slips" and "parapraxes" (Cavell 1994, 62; cf. Felman 2003, 56).10

An Austinian "misfire" is not a Freudian slip, because it is not essentially motivated. Yet Austin does investigate slips; that forms the project of his rediscovery of the importance of the concept of excuses, sketched in his notes called 'A Plea for Excuses.' There what emerges is that, in contrast to Freud's vision of the human being as a field of significance whose actions express wider meaning than we might care to be questioned about, Austin's vision is of the human as a field of vulnerability whose actions imply wider consequences and effects and results—if narrower meaning—than we should have to be answerable for. But then of what use is the difference without the sameness between them? And the sameness has to do with what might be seen as versions or visions of the speaking body. (Cavell 2003, xvi)

Whether infelicities, misfires, or abuses are slips of the unconscious or not (as Austin, on Cavell's reading, would seem to suggest), there is, for Cavell, something specific to words—to "speech arising as such," the "speaking body"—that remains strangely (even tragically?) distinct from actions and doing things with words.

We should try to understand why Hippolytus's line illustrates, for Cavell, that "the saying of words is not excusable the way the performance of actions is; or in a word, that saying something is after all, or before all, on Austinian grounds, not exactly or merely or transparently doing something" (1996, 104–5). Which is another way of saying the human voice—or human writing—and hence a certain concept of "absolute responsibility . . . tethered to a mortal" (1994, 64) retains a certain privilege in the general economy of being, acting, feeling, and so on and so forth. In Cavell's reading, Euripides' phrase shows that sayings and doings are not (fully) symmetrical or congruent, even when and where—and then often most painfully—they are in fact synchronic and hence seem to operate in tandem.

For Cavell, Hippolytus's line conjures up a possibility that Austin intimates but then leaves unexplored—indeed, shies away from—namely, the disturbing yet in a way liberating fact that we have no way of telling whether a promise is meant or intended to be kept. And since the promise is the best example of all performatives—perhaps, of all utterance—this simple but fateful fact reveals "the human as a field of vulnerability" in which all acts of speech and the actions they express "imply wider consequences and effects and results—if narrower meaning—than we should be answerable for" (Cavell 2003, xvi). Again, such infelicity, misfiring, or abuse is neither "essentially motivated" (as psychoanalysis claims) nor structurally random (as semioticians would seem to find). Based neither on hidden sense nor on explicit nonsense, it expresses a tragic possibility—and chance—of and for human existence, whose dimensions are unfathomable yet explain the aporia of all attempted seriousness and sincerity alike.

Austin suspects (but does not elaborate) that this fact by no means diminishes the weight our words acquire, whether we intend or desire this or not. He downplays the insight that if a promise—the word and act of promising—may not be what it seems or purports to be, this is precisely how it must and should be, that this is constitutive of the phenomenon of promising (or, by extension, of any utterance or act) and as such that this uncertainty should persist. The immorality risked by Hippolytus's declaring "my tongue swore to, but my heart did not"—which is a cri de cœur more than a statement with descriptive content—may thus be a serious risk: "Austin may be understood to have been drawn to and alarmed by this play of Euripides, in its study of the unfathomability of sincerity."
Parenthetically, Cavell establishes a further parallel: “That there are no marks or tokens . . . by which to distinguish the genuine or real from the false or fake is a way of putting Wittgenstein’s discovery . . . that there are not what he calls criteria for distinguishing reality and dream, or, I add, animate and inanimate, or sincerity or seriousness and hollowness and treachery, hence no way of blocking the threat of skepticism” (1996, 102).

Hippolytus promises without knowing beforehand what the promise entails; he is entitled to be silent before being told what it is that he must remain silent about, a promise, he complains, that he makes “off guard” and by which he now feels “trapped through oath by the gods,” which alone keeps him from “telling this whole story to [his] father” (Euripides 1995, line 695). One wonders why he lets things get this far. Could he have avoided this predicament? But then, Cavell seems to suggest, does one not always let things go too far? Or, as Derrida might have glossed, is a promise not always—and, from the moment one speaks, always already—made “off guard,” that is to say, in less than complete awareness of its meaning (including its accompanying thoughts, feelings, and intentions), to say nothing of its consequences? Moreover, is one nonetheless not always bound by an absoluteness and categorialness for which being “trapped” by nothing less than the “gods” is not such a bad metaphor after all? Who could—or would want to—be always on guard? Or give his or her word under the condition of complete transparency of “normal concomitants,” guaranteed by saturated contexts and fully established conventions?

