Encounters of the third kind: performative utterances and forms of life

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Abstract:

J. L. Austin’s category of the perlocutionary has generally been neglected in favor of the category of the illocutionary. The former has often been reduced to the expression or production of affects, and somehow apart from the speech act itself. My goal here is to follow Stanley Cavell’s claim – explicit in his late essay ‘Passsionate and Performative Utterances’ and throughout his work – that not only is the perlocutionary dimension crucial to a conception of ordinary language as expressive, spoken by a human voice within a form of life; it is part of the precise description of language Austin aims at and is essential to the elucidation of speech acts– of what Austin calls ‘The total speech act in the total speech situation’. It thus calls for further elucidation of perlocutions as an integral part of the ‘total speech act’, pointing two directions of development of Ordinary Language Philosophy: towards a reassessment of ‘performance and achievement’, and, second, towards a philosophy of expression grounded in the grammatical investigation of perlocutions.

Sandra Laugier

Encounters of the Third Kind: Performative Utterances and Forms of Life

The category of the perlocutionary briefly defined by Austin in *How to Do Things With Words* has long been neglected in favor of the category of the illocutionary, which is extraordinarily fertile, especially in politics. The illocutionary is the dimension of utterances that ‘does’ something, while the perlocutionary has often been reduced to the expression or production of affects, and seen to be in a sense ‘next to’, separated from language. My goal here is to follow Stanley Cavell’s intuition – which runs throughout his work but is particularly explicit in his late (we could say last) essay ‘Passsionate and Performative Utterances’ – that not only is the perlocutionary an important category but that it is part of the kind of precise description of language and ordinary reality that both he and Austin and strive to achieve.

It is often noted (with some puzzlement) that in Cavell’s work the perlocutionary is more significant than the illocutionary, but the reason for this in terms of his work as a whole is never explored in depth. The perlocutionary is the tool Cavell uses to redefine forms of life as inseparably social and vital; what he calls the ‘horizontal’ and ‘vertical’ dimensions of forms of life, which refers to the sharing not only of social structures but of all that constitutes the texture of human existences and activities, including morality, as the expression of what counts (as opposed to a set of rules to follow). This paper thus aims at using the concept of form of life fort the definition of the perlocutionary, and at showing the centrality of Cavell’s analysis of perlocutions in understanding the relevance of Ordinary Language Philosophy today, in two directions: first towards a reassessment of ‘performance and achievement’, and, second, towards a philosophy of expression grounded in the grammatical investigation of perlocutions.

Throughout his work, Stanley Cavell's goal has been to 'bring the human voice back into philosophy'. For Cavell, the stakes of ordinary language philosophy are to make us understand that language is *spoken*, pronounced by a human voice within a form of life. It then becomes a matter of shifting the question of the common use of language – central to Wittgenstein's *Philosophical Investigations* – toward the question of the definition of the subject as voice, of individual expressiveness and the re-introduction of the voice into philosophy (Wittgenstein 1953). In the way, Cavell's conception of language inherits Austin, ordinary language is obviously not only about the description of reality (a point Austin demonstrated in *How to Do Things With Words*, Austin 1962a) and not only about agency – it is the site of human expressiveness and vulnerability (Laugier 2010, 2015a). I will first describe and defend this conception of ordinary language as expression; I will then illustrate the vulnerability of language with the example of excuses – a reality of the human form of life that is inseparable from the perlocutionary; and finally, I will analyze the perlocutionary as essential to a complete description of speech acts, forms of life and the world.

What speech does to us

Ordinary language philosophy (OLP) as Cavell seeks to reinvent it is anchored in *attention* to language as it is commonly used, as part and milieu of our everyday interactions and conversations, necessarily spoken by a human voice. It is this sense of language as human voice that Wittgenstein studies in the *Investigations*:[1] he no longer conceives of language as representing the world but rather seeks to 'come back to earth' and to perceive the practices in which language is *caught*, which collect around our words. OLP's primary *methodological* ambition is to arrive at a conceptual analysis that allows us to recognize the importance of ordinary *life* in our uses of language, thought and perception – that is, in our various ways of *engaging* with the real.

OLP assesses its reflection on language on the basis of adequacy measured no longer in terms of correspondence, but rather in terms of the fineness of adjustment, *fit*. Wittgenstein and Austin do not encourage us to define the meaning of a term as the set of situations in which it is appropriate, nor as a group of established uses, but rather to examine how meaning is made and improvised as part of practices and expressivity. The exploration of uses is an inventory of forms of life: for Austin, we must examine 'what we would say when', what is fitting to the circumstances or allows us to act on them.

Austin has thus theorized OLP (in his celebrated essay 'A Plea for Excuses', Austin 1961) and the revolution it aims to effect.[2] He makes clear that in examining ordinary language 'we are not looking merely at words, but also at the realities we use the words to talk about. We are using our sharpened awareness of words to sharpen our perception, though not as the final arbiter of the phenomena' (Austin 1961, 182). The language of description is then a tool for focusing and paying attention and is associated with agreement.

All certainty – the trust we have in what we do (play, argue, value, promise) – is modeled on the trust we have in our shared uses of language and our capacity for using it appropriately. The enigma of speaking ordinary language – the uncanniness of our use of ordinary language – is the possibility that I may speak in the name of others, and vice versa. It is not enough to invoke commonness; it remains to be determined what authorizes me to speak, what is the real strength of our agreement. Hence the pivotal role of the following well-known passage from the *Investigations* in Cavell's work:

> It is what human beings say that is true and false; and they agree in the language they use. That is not agreement in opinions but in form of life. (*PI*, §241)

It is crucial for Cavell and for Austin – who insists on the 'method' of agreement – that we agree *in* and not *on* language. That means that language precedes an agreement as much as it is produced by it; we agree *in* a form of life prior to any convention, contract, or rules.