If we do too much knowing or calculating, thinking or feeling—in short, intending—we will be good for nothing, come to nothing, be available for nothing. In order to promise—or, more broadly and simply, to speak and write, or even be and act at all—we must for conceptual no less than existential and metaphysical reasons not only not not (!) necessarily mean what we say, we must necessarily not (!) mean what we say. More precisely still: in order to “mean” what we say, we must not (fully and exclusively or transparently) mean what we say.

In speech acts such as promising (but promises, we found, reveal a more general truth concerning performative utterances as such), “precision,” in terms of a pretended unambiguity of meaning, is thus neither given nor to be aspired to. This unambiguity of meaning is just like “making explicit,” which, Austin says, is the “force” of how one’s words are effectively taken by others. As imagined ideals, precision and explicitness—rather than, say, the literary and the theatrical or the masquerade—must be excluded from Austin’s analysis as less than pertinent to the understanding of seriousness and sincerity. Paradoxically, in matters of seriousness and sincerity, one can find precision and appropriateness only in (and through) imprecision and inappropriateness.

This is the “aporia of sincerity” (as Jean-Luc Marion terms it in a remarkable essay, analyzing the locution “I love you,” which is a “passionate utterance” and “perlocution” [Marion 2005, 124, 136, 132] if there ever was one): its groundlessness even in the face—or on the very basis—of grounds or reasons given (albeit infinite in number). This is also its “unrational bond,” its uneinsichtige Verbindlichkeit, as Adorno said of the moral imperative, well beyond its Kantian form.

What remains, then, for Cavell’s reference to Euripides’ Hippolytus is that the play “may be thought of precisely as a tragedy of sincerity, that is to say, of the inability to be insincere, an inability not to be signed onto your words and deeds” (1996, 61). It is as if one’s sincerity (like one’s seriousness) were a matter of being “glued,” neither to the world nor to others, but to oneself, to the “scandal” of one’s being oneself, more precisely of being caught (indeed, “trapped . . . by the gods”) in each of one’s words (albeit those given “off guard,” which amounts to most if not all of them). Put differently, it is as if, in principle and in fact, we have nothing else to call for. We are fatefully stuck with (or to) ourselves, not so much in the sense of unconsciously coinciding externally with some solemn internal (that is to say, spiritual-mental) deliberation in the depth of our soul, foro interno; but, more fundamentally, of being already too late to reflect, to regret, to withdraw, to moderate, and, indeed, to be insincere.

Word-World Glue

I take the metaphor of being “glued to” ourselves—bound to our word—from Michael Fried’s suggestive interpretation of the Wittgensteinian-Cavellian motif of “the everyday” (which is our being “glued” to the world) in Menzel’s Realism: Art and Embodiment in Nineteenth-Century Berlin. Sincerity and seriousness, for all their tragedy and aporia, would, in this view, seem the most ordinary thing in our lives. While the context of Hippolytus’s utterance is utterly dramatic and theatrical, it thus illustrates
a mode of enunciation that, as it were, happens everywhere, everyday, into which we are fully absorbed (to borrow Fried's terminology), allowing no theatricalization and, indeed, no “escape,” even if we try (which we must, no less fatefully, for the same conceptual and ontological reasons).

One is further reminded of Emmanuel Levinas's conception of responsibility in his second major book, entitled Autrement qu'Être ou au-delà de l'essence (Otherwise Than Being or Beyond Being). Levinas evokes its “drama” no less than its “comedy” in terms of one’s carrying the other not so much under but at—and as—one’s skin. The skin is “glued” to me, beyond my initiative and conscious ness, against my “interest” in a near-fatal, near-compassive, and (as Levinas says) “obsessive,” “traumatic,” and in any case inescapably tragic manner. This makes the skin like the tunic given by the centaur Nessus, which Hercules completed, to be the very thing that did him in. Like Hippoly tus's fate, this reveals yet another element of the bond that our words impose on us, one that Cavell stresses over and over: the fact that their tragic nature is, for us mortals, unbearable.

Cavell notes that Austin himself seems eager to forget that Hippoly tus apparently does not use the line (“my tongue swore to, but my heart did not”) as an excuse at all, and in fact, as far as we can tell, at no point seems to break his word on stage. On the contrary, Cavell observes, Hippoly tus expresses terror and implores pity, both of which are “some function of the knowledge that the most casual of utterances may be irrevocable: so my tongue swore without my heart—nevertheless I am bound” (Cavell 1994, 62). And, lest we forget, even the gods—in Euripides’ play, explicitly Poseidon—are supposed to keep their promises, even when they’d rather not to, since the promise’s original intent is derailed.

More precisely, Hippoly tus must stick to an oath about which one wonders whether he was ever at liberty to refuse to take it (steered as the entire course of action seems in this play by deus ex machina: first Aphro dite, then Artemis, at the opening and at the end of play, respectively). It is an oath that he can only forsake by sinning against at least one of the gods. He can only protect his integrity—his sôphronein, moderation or chastity (line 731)—by violating or casting suspicion on it at the same time. That is the aporia of his sincerity. Or, as Avery has it: “once he has taken the oath Hippoly tus knows that he cannot explain his inner purity in any convincing way and that he has to let himself be judged by outward appearances.

These, although he does not know it yet, have been rigged by Aphrodite to bring about his destruction. His dilemma is that he must maintain these outward appearances to preserve the inward purity (part of which in his respect—sebas—for the gods). His statement is meant to be a cry of anguish at the recognition of his dilemma” (Avery 1968, 25).

In other words, “on Hippoly tus’s view of promising, the saying that our word is our bond proves a fatal curse,” and in this sense exemplifies the “inks of tragedy with moral necessities” (Cavell 1994, 62). In short, there is more to Hippoly tus’s exclamation than Austin allows or elaborates—although the mere fact that he inserts this passing reference to “tragedy” into his lectures is something that, for all its indirectness and underdetermination, should have prevented or modified some of Derrida’s or, for that matter, Felman’s conclusions.

It should be noted that Cavell, with reference to Felman’s attempt to read “Don Juan with J. L. Austin,” notes that Hippoly tus’s “anti-type” is, precisely, Molière’s Don Juan and Mozart and Da Ponte’s Don Giovanni, “for whom apparently no word is binding” (Cavell 1994, 62). Don Juan is “the compulsive promise maker and promise breaker,” and hence, pace Felman, Cavell goes on to suggest, “Austin’s nemesis, a figure for the chaos awaiting a social order forgetful of Austin’s monitions” (Cavell 2003, xiii). But then, the scenarios for the type and anti-type, Hippoly tus and Don Juan—the apparent promise withholder and actual promise keeper, on the one hand, and the apparent promise maker and actual promise breaker, on the other—are equally fateful, and the opposing protagonists are similarly “trapped” in a compulsive repetition of oath making and breaking that leaves no room for judgment in the singular case. They find no way to “let go” (Hippoly tus) or to “give in” (Don Juan) and hence fail to loosen or tighten bonds where they could (or should). And yet, while “seduction”—including the seduction (or is it temptation?) of the tragic character—may well be part and parcel of Austin’s prose and thinking (as Felman claims in her effort to extend his analysis into further and no less tragic domains), it nonetheless inspires a reservation that she overlooks and that Cavell expresses as follows:

But is it not worth trying to distinguish the laughter—and the attendant anxiety—caused in one who, like Austin, senses the bond of our words apt to be loosened beyond our understanding, from the laughter caused in another who, like Don Juan, finds the bond of our words apt to be tightened beyond reason, in each case destroying both obligation and pleasure? (Cavell 2003, xiv)
And is it not, precisely, the “laughter” and “anxiety” at this alternative loosening and tightening that tend to undermine morality and desire, that is to say, “obligation” and “pleasure”?

Dead Serious

Whether we like it or not, or know it or not, there is a dead-serious and quasi-mechanical or quasi-automatic quality, a near literalness or materiality and inertia, in the things to which we have become answerable. Therefore, Cavell reads Austin “not as denying that I have to abandon my words, create so many orphans, but as affirming that I am abandoned to them, as to thieves, or conspirators, taking my breath away, which metaphysics seeks, as it were, to deny” (Cavell 1994, 65).

This absoluteness has a temporal dimension, one that consists, paradoxically, in denying its passage or rather in making infinite its moment and momentum: “the price of having once spoken, or remarked, taken something as remarkable... is to have spoken forever, to have entered the arena of the inexcusable, to have taken on the responsibility for speaking further, the unending responsibility of responsiveness, of answerability” (Cavell 1994, 65; emphasis added). This element of infinity at the very heart of human finitude, Cavell concludes, is nothing but the condition of intelligibility, of making oneself intelligible to others as well as to oneself.