> We learn and teach words in certain contexts, and then we are expected, and expect others, to be able to project them into further contexts. Nothing ensures that this projection will take place (in particular, not the grasping of universals nor the grasping of books of rules). (Cavell 1976, p. 52)

This famous passage from *Must We Mean What We Say* is more than a response to skepticism; it is a clear formulation of what I define as the *vulnerability of the ordinary*.[3] Austin and Cavell want to specify and list the conditions of felicitous language as an ordinary practice, to highlight the vulnerability of our uses, and to provide some tools for making adequate repairs (excuses, arrangements). Hence, the theory of speech acts is one element in a general conception of ordinary language and the constraints of forms of life. It cannot be understood independently from Austin's other writings, and it relies in particular on his essays 'Truth', 'Pretending' and 'A Plea for Excuses.' Austin's theory is not only about performatives: it is a theory of what it is to say something, to say anything – a theory of *what we say* when we agree *in* a form of life. It is extremely important to remember this, for the notion of performativity has been obscured by being senselessly expanded beyond language (nowadays, one even speaks of the performativity of an action!) If we stick to the original sense of performativity – that is, language's capacity to both do something and to do something *to us* – it becomes clear that the perlocutionary is at the forefront of language, and obliges us to think about *what speech does to us*.

Austin claims to have made a nearly empirical discovery: the discovery of a natural phenomenon that in some sense has always been there. A mixture of familiarity and foreignness characterizes his description of the discovery of performatives, just as it characterizes the phenomena of ordinary language: something that has always been there before our eyes but to which we have never paid enough attention (what Cavell calls 'the uncanniness of the ordinary'). Austinian speech acts point the way to a crucial articulation of the relationship between the activity of language and human vulnerability. For Cavell, this is the significance of Austin's theory of excuses, which deals with instances in which I act wrongly or put someone else in danger, whether intentionally or not, and then try to produce a narrative to somehow express how sorry I am. 'I am sorry' is not a constative (it is not the description of a state of mind or an inner feeling, like when I say 'I felt sorry for him'), nor is it a performative that would, for example, perform the act of exonerating oneself. What is it?

Excuses and human vulnerability

We excuse ourselves from our mistakes; we write them off as bad acts. This is a crucial component of our form of life in language. Excuses are exactly symmetrical to failures of performatives: it is when one has failed to do something well when one has underperformed, that one has recourse to an excuse. The variety of excuses available to us reveals the impossibility of crafting a general definition of action independent of the detail and diversity of our forms of responsibility, justification and narration. It is thus that Austin describes the

complexity of human actions and their possible description and classification in terms of excuses. The existence of excuses indicates the connection between vulnerability and morality. To excuse oneself or apologize is not a performative in the sense that it performs an act – the act of clearing one's name or 'getting away with something'. It is a kind of individual expression and moral evaluation of our actions and, to follow Cavell in 'Passionate and Performative Utterances', it pertains to the perlocutionary. Here we may think of one of the stakes of Austin's work: there is an 'unhappy' dimension, a dimension of failure in ordinary language philosophy, which is obsessed – at least in the case of Austin and Cavell – with instances where language fails, is inadequate or infelicitous. 'Performatives, if they are fitting to reality, are happy, if not, in specific ways, unhappy' (Cavell 1994). Performativity, like all human agency, is prone to *unhappiness*. Cavell's *Pursuits of Happiness* (1981) is full of examples of happy/unhappy utterances.

We can now refer to the classification of infelicities Austin proposes (Austin 1961), along with his definition of performatives. One of the goals of ordinary language philosophy will be to determine the way or ways in which a statement can be infelicitous, failed, abusive or inadequate. A statement may fail by being false, certainly, but also by being exaggerated, vague, inadequate, incongruous, inept, inappropriate, etc. The ever-present possibility of the failure of expression and action is at the center of Austin's concerns. Austin points out that we do not give just any type of excuse for just any type of action. One can excuse lighting a cigarette or covering one's books by 'the force of habit', but a killer cannot invoke the force of habit to excuse his murdering. The diversity of excuses demonstrates the variety of actions, and for any given excuse there is a limit to the acts for which it will be accepted: what Austin calls 'norms of the unacceptable'.

In this conception of expression, speaking does not guarantee successful expression – the right tone, the right pitch – or expressivity. The intended action is not always what is performed; you do not always do what you mean to do. Failures in linguistic expression are not accidents: they are inherent to the human nature of expressivity and action. Austin reminds us that discovering the power of words (language as accomplishing things, *doing* stuff) calls our attention to their capacity to fail; not only to fail to represent or to be true but to mean, to do and to express.

This is what I call the vulnerability of the ordinary (Laugier 2019), something film has always been able to show us. Cinema has been since its invention a privileged site for displaying such accidents of human expression and action, which are symbolized by actual 'falls' and may be caused by encountering someone or being in their presence. Cavell describes such falls in *Pursuits of Happiness* (about Preston Sturges' *The Lady Eve*, Leo McCarey's *The Awful Truth*).

> The most extended, or recurrent, image of the man's preparation for suffering indignity occurs in Preston Sturges' *The Lady Eve*, where the Henry Fonda character is knocked, or suffers a fall, to the floor, or to the ground, no fewer than six times, always in connection with the woman, played by Barbara Stanwyck. … It is clear that what has tripped him up, and continues throughout what we know of them, to trip him up, to knock him down – to, as the American expression goes, 'floor' him – is the fact of the woman herself, the force for him of her sexual presence. (Cavell, 'Slaps without Sticks', unpublished)

Such accidents are here to display human vulnerability, the expression of which is fundamental to language and to conversation.