Yet this is not all there is to say. Regardless of his “terror” and our “pity,” Hippolytus, for all we know, may, in speaking his line, very well ‘intend’ or plan to forsake his promise—or at least think and feel he has, inadvertently, done so already—while de facto keeping it nonetheless and holding his ground. As the goddess Artemis reveals at the end of the play, “He, as was right, did not fall in with her [Phaedra’s] words, nor yet again, godly man that he is, did he break the firm bond of his oath” (Euripides 1995, 247). But Hippolytus, for his part, seems less sure of this when he responds to Theseus’s anger: “As things stand, I swear by Zeus, god of oaths, and the earth beneath me that I never touched your wife, never had the thought. May I perish with no name or reputation... and may neither sea nor earth receive my corpse if I am guilty” (237). And a little later: “O Zeus, may I no longer live if I am guilty!” (237). But how could he himself, at least, not know?

This much is clear: for all we know Hippolytus may have never thought he wished (he did) or knew he did, given the fact that he leaves open the possibility that he may be guilty after all. And yet the “if I am guilty,” which suggests lack of clarity and decision in this matter, stands next to Hippolytus’s earlier assurance that “to this very moment my body is untainted by love. I do not know this act save by report or seeing it in painting. I am not eager to look at it either, since I have a virgin soul” (Euripides 1995, 221), or again, when he exclaims, “Why, when I am guilty of no wrong?” (235).

If he keeps his promise merely de facto and holds his ground, he would thus act not “out of duty,” to use Kant’s idiom, but merely “in conformity” with it; that is to say, in sync with absolute obligation or, in his context, with the divinely monitored oath (which, we saw, is a curse and a necessity). Would his act thereby be merely that of an actor (as if, even in the text and context of Euripides’ play, he would be acting a role that is not his own)? Would it be seriousness or insincerity that he would lack in this scenario? Moreover, would he himself be able to tell whether he is serious and sincere? If we are to believe Austin as read by Cavell and Derrida, there are no criteria or rules by means of which we would be able to know or tell the difference with a reasonable degree of certainty. “With many procedures,” Austin says, “for example playing games, however appropriate the circumstances may be I may still not be playing” (1962, 29). And a little later: “there may be nothing in the circumstances by which we can decide whether or not the utterance is performative [e.g., a promise] at all. Anyway, in a given situation it can be open to me to take it as either one or the other” (33).

We could go even one step further. Euripides’ play Hippolytus and the telling line quoted from it demonstrate the tragedy and aporia of sincerity in that they reveal not just the fatefulness of promising but also—and simultaneously—the standing possibility, the remaining ability (perhaps, necessity) to be insincere. One has apparently or in fact has not (fully or not yet) signed onto one’s words and deeds, after all is said and done, and this regardless of the “bound” and “terror” experienced or expressed.

Sincere Disengagement

Seriousness and sincerity require that we indeed grant and indeed cherish this semantic and ontological “let-out,” which is a possibility for good and for ill, no mere escape from moral constraints and our
answerability to others, the world, and ourselves. For one thing, we will want others to have wanted—that is, fully intended—rather than having made or even fulfilled it in all too often the most fated, automatic, programmed ways. Put in psychological or psychoanalytic terms, such ways would be compulsive, obsessive, neurotic, regressive, and psychotic. The promise should not be made or fulfilled by the "unconscious," in other words, by the "body," but however one spins the word, "spiritually" or, if you like, "freely." Its effect should be active, not passive, even though it can—and must—be "passionate" in the precise meaning Cavell gives to this term in his attempt to salvage yet another ancient (this time rhetorical rather than tragic) moment upon which Austin's text turns.

All of which leaves yet another, final question unanswered, namely, are sincerity and insincerity both also thinkable, or are they lived as disengagement, retraction, disavowal, betrayal, in deed, un-binding? Austin somewhat unjustly considers this disengagement "let-out," that is, the necessary possibility of our being no longer able, let alone forced, to give or live up to what is or was a given word, a done deed. This is as if everything should in principle at all moments stand the test of (still) being willed (that is, claimed, acclaimed, or proclaimed) all over again, after all is said and done.

Asking what it means that human expressions can be pretended or imitated, staged or soliloquized, excused and reiterated—and all this either seemingly at will or unwittingly and while taken "off guard"—Cavell notes that this empirical or metaphysical given haunts each given word and betokens, roughly, that human utterances are essentially vulnerable to insincerity and that the realization that we may never know whether others are sincere (I do not exclude the first person) is apt to become unbearable. (We might say that it returns philosophy's attention to the fact that human life is constrained to the life of the mind, such as it is). (Cavell 1966, 92)

This latter formulation may surprise. For one thing, it can hardly mean that, for all we know, we are captives of our own mind and its "life," which, say, would include its perceptions and ideas (as in solipsistic views of the mind or as in Berkeley's idealist conception of human knowledge, not to mention Schopenhauer's conviction that "the world is my representation"). In fact, the best explanation of the phrase is—with a decidedly Wittgensteinian streak—that "human life is constrained" to the life of the body, such as it is. We are reminded of the Wittgensteinian dictum that this body (and its "life") is "the best picture of the human soul" (discussed at length in The Claim of Reason), but also of the decidedly Lacanian motif, recalled by Cavell in the foreword to Felman's book and cited with apparent approval: "A body is speech arising as such." (Cavell 2003, xiv; cf. 69).

"Salaam"

Austin gives further telling examples throughout his lectures and philosophical essays of the uncertainties involved in every speech act or, indeed, in all utterance. These utterances hence inevitably include all those explicit statements entailing truth or falsity that Austin calls "pure," but also those that border upon the implicit and are expressive of so-called non-linguistic actions:

The situation in the case of actions which are non-linguistic but similar to performative utterances in that they are the performance of a conventional action (here ritual or ceremonial) is rather like this: suppose I bow deeply before you; it might not be clear whether I am doing obeisance to you or, say, stooping to observe the flora or to ease my digestion. Generally speaking, then, to make clear both that it is a conventional ceremonial act, and which act it is, the act (for example of doing obeisance) will as a rule include some special further feature, for example raising my hat, tapping my head on the ground, sweeping my other hand to my heart, or even very likely uttering some noise or word, for example 'Salaam.' Now uttering 'Salaam' is no more describing my performance, stating that I am performing an act of obeisance, than is taking off my hat: and by the same token . . . saying 'I salute you' is no more describing my performance than is saying 'Salaam.' To do or to say these things is to make plain (to make explicit) how the action is to be taken or understood, what action it is. And so it is with putting in the expression 'I promise that.' It is not a description, because (i) it cannot be true or false; (ii) saying 'I promise that' (if happy, of course) makes it a promise, and makes it unambiguously a promise. Now we can say that such a performative formula as 'I promise' makes it clear how what is said is to be understood and even conceivably that the formula 'states that' a promise has been made; but we cannot say that such utterances are true or false, nor that they are descriptions or reports. (Austin 1962, 69)

But one wonders: how is it that raising my hat or (casually) saying 'Salaam' is not at least as ambiguous as bowing deeply before you? Surely,
this enunciation is not something that just about everyone could plausibly and responsibly—seriously and sincerely—make at all times, irrespective of location and situation, from where and to whom the address is directed. Austin and his most astute readers have demonstrated that. Why cannot one tell in advance what will count as a greeting or an insult, as a welcome or farewell, as uprightness or irony, rapprochement or distancing? Just imagine someone more privileged walking in a French suburb—or, for that matter, into some Western military or even diplomatic facility—these days, saying ‘Salaam,’ and doing so provocatively or else innocuously, with the best of intentions. Depending on who speaks and why or how, there or anywhere else, a phrase that is a sign of peace might in fact constitute an act of hostility or, at best, insensitivity.

And, if this is the case, then saying ‘I promise’ (‘take my word for it’) is not, thereby, unambiguously promising (speaking the truth) either. Saying ‘I promise’ (‘I assure you’) does not—indeed, must not necessarily—mean ‘I promise’ (or that I can or will vouch for what I say).

Mutatis mutandis, this uncertainty affects our theoretical or metaphoretical positions as well. The “life of the mind” we seek as we live our theory in a more than merely hypothetical mode—for example, in doing philosophy seriously and sincerely, taking it as a way of life—obeys the tragic logic Austin only mentions in passing and that Cavell unpacks with great consequence. Indeed, the “life of the mind, such as it is” might mean simply this: we may go for something, be onto something—and do so quite (or fully) seriously and sincerely—and yet not know or fail to know whether and how we can or will do things with words.

No Misunderstanding

A further, final, act of precision should be made here. The predicament of promising, which exemplifies and models any utterance in general, is not one of possible or even necessary misunderstanding. Its fatefulness is seated much deeper. In fact, the Euripides drama, as cited by Austin and explicated by Cavell, alludes to a far more challenging uncertainty than either knowledge or skepticism canathom. Skepticism, in its respective affirmative or negative modes and moods, assumes still too much and remains tied to the very representationalist metaphysics of descriptivism and verism, positivism and logocentrism, that Austin—on both Derrida’s and Cavell’s view—so effectively enables us to undermine (even though he did not develop his own analysis to its full potential).