> Who, such as Austin, would so dwell on excuses who did not surmise that the human necessity for action, and of action for motion, is apt to become unbearable – its consequences, concomitants, upshots, effects, results, and so forth … unsurveyable. (Cavell 1994, 87)

Thus, the question of the conditions of the felicity of perlocutionary acts does not come as a complete surprise in Cavell's 'Passionate and Performative Utterances.' Performativity (as comprising the illocutory and the perlocutionary) is inseparable from a capacity to fall and to fail. Returning to the definition of speech acts given at the beginning of *How to*, let us recall that: the act performed is immanent in the utterance, which is not, therefore, a description of a state of affairs (interior or exterior – for Austin there is nothing such as an inward performance, see Austin 1961, 9–10); and that in order to be felicitous, a performative ('I promise', 'I bequeath', etc.) must (among other conditions) be uttered according to a certain *conventionally defined procedure*, in certain circumstances, etc. Among the possible infelicities of a performative, there are two main types: misfire and abuse (Austin 1961, 18). Austin's examples of misfire are famous: I christen an infant, or a ship, without being qualified to do so, or in the wrong circumstances, or with another name than the one intended, or I christen a penguin. In these cases the act, for conventional, institutional or procedural reasons, is null and void; it has not been performed. His examples of the second category of infelicity, the category of abuse, are less well-known: promises not kept, excuses that are not accepted, etc. In these cases, interestingly, the act is performed, but it is, says Austin, 'hollow'. Without going into the detail of the classification of failures,[4] we must note that failed actions/performance are still actions.

A false promise (a promise made without the intention of keeping it) is really a promise. A wrong or inappropriate expression is an expression, expresses something. The act is not null and void but failed. The theory of infelicity is a way of responding to this problem: a false promise is a performative, and still an act. At the beginning of his second lecture, Austin slyly draws attention to the sexual connotations (which he calls 'normal' Austin 1961, 16) of the terms that he chooses to designate failures of performatives: 'misfires', 'abuses', consistent with a register of the concept of 'performance'. The permanent possibility of the failure of the performative, the non-performance, marks language as human activity. But, and reciprocally, by his insistence on failures, Austin returns to the question of the act, and human action, as defined as what can fail, can *go wrong*.

Forms of life

It is precisely the possibility of failure that defines the speech act as an *act*, and that places the theory of speech acts in the context of a general theory of action. 'A Plea for Excuses' is thus inseparable from Austin's theory of performatives, and it also presents a series of failures and failed speech acts. The possibility of failure is not something that sets illocutionary acts apart; it is a threat to all expression. Failure is what defines human expression as such, as able to fail, to fail us, to affect us. The 'per' in performance shouldn't lead us to believe that every performative is a fulfillment (*per*fection). 'Per' also signals that an effect is made on us, shoots through us.

Recognizing this vulnerability allows us to recognize the vulnerability of the entire human form of life. Concern with excuses and reparations due to others is indeed typical of attention

to the particulars of social life (forms of life in the social sense), but also to the human lifeform as itself vulnerable.[5] For Austin, the essential failure (which gives rise to excuses) is a lack of attention: thoughtlessness, inconsiderateness. Excuses – that is, *what we say when* it appears that we have acted badly (clumsily, inadequately, etc.) – are the site and expression of human vulnerability, imperfection and expressiveness. To excuse yourself is to express your *self*.

Through his emphasis on failure, misses and abuses Austin shows the vulnerability of ordinary human action, defined – just like performative utterances – in terms of what can go wrong. Thus the pragmatic theme is reversed (Austin chose the title *How to do Things with Words* for his William James lectures in ironic homage to the pragmatist maxim): action is structured by language, defined and regulated by failure, by going wrong. Then, 'a wrong construction is put on things', says Austin in *Sense and Sensibilia*, mentioning 'mis-readings, mishearings, Freudian slips etc.' There is no clear dichotomy between 'things going right and things going wrong: *things may go wrong*, as we really all know quite well, in lots of different ways' (Austin 1962b, 13). These different ways of going wrong blur the boundary between the illocutionary and the perlocutionary because they have to do both with the actions performed by saying and with the effects of saying. The way in which an utterance goes wrong affects the illocutionary and the perlocutionary, which then appear as the two forms of the *performative.* This perspective might seem surprising, for most commentators on Austin – and Cavell first among them – identify the performative with the illocutionary. But my proposal here is to follow the linguistic intuition of 'per-' (both performance and perlocution) in conjunction with the performative/constative opposition, and to consider the illocutionary and the perlocutionary as two aspects of the performative.

The point here is not to identify the conditions for successful performative utterances, it is to *see* the entire human form of life as vulnerable, subject to threat. All human expressions, even ones that are ridiculous, or fail, such as some of the passionate utterances Cavell analyzes, achieve something by performing, and therefore accepting, human vulnerability, by expressing a human form of life through action and passion. Cavell traces this vulnerability back to our expressive body, quoting Emerson's phrase 'the giant I carry around with me'. This means a vulnerability of form of life that connects the social and natural senses of life, the normativity of rules and of life itself, and which is inherent in human *encounters* (the title of a book by Goffman 1961). Beyond ethnography, such encounters are the main subject of film and literature, where examples of performative utterances abound, both illocutionary ('I do', in marriage; 'the accused is sentenced to death', in court) and perlocutionary ('I love/hate you'; 'she gave me a pen'). Human action is precisely that which more often than not needs to be excused, not only because we sometimes act wrongly but also because of what we miss by a close call, what we 'do not exactly do': on this, we may look to the conclusion of 'Pretending', where Austin speaks of a general project to describe the failures and vulnerability of human agency and the varieties of 'missing', a project he describes acutely as:

> the long-term project of classifying and clarifying all possible ways and varieties of *not exactly doing things,* which has to be carried through if we are ever to understand properly what doing things is. (Austin 1961, 219)

OLP thus conceived is not only a study of ordinary usage and the social conventions and rules that govern it but of the human form of life as vulnerable to what we say. Here we may raise the issue – suggested by Cavell and pursued brilliantly by his follower, the

anthropologist Veena Das (2020) – of the distinction between two senses of the form of life, one social and one biological, and the different orders of normativity they involve. Cavell's critique (1989) of common interpretations of 'forms of life' deploys the expression 'life forms' (not simply *forms* of life); that is, the form of life not only in its social dimension but in its biological dimension. Cavell emphasizes this second (he calls it vertical) axis of the form of life while recognizing the importance of the first (horizontal), social agreement. Discussions of this first meaning (conventions, rituals, rules) have occluded the force of the 'natural' and biological sense of forms of life in Wittgenstein, which he also defines in his mention of 'natural reactions', or 'the natural history of humanity' (cf. the opening of the *Investigations*). What is *given* in forms of life are not just our social structures and different cultural habits, but everything that has to do with 'the specific strength and scale of the human body, senses and voice' (Cavell 1989, 41–42; see Das 2020). My hypothesis here is that these two senses of *Lebensform* are at stake in the dichotomy between passionate (perlocutionary acts) and illocutionary acts.

Let us not forget that for Austin 'The total speech act in the total speech situation is the *only actual* phenomenon which, in the last resort, we are engaged in elucidating' (Austin 1961, 148). Of course, the perlocutionary is something to be explained but for Austin, it has been given enough attention in the tradition of the rhetoric, and he insists on the specificity of the performative. A few pages after making his 'fresh start' and introducing the new distinction between the locutionary, the illocutionary and the perlocutionary, Austin makes it clear that 'Our interest in these lectures is essentially to fasten on the second, illocutionary act and contrast it with the other two' (103). It is only in the eighth lecture, entitled 'Locutionary, Illocutionary, and Perlocutionary Acts', that the perlocutionary appears, in a very subordinate place.

Close encounters of the third kind

In his essay 'Passionate and Performative Utterances', probably the major work of what we may call now his 'later period', Cavell identifies the perlocutionary dimension of language as the domain of the passionate utterance. It is quite strange that Austin gives so little attention to the perlocutionary, which he calls a 'third kind of act'. His lack of interest in it is surprising, given that in his presentation of the illocutionary there is, ultimately, no criterion that makes it possible to clearly distinguish between the perlocutionary and the illocutionary within the performative. It is also strange that the perlocutionary is from then on relegated to being a 'third kind'.

Austin has not 'only' a theory of speech acts but also a theory of truth, of meaning, and of what it is to *say* something. He has a whole theory of *what is said*. He begins *How to do Things with Words* by isolating a category of utterances, or more specifically a 'phenomenon', that is 'obvious' but to which not enough *attention* has been paid:

> The phenomenon to be discussed is very widespread and obvious, and it cannot fail to have been already noticed, at least here and there, by others. Yet I have not found attention paid to it specifically. (Austin 1961, 1)

To say that there are speech acts is not to offer a theory; it is to observe a phenomenon to which philosophy – and in particular the philosophy of language – has paid no attention. Austin wants to break with the idea, which he calls 'the descriptive fallacy', that the primary

function of language is to depict states of affairs. A great many linguistic expressions are used for purposes other than to describe reality, and only the dominance of the representationalist model obscures this fact. Our ordinary utterances do not represent: this point is explicit in his essay on ‘Truth’, where he criticizes the *Tractatus* but it is also present in ‘Other Minds’:

> To suppose that ‘I know’ is a descriptive phrase is only one example of the *descriptive fallacy*, so common in philosophy. Even if some language is now purely descriptive, language was not in origin so, and much of it is still not so. Utterance of obvious ritual phrases, in the appropriate circumstances, is not *describing* the action we are doing, but *doing* it (‘I do’). (Austin 1962a, 103)

For Austin, the point of his discovery is to show that language *does things other than describe*, even in phrases that appear grammatically ‘normal’. The speech act that constitutes a promise – or an excuse – thus cannot be the representation of reality, either mental or physical. Its point is not to describe any (empirical or psychological) reality. This clearly pertains to the distinction between performative and constative, as well as to the specific case of the perlocutionary which is NOT about expressing or ‘venting’ (as Austin suggests) psychological states:

> In these examples it seems clear that to utter the sentence (in, of course, the appropriate circumstances) is not to describe my doing of what I should be said in so uttering to be doing or to state that I am doing it: it is *to do it*. (Austin 1961, 6)

A performative can be described as the performance accomplished *by* saying it, or *in* saying it (whence the terms ‘*per*locutionary’ and ‘*il*locutionary’). Thus, the discovery of the performative is, in the first instance, motivated by skepticism about the descriptive paradigm in the philosophy of language. This is clear from Austin’s first ‘disappointing’ examples:

> I bet you six pence it will rain tomorrow. (Austin 1961, 5)

Austin’s examples are examples of utterances that, grammatically, resemble assertions but do not ‘describe’ or ‘represent’ any fact, and are neither true nor false, even though they are used perfectly correctly. To say ‘I name this ship … ’ in the appropriate circumstances *is* to perform the act of naming the ship. Other examples are less disappointing. ‘I do’ performs the act of marriage but also, on many occasions shown by cinema,[6] expresses something – and as Austin says, ‘indulges in it’; a complex kind of agency to say the least:

> To say ‘I name this ship … ’ in appropriate circumstances is to accomplish the act of naming the boat. ‘When I say, before the registrar or the altar … “I do”, I am not reporting on a marriage: I am indulging in it’. (Austin 1961, 6)

To say ‘I promise’ is not to describe something that one is in the process of doing, it *is to promise*. Promises are an example of what Austin calls *explicit* performatives, by contrast with primary performatives. The former explicitly announce, express what they do. This explicit character is necessary, in Austin’s view, to legal usage. In questions of law, a less explicit performative could be considered ambiguous and so vitiated. This would be a case of misfire (in his classification, it would fall under the category *misfires, misexecutions, act vitiated*):

> In the law … this kind of inexplicit performative *will* normally be brought under B.1 or B.2 – it is made a rule that to bequeath inexplicitly, for instance, is either an incorrect or an incomplete performance, but in ordinary life there is no such rigidity. (Austin 1961, 33)

In ordinary life, where non-explicit performatives abound, it happens that primary performatives can be analyzed as both illocutionary and perlocutionary. The promise in 'I shall be there' is not explicit and the utterance can be interpreted in various ways. One might say that the 'ritual' of the promise has been executed neither correctly nor 'completely', but also that this margin of decision determines the *effect* of the performative (of the 'primitive' kind). 'I would be happy to join you, I'll do my best' is a good example.

> 'I shall be there' may or may not be a promise. Here we have primitive as distinct from explicit performatives; and there may be nothing in the circumstances by which we can decide whether or not the utterance is performative at all. (*id.)*

Austin adds: one *needn't* interpret it this way. This is an important remark: there is no rule that says how to 'interpret' a performative or what it does to me or someone else. Again, the line between illocutionary and perlocutionary is undermined by Austin himself – it becomes a matter, again, of circumstances. The definition and criteria of the perlocutionary are tricky in any case, for there are no actual examples of such utterances, as there are examples of performatives at the beginning of *How to do Things with Words.*

> we can say 'I support, give arguments in support, that', or 'I warn you that', but we cannot say 'I convince you', or 'I alarm you.' (Cavell 2005, 115–116)

The fact that we cannot use certain first-person expressions (expressions that Cavell calls 'perlocutionary verbs' as opposed to the so-called performative verbs, such as 'I promise you') seems to be an objection to a category of 'perlocutionary acts' that would be symmetrical to the well-known 'illocutionary acts'. This fact has to do with the conversational and interactive character of the *encounter*, essential to the grammar of the perlocutionary act. There is no test formula along the lines of to say it is to do it' for eliciting explicit perlocutionary verbs, since one cannot say 'I convince you', 'I alarm you', etc. If to say 'I convince you' or 'I attract you' were *eo ipso* (as Austin likes to add) to convince or to attract you, my language would possess 'magical or hypnotic powers'.[7]

Ordinary ethics'

Cavell's rehabilitation of the perlocutionary, its inclusion in the realm of performativity, 'affords a portrait, or scan, of the interactions which constitute a society that is at variance with Austin's portrait of a constitution rationally dominated by established rituals and shared rules'. The interactions or encounters named by those perlocutionary verbs are ones that, reversing the conditions of the illocutionary, in effect occasionally challenge the rationality of the reign of rules. Interactions are not only governed by explicit social or moral conventions but by a different order of rules, the rules of a *shared form of life*, of the *moral texture of life* described by Iris Murdoch, Cora Diamond and Veena Das. Here again is the difference between the two senses of forms of life, one social and the other natural/emotional. Cavell's counter-proposal of the perlocutionary as equally *meaningful*, and as revelatory of performativity (in its difference from the descriptive or assertive) as the illocutionary reverses the conditions of the illocutionary, and challenges the reign of rules.

> So my idea of passionate utterance turns out to be a concern with performance after all. That I articulate the concern from the side of passion perhaps suggests that I am calling for an anti-morality (as many philosophers I admire are accused of doing, I think of Emerson and Nietzsche). I would rather think of it as a *refusal of moralism*. (Cavell 2005, 187)

Ethics is no longer about conventions or rules but, again, about a shared form of life, in both its social and biological dimension. Cavell describes with precision and in detail this *texture* [8] in the following lines of the famous passage already quoted, whose conclusions are widely discussed – strangely, however, the careful details of the form of life shaped by the perlocutionary are not:

> That on the whole we do is a matter of *our sharing routes of interest and feeling, modes of response, senses of humor and of significance and of fulfillment, of what is outrageous, of what is similar to what else, what a rebuke, what forgiveness, of when an utterance is an assertion, when an appeal, when an explanation* – all the whirl of organism Wittgenstein calls 'forms of life.' (Cavell 1976, p. 52; emphasis mine)

This whirl is both natural, 'organic' (the vertical axis of lifeform), and linguistic, cultural (the horizontal axis of the various uses of languages). What is most striking is that the performative, in its illocutionary but mostly in its perlocutionary dimension, is at the core of this form of life or at the convergence of the two axes – 'what a rebuke, what forgiveness, when an utterance is an assertion, when an appeal, when an explanation'.

Significance and fulfillment become here the main categories of ethics and appear to be features of performativity, in its double dimension as illocutionary and perlocutionary.

Austin, Cavell reminds us, characterizes the difference between illocutionary and perlocutionary acts as follows: illocution is conventional, perlocution is not. We know that the meaning of the term convention as Austin uses it is problematic: illocution, in general, is not conventional only in the sense that it would invoke conventions made at a given time and place. Nor is it conventional in the sense that it would always be guaranteed by an institution unless the meaning of 'institution' is extended so that excuses, blame, warnings, etc., are also institutions. If, based on the first examples in *How to*, conventionality seems to explain the illocutionary act, on the other hand, as soon as it is extended to the whole of language, the meaning of the term *convention* loses the inaugural clarity that marked Austin's conception.