Why is Hippolytus’s case of promising (as he says, without promising, strictly speaking) not one of “misunderstanding”? As Austin says: “It is obviously the case that to have promised I must normally (A) have been heard by someone, perhaps the promisee; (B) have been understood by him as promising. If one or another of these conditions is not satisfied, doubts arise as to whether I have really promised, and it might be held that my act was only attempted or was void” (1962, 22). Yet there is no doubt that, in this sense, Hippolytus has indeed promised. Neither he nor the woman servant questions that a promise was uttered. Therefore there must be other, more serious, doubts and backfires that make this dramatic scene tragic and, pace Austin, unintelligible to all involved as well as to all viewers, listeners, and readers. Call it a fateful necessity or—in the Jansenist theology and terminology—that haunts Racine’s adaptation of Euripides’ play, Phaedra—predestination.

But, perhaps, tragedy simply exists in the fact that where the act of promising—or, for that matter, any other utterance—is concerned, so many things can “go wrong” and in more ways than one at once. Austin is at no loss for examples, suggesting that, for one thing, “we can insincerely promise a donkey to give it a carrot” (1962, 23). Further, tragedy may also convey an even more serious insight, Austin implies, namely that “the way of going wrong ‘shade into one another’ and ‘overlap,’ and the decision between them is ‘arbitrary’ in various ways” (1962, 23). In other words, it would be impossible to tell whether or where we go wrong (misfire, abuse, become unserious or insincere), if we do.

And in the end, while all these combined “uncertainties” perhaps do not “matter in theory,” it is, Austin observes, nonetheless “pleasant to investigate them and in practice convenient to be ready, as jurists are, with a terminology to cope with them” (1962, 24). But then what could coping mean here? Tragedy precisely seems to forestall any such solution, however temporary.

One need not look far to find examples—often hilarious ones—that hammer this point home and whose intellectual wit and potentially dead-serious implications leap out from these pages: “When the saint baptized the penguins, was this void because the procedure of baptizing is
inappropriate to be applied to penguins, or because there is no accepted procedure of baptizing anything except humans?” (Austin 1962, 24; emphasis added); or, again: “Can I baptize a dog, if it is admittedly rational?” (31).

These seemingly rhetorical, unserious, and even insincere (but are they?) questions express a fundamental uncertainty that matters in more than merely theoretical or epistemological ways. And they do so not just juridically or canonically, but also ecclesiastically. Their unlikely subject illustrates precisely that uncertainty in utterance and acts, whether linguistic or not, extends even well beyond the range of semantic and pragmatic domains that we, so far, have considered ordinary (conventional and natural, normal and normative, thinkable and livable).

Yet the impossibility of answering these questions in any straightforwardly positive or negative way reveals not just a tragic necessity—namely to judge without certainty, without criteria—but also a chance. If nothing else, they entail the perspective of further expansion of human or animal rights just as they urge us to inquire what the human and animal mean both philosophically (indeed, metaphysically) as well as practically in the everydayness of our lives. Perhaps no more serious and sincere question could be raised.

Lessons in Exemplarity: Sincerity Come What May

What would a living, lived, that is to say, “life—” and at times, perhaps, even lively theory look like as it takes the motifs, modes, and moods of “seriousness” and “sincerity,” well, seriously and does so—assuming now that this no longer comes down to the same—also sincerely?

At least two of many possible answers suggest themselves by way of examples. I take them both from Isaiah Berlin’s remarkably pointed memoir in an essay that would have merited long discussion in its own right. In it, Berlin highlights two of his colleague and mentor’s most surprising intellectual and personal qualities:

when he spoke, there appeared to be nothing between him and the subject of his criticism or exposition—no accumulation of traditional commentary, no spectacles provided by a particular doctrine—he often produced the feeling that the question was being posed clearly for the first time: that what had seemed blurred, or trite, or a play of conventional formulae in the books had suddenly been washed away: the problem stood out in sharp relief, clear, unanswered, and

important, and the methods used to analyze it had a surgical sharpness and were used with fascinating assurance and apparently effortless skill. (Berlin 1973, 5)

As if to philosophize—and to do so seriously and sincerely—were first of all to speak on one’s own account, at one’s own risk, unaided by a hermeneutic horizon or methodological apparatus of sorts, then Austin’s thinking would exemplify how one’s words bind or unbind in ways that no reason or principle could anticipate, let alone regulate or control. It is as if one’s words were glued to the “subject” or “question” at hand and in fact implied the disappearance of “writing” (to cite a topos that recurs and dominates in Western thought, from Plato’s Phaedrus until its deconstruction in Derrida’s Dissemination).