Illocution has become essential in the characterization of performative utterances, to the detriment of the regularities and moral sensitivity characterizing perlocutionary acts. Austin (and most contemporary philosophers of language) refers the perlocutionary act to arbitrariness. As if the fact that there is precisely no 'conventional accepted procedure' in the passionate exchange were not a positive characterization for a kind of linguistic exchange whose grammar remains to be elucidated.

If a performative utterance (illocutionary act) is, as Cavell writes, 'an offer of participation in the order of law', then perhaps, he suggests, a passionate (perlocutionary act) utterance is 'an invitation to improvisation in the disorders of desire' (Cavell 2005, 185; for more on this, see Layla Raid (2011). Cavell acknowledges Austin's effort to show how speech *does* things (and is thus a structuring element of forms of life) as well as states or says things, beginning with social actions such as marrying, betting, christening and bequeathing. Austin himself notes

that utterances have further *effects*, ones he calls perlocutionary, which don't have a first-person 'explicit' expression, and which can still be named by such verbs as deter, praise, convince, alarm, surprise, upset, humiliate (Austin 1962a, 108, 117). To say 'I warn you' *is* to warn you (illocutionary), and it may, further (as perlocutionary effect) alarm you or exasperate you or intimidate you. So for Austin, the perlocutionary is understood only as *a side effect of* the performative utterance and the question of its validity cannot be raised. Cavell still wonders:

> Why not suppose that there are conditions to be found for felicitous perlocutionary acts, or for what I call passionate utterances? (Cavell 2005, 118)

That Austin avoids this task has two consequences for Cavell: 'the region of the perlocutionary has gone undefined and uncharted', and the domain of the performative remains within the limits of social rules or conventions and does not confront the complications of human encounters. Cavell's analysis of the passionate utterance, in a sense, aims to expand Austin's analysis of the performativity of language. So why might it appear to be a provocation? A performative (illocutionary) utterance is 'an offer of participation in the order of law'. A passionate (perlocutionary) utterance is 'an invitation to improvization in the disorders of desire'. Both are 'calls', invitations to join a form of life. An exploration of ordinary language as form of life needs to attend to the *rules* governing both, even if that means changing the sense of 'rules'.

> The use of a word is not everywhere circumscribed by rules; but no more are there any rules for how high one throws the ball in tennis, or how hard; yet tennis is a game for all that and has rules too. (Wittgenstein, *PI* § 68)

The condition of expressiveness

How can one propose conditions of felicity for the perlocutionary effects of what Cavell calls passionate utterances if there are no conventional procedures, predetermined rules or rationality involved? Cavell parallels Austin's conditions for illocutionary utterances (procedure, appropriate person, etc.) with a series of his own analogous conditions for the perlocutionary. For example, in the case of the illocutionary, failures have to do with not identifying the correct procedure and the right person, either as performer or addressee ('securing of uptake'). In the perlocutionary, failure 'puts the future of our relationship, as part of my sense of my identity, or of my existence, more radically at stake'; 'Appropriateness is to be decided in each case' (Cavell 2005). Analyzing the conditions of felicity of the perlocutionary would call for a 'deduction' of each situation and relationship, just as for Cavell each word would require a transcendental deduction of its uses. In a sense, his study of the perlocutionary would call for an extreme form of contextualism.

To speak in Goffman's idiom, human encounters and everyday experiences are 'structurally vulnerable'. The question is how to find rules (and in which sense of rules) that would govern our ordinary ways of attending/tending to the other. This is what has guided me to an ethics of care,[9] which is characterized by a reorientation of morality towards importance, significance, attention to others and a connection to the structural vulnerability of experience. The relationship to the other, the encounter with the other, the importance we give to her, exist only in their singular and public *expression* against the background of the human form of life. This reading of expression, this sensitivity to meaning and to moral textures, which makes *responding* possible, is the product of attention, of care. It also accounts for failures

both of expression and action. The 'mere' performative (i.e. limited to the illocutionary) cannot take into account the dimension of improvization and uncontrollability in expression.

As Veena Das comments:

> While someone breaking a bottle on the hull of the ship naming it Queen Elizabeth, relies on the authority that he wields to make the public utterance effective or felicitous, the one who utters a passionate statement – declaring his love, for instance – makes himself vulnerable. If we were less focused on the action aspect of speech acts and more on expression we would see that perlocutionary effects are not external to the speech act as Austin had argued, but *constitute the internal possibility of the expression itself.* [10]

We need to remember that Austin's primary effort is to articulate a sense that speech *does* things as well as states or says things. Verbs that do what they say (when uttered in the first person present singular indicative active) he calls *explicit illocutionary verbs*. They are the paradigm of the performative (see Recanati 1987) Austin notes that performative utterances have further *effects*, ones he calls perlocutionary, named by such verbs as to deter, convince, alarm, surprise, upset, humiliate (110, 118). These verbs lack the reflexivity we find in 'explicit' performatives (to say 'I alarm you' is not to alarm you – it doesn't even make much ordinary sense).

But instead of pursuing the description of these *effects*, Austin drops the subject of the perlocutionary with the observation that 'almost any perlocutionary act can be brought off, in sufficiently special circumstances, by the issuing … of any utterance whatsoever' (110). As Cavell remarks, an utterance, such as 'I do' (illocutionary act, in the appropriate context and with the appropriate persons) *may* have the untoward perlocutionary effect of making someone faint with alarm or run from despair (again, classic cinematic moments), but such possibilities do not deter Austin from giving conditions for its felicitous (illocutionary) use.

In his essay on performative and passionate utterances, Cavell models his conditions of felicity for the perlocutionary effects of the passionate utterance on Austin's conditions of felicity for the performative utterance. But to carry out this ambition, the perlocutionary cannot be seen as a dimension, or a side effect, 'brought off' by explicit performatives. It has to be part of a category. Cavell thus claims to be able to elicit a list of *explicit* perlocutionary verbs to match Austin's list of illocutionary verbs. The subversive character of his analysis (for standard pragmatics) is indeed to separate the *explicit* from the *reflexive,* and to imagine a category of utterances that would be 'perlocutionary acts' as such, just as the explicit illocutionary acts are.

Appropriateness is thus as essential to Austin's view of assessing ordinary utterances as validity is to assessing formal arguments, and here we may think of his concept of fit,[11] and its application to persons (the question of marriage and encounter are crucial here).

Here are for example the first two rules or conditions for the felicity of the performatives:

1. There must exist an accepted conventional procedure having a certain conventional effect; the procedure must include the uttering of certain words by certain persons in certain circumstances,

2. The particular persons and circumstances in a given case must be *appropriate* for the invocation of the particular procedure invoked.

We know Cavell proposes conditions for the successful functioning of passionate utterances, aligning them with Austin's six conditions for the illocutionary act (Cavell 2005, 181). These conditions are quite defective or may seem ironical because there is no satisfying way to give the conditions of felicity of a perlocutionary act. Human vulnerability is at stake in every perlocutionary act.

- Analogous Perloc 1: There is no accepted conventional procedure and effect. The speaker is on his or her own to create the desired effect.

- Analogous Perloc 2: (In the absence of an accepted conventional procedure, there are no antecedently specified persons. Appropriateness is to be decided in each case; it is at issue in each. I am not invoking a procedure but inviting an exchange. I therewith *single you out* (*as appropriate)* in the given case.)

With this parallel, the question of the perlocutionary becomes that of the criteria of felicity, that is, of the *appropriateness* of the passionate utterance. We know how strongly Austin relies on the idea of appropriateness in defining the performative utterance. The third rule or condition for an utterance being *performative*, doing what it says it is doing and doing it *in saying*, is that 'the particular persons and circumstances in a given case must be appropriate for the invocation of the particular procedure invoked' (Austin 1961, 34). So what is at stake here is the very idea of appropriateness – of persons, circumstances, behaviors and feelings. Austin even lists, among the five categories into which he classifies illocutionary verbs, the category he names *behabitives*, where he is interested in 'the numerous cases in human life where the feeling of an emotion … is conventionally considered *an appropriate or fitting* response' (Austin 1961, 78).

Performance and perlocution

In Lecture 8 of *How to* quoted above, the one that discusses the 'third type' of act, Austin notes: 'We shall call the performance of an act of this kind the performance of a "perlocutionary" act and the act performed […] a "perlocution."'

Austin mentions 'the performance of the locutionary or the illocutionary act'. The performative includes all the three types of acts, which is no news for many. 'The performance of a perlocutionary act' displays the uncanniness of the very expression of 'performative' (a word built from a verb, *perform*, of French origin 'parformer'.)[12]

Austin, for all his sensitivity to language, never comments on the fact that there could be confusion between the per- of *perlocution* with the per- of *perform*. The per- of performative, like that of *performance*, or of perfection (another Cavellian theme, perfectionism) denotes achievement, fulfillment; while the per- of perlocution denotes the means, the medium, the 'by' of 'by saying'. In the perlocutionary, the statement is a means of doing, of creating an *effect* – to go *through* you, to *reach*, *touch* you. But isn't Cavell's perlocutionary also a *kind* of *performance*? Let's get a closer look at Austin:

> There is yet a further sense in which to perform a locutionary act, and therein an illocutionary act, may also be to perform *an act of another kind*. Saying

> something will often, or even normally, *produce certain consequential effects upon the feelings, thoughts, or actions of the audience, or of the speaker, or of other persons*: (…) We shall call the performance of an act of this kind the performance of a 'perlocutionary' act. (Austin 1961, 103)

The 'act of another kind' is again perlocutionary.

Cavell's point, at the end of the day, is that in discovering the capacity of language to *do something* (to reality and to us), Austin has opened a new world – the ordinary world, that cannot be 'charted' with rules or social conventions – and calls for another kind of description, the rules and forms of human encounters and conversations.

> What they had not realized was what they were saying, or, what they were *really* saying, and so had not known *what they meant*. To this extent, they had not known themselves, and not known the world. I mean, of course, the ordinary world. That may not be all there is, but it is important enough: morality is that world, and so are force and love; so is art and a part of knowledge (the part which is about the world); and so is religion (wherever God is). (Cavell 1976, 40)

Here the issue is no longer finding conditions of felicity for specific utterances but finding the condition of expressivity and voice. The question of performativity becomes how to find the *right expression*, *pitch*, the right tone of voice (Cavell 1994), which is also a very important feature of Wittgenstein's later philosophy. Here, ordinary (shared) language is not a starting point, a given but an achievement, as are conversation and harmony, agreement in language. Such an agreement is not only social – the attunement of voices – but individual expressivity – personal expressiveness, which is anchored in perlocutionary acts. This whole discussion must be connected to the *Claim of Reason's* analysis of the temptation of inexpressiveness, as a denial of the encounter with and acknowledgement of the other and of myself.

> A fantasy of necessary inexpressiveness would solve a simultaneous set of metaphysical problems: it would relieve me of the responsibility for making myself known to others – as though if I were expressive that would mean continuously betraying my experiences, incessantly giving myself away. (Cavell 1979, 351)

Cavell's insistence on human expressiveness as the acknowledgement of finitude (Cavell 1994) thus is also a thematization of the perlocutionary as resource for accepting vulnerability, indignity, awkwardness, ridiculousness and so on – for finding the ability to express one's desire. But the ways of expressing (or the failure to express) desire cannot be always explicit.