The second quality related by Berlin in this context is Austin’s appreciation of intellectual rigor and fearlessness as it expressed itself not so much in a theory without context (or without reference to other texts), but in a theory without content (or, at least, without the content of the theory mattering as such). After a short-lived admiration for Marx and Lenin, Austin’s “favourite examples of intellectual virtue” were, Berlin remembers, Darwin and Freud:

not because he particularly admired their views but because he believed that once a man had assured himself that his hypothesis was worth pursuing at all, he should pursue it to its logical end, whatever the consequences, and not be deterred by fear of seeming eccentric or fanatical, or by the control of philistine common sense. If logical consequences were in fact untenable, one would be able to withdraw or modify them in light of the undeniable evidence; but if one failed to explore a hypothesis to its full logical conclusions, the truth would forever be defeated by timid respectability. He said that a fearless thinker, pursuing a chosen path unswervingly against mutterings and warnings and criticism, was the proper object of admiration and emulation; fanaticism was preferable to cowardice, and imagination to dreary good sense. (Berlin 1973, 6–7)

Should we say that sincerity takes the form here of parhesisia, as Foucault might have said? Are there parallels between the analysis of sincerity that we have followed here and the one Foucault propounds in Fearless Speech (2001), in an inquiry that dwells even more extensively than Austin’s on Euripides’ tragedies, the Hippolytus among them?

Or should sincerity, as Berlin summarizes Austin’s view, be taken, if not as madness, then rather as a nearly absurd stubbornness? That Austin
was willing to go quite far in his admiration for this pursuit of sincerity: "whatever the logical consequences" can be gleaned from a further anecdote Berlin recounts. Probing the limits of ordinary language philosophy in search for naturalness and normalcy, Berlin recalls asking Austin:

Supposing a child were to express a wish to meet Napoleon as he was at the battle of Austerlitz; and I said "It cannot be done," and the child said "Why not?" and I said "Because it happened in the past, and you cannot be alive now and also a hundred years ago and remain at the same age," or something of the kind; and the child went on pressing and said "Why not?" and I said "Because it does not make sense, as we use words, to say that you can be in two places at once or 'go back' into the past," and so on; and this highly sophisticated child said "If it is only a question of words, then can't we simply alter our verbal usage? Would that enable me to see Napoleon at the battle of Austerlitz, and also, of course, stay as I am now, in place and time?"—What (I asked Austin) should one say to the child? Simply that it has confused the material and formal modes, so to speak? Austin replied: "Do not speak so. Tell the child to try and go back into the past. Tell it there is no law against it. Let it try. Let it try, and see what happens then." (Berlin 1973, 19)

Is sincerity both fearlessness and stubbornness, provided we can tell them apart? Are seriousness and the apparent lack thereof, like sincerity and insincerity, just two sides of the same coin, tossed up in the airy space of nothingness, where no criteria are given to help us orient our ways? Or do they mutually depend on one another, each affecting the other? Are they formally, analytically distinguishable at all? The example set by Austin—his own (as seen by Berlin) and Euripides' (in the lines from the Hippolytus cited in passing)—makes clear that no easy answer to these questions is readily available.

Such, in all seriousness and sincerity, might well be our fate, our tragedy, our predestination: namely, the more than merely empirical or psychological—and, perhaps, deeply metaphysical—fact that we have to hold on to (and be bound by) words, gestures, and meanings whose sendings and consequences, affects and effects, elude us and who thus render our commitments and obligations (to others and ourselves) ultimately unfathomable. Like reasons lacking grounds, but reasons nonetheless.
3. On the historical development of the *hypocrita* into a dissembler and actor, see Wikander (2002).


5. On *Lucifer* as a dramatical failure, see King (1979). On the fact that heaven is a state in *Lucifer*, see Osterkamp (1979).

6. On this, see Ankersmit (1996, 21–63) and Hoogers (1999).

7. Some commentators see the play as an allegorical reflection on political problems in the Netherlands in the last half of the 1640s. Stern (1999) sees in Phai- ton the over-ambitious stadtholder William II.

8. Despotism does not represent the absolute opposite of democracy in this context. Plato accused democracy of being the despotism of the street, which of course is also a form of what Ankersmit (1996) would call mimetic representation.

9. On checking political responsibility by asking for an account of what rulers have done, not what they plan to do, see van Gunsteren (1999).


12. See especially Koppenol (1999). All translations from the play are mine.


15. On the importance of Badeloch, see Prandoni (2005).


17. The process of mediatization took place especially in Napoleonic Germany. See, for example, Veldt (2006).

CHAPTER 4

1. For external and internal points of view, see Hart (1994, 89–91).

2. Explicitly Dworkin (1977), and, less explicitly (among others), MacCormick (1978) and Peczenick (1990).

CHAPTER 5

1. Interestingly, George Pichter, in his recollections of Austin’s seminars at Harvard, also uses the term “conversion” to evoke the impression and effect made
by the “new philosophy.” What to think of a philosophy whose mode of reception seems to be—or cannot but be—“conversion”?


4. That is to say, both the “illocutionary force” and the “perlocutionary effect” of its “locution” must have seriousness and sincerity—as their element or target for the utterance to be felicitous in this respect. Does the “so as to be taken seriously” imply that seriousness and sincerity are up to me, up to the “I” of the performative after all, even where the effect on others—the perlocution—is at issue? Is the “effect” not up to the others, to the “you” whose call it is to decide on the effect that “my” words take? If so, there would be no distinction between the performative and passionate utterance, that is to say, between the illocutionary force and perlocutionary effect, as Cavell seems to suggest. We will come to that.

5. Here is the dialogue in which the line appears:
Hippolytus. O mother earth, O open sunlight, what unspeakable words I have heard uttered!
Nurse. Silence, my son, before someone hears you shout!
Hippolytus. I have heard dread things. I cannot now be silent.

Nurse. My child, I beg you, do not break your oath!
Hippolytus. My tongue swore, but my mind is not on oath.

6. In addition to the types of infelicities Austin has introduced in passing, he mentions “certain other kinds of ill which infect all utterances.” And these “likewise,” he continues, “though again they might be brought into a more general account, we are deliberately at present excluding. I mean, for example, the following: a performative utterance will, for example, be in a peculiar way hollow or void if said by an actor on the stage, or if introduced in a poem, or spoken in soliloquy. This applies in a similar manner to any and every utterance—a sea-change is special circumstances. Language in such circumstances is in special ways—intelligibly—used not seriously, but in ways parasitic upon its normal use—ways which fall under the doctrine of the violations of language. All this we are excluding from consideration. Our performative utterances, felicitous or not, are to be understood as issued in ordinary circumstances” (1975, 21–22).


8. Again: “Our performative utterances, felicitous or not, are to be understood as issued in ordinary circumstances” (Austin 1975, 22).

9. In response to the questions “To what variety of ‘act’ does the notion of infelicity apply?” and “How widespread is infelicity?” Austin writes the following: “infelicity is an ill to which all acts are heir which have the general character of ritual or ceremonial, all conventional acts: not indeed that every ritual is liable to every form of infelicity (but then nor is every performative utterance)” (1962, 18–19). Austin refers to the domains of law and ethics to substantiate this point, but he also leaves no doubt that infelicities apply to “all ceremonial acts, not merely verbal ones” (25).

10. More specifically, while Cavell deems the “comparison” between Austin and Freud on these matters “uncontroversially welcome,” he criticizes their interpretation in light of what he calls “controversial theories of reference.” Lacan’s “differential referential” would be a case in point, but so is Emile Benveniste’s “linguistic interpretation” of Austin’s performative (Cavell 2003, 39).

11. But a critical aside might be in order here: could one not be serious and sincere, without prima facie being (or having) a body, say, while on the phone, on line, or represented by “writing” (in the most general sense Derrida gives to the term)? Are technological media, as Mark Hansen suggests in his New Philosophy for New Media, just tied to different forms of embodiment? Or are things more complicated, more novel? And are these serious, not to mention sincere, questions?

CHAPTER 6

I would like to thank Ernst van Alphen, Mieke Bal, Karijn Kordela, and Bhaskar Sarkar for their generous, critical, and altogether invaluable comments on this essay, as well as Matthew Hadley for his research assistance. I would like also to acknowledge the obvious: Gayatri Chakravorty Spivak’s influential essay “Can the Subaltern Speak?” inspired the title of my own essay. Whereas in the end the answer I give to the titular question of my essay is the very same answer she gives to the titular question of her essay, I do not share her assessments of Gilles Deleuze, Michel Foucault, and Jacques Derrida in that essay. See Spivak, “Can the Subaltern Speak?” in Marxism and the Interpretation of Culture, eds. C. Nelson and L. Grossberg (Basingstoke: Macmillan, 1988), 271–313.


2. This preface and its formulations regarding sincerity are indebted to Karijn Kordela’s work, and, in particular, to her understanding of the momentous implications of Spinoza’s definition of truth (as the standard both of itself and of the false) for any theory of power and of ideology. For a compelling account of Spinoza’s definition of truth as the “primary psychoanalytic principle,” see her brilliant study Surplus. Lacan, Spinoza and especially the second section of the introduction, “Scientific ‘Neo-Spinosism’ and Hegel” (Kordela 2007).