> So we are reminded that there are worse things than indignity, awkwardness, ridiculousness, and that there are good things approachable perhaps only through indignity, awkwardness, and ridiculousness, things such as expressiveness, the ability to speak one's desire. ('Slaps without Sticks', *art. cit.*)

The pre-eminence of the illocutionary, as Cavell has rightly said, has made the philosophy of language, and ordinary language philosophy,[13] blind or deaf to the 'third kind' of utterance. Conversely, the pre-eminence of the concept of *passionate utterance* – as a specific category

of utterance parallel to the category of performative utterance – in Cavell's later work may also be misleading, obscuring his ambition to pursue Austin's engagement: 'The total speech act in the total speech situation is the *only actual* phenomenon which, in the last resort, we are engaged in elucidating' (Austin 1961, 148). Further elucidation of perlocution as an integral part of 'the total speech act', as performance and achievement (the performance of a 'perlocutionary' act); as an *internal* condition of possibility of any expression – perhaps in connection with his powerful analyses of the specific displaying of the effects of language in film, is missing from Cavell's later work, which in a sense is unfinished.

Notes

1 See Laugier (2015a, 2017, 2018).

2 Crary and DeLara (2019), Moi (2017).

3 See Laugier (2019).

4 See Laugier (2017, 2019) in same issue.

5 See for an analysis of Goffman's Austin: Laugier (2017, 2019).

6 For example, in 'remariage comedies' (Cavell 1981) and their followers, romantic comedies. TV shows are also sites of the illocution/perlocution duality. I am thinking of the example of a scene from *NYPD Blue* (in the final episode of season 5), where a very formal, illocutionary-style wedding turns out to be a memorable romantic moment.

7 As in Woody Allen's underestimated *The Curse of the Jade Scorpion*, 2001.

8 See Veena Das (2020).

9 Laugier (2015b).

10 Das (2020).

11 Laugier (2013).

12 *Vocabulaire européen des philosophies*, *Dictionnaire des intraduisibles*, dir. B. Cassin, Le Seuil, 2004.

13 See the introduction to Crary and DeLara 2019

References

1. Austin, John Langshaw. 1961. *Philosophical Papers*. Oxford: Oxford University Press. [Google Scholar]
2. Austin, John Langshaw. 1962a. *How to Do Things with Words*. Oxford: Clarendon Press. [Crossref], [Google Scholar]
3. Austin, John Langshaw. 1962b. *Sense and Sensibilia*. Oxford: Oxford University Press. [Google Scholar]

4. Cavell, Stanley. 1976. *Must We Mean What We Say? A Book of Essays*. Cambridge: Cambridge University Press. [Google Scholar]
5. Cavell, Stanley. 1979. *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy*. Oxford: Oxford University Press. [Google Scholar]
6. Cavell, Stanley. 1981. *Pursuits of Happiness*. Cambridge: Harvard University Press. [Google Scholar]
7. Cavell, Stanley. 1989. *This New Yet Unapproachable America: Lectures After Emerson After Wittgenstein*. Albuquerque, NM: Living Batch Press. [Google Scholar]
8. Cavell, Stanley. 1994. *A Pitch of Philosophy: Autobiographical Exercises*. Cambridge, MA: Harvard University Press. [Crossref], [Google Scholar]
9. Cavell, Stanley. 2005. *Philosophy The Day After Tomorrow*. Cambridge, MA: Harvard University Press. [Google Scholar]
10. Crary, Alice, and Joel DeLara. 2019. "Who Is Afraid of Ordinary Language Philosophy?" *Graduate Faculty Philosophy Journal* 39. [Google Scholar]
11. Das, Veena. 2020. *Textures of the Ordinary, Doing Anthropology after Wittgenstein*. New York: Fordham University Press. [Crossref], [Google Scholar]
12. Goffman, Erving. 1961. *Encounters: Two Studies in the Sociology of Interaction*. Indianapolis: Bobbs-Merrill. [Google Scholar]
13. Laugier, Sandra. 2010. *Wittgenstein: le mythe de l'inexpressivité*. Paris: Vrin. [Google Scholar]
14. Laugier, Sandra. 2013. *Why We Need Ordinary Language Philosophy*. Translated by Daniela Ginsburg. Chicago: University of Chicago Press. [Crossref], [Google Scholar]
15. Laugier, Sandra. 2015a. "The Ethics of Care as a Politics of the Ordinary." *New Literary History* 46 (2): 217–240. doi: 10.1353/nlh.2015.0016 [Crossref], [Web of Science ®], [Google Scholar]
16. Laugier, Sandra. 2015b. "Voice as Form of Life and Life Form." *Nordic Wittgenstein Review*, 63–82. doi: 10.15845/nwr.v4i0.3364 [Crossref], [Google Scholar]
17. Laugier, Sandra. 2017. "The Vulnerability of Reality – Austin, Normativity, and Excuses." In *Interpreting Austin*, edited by Savas L. Tsohatzidis, 119–142. Cambridge: Cambridge University Press. [Crossref], [Google Scholar]
18. Laugier, Sandra. 2018. "Wittgenstein. Ordinary Language as Lifeform." In *Language, Form of Life, and Logic: Investigations After Wittgenstein*, edited by Christian Martin, 277–304. Berlin: De Gruyter. [Crossref], [Google Scholar]
19. Laugier, Sandra. 2018. "The Vulnerability of the Ordinary. Goffman, Reader of Austin." *Ordinary Language Philosophy* 39 (2): 367–401. [Google Scholar]
20. Moi, Toril. 2017. *Revolution of the Ordinary: Literary Studies After Wittgenstein, Austin, and Cavell*. Chicago: Chicago University Press. [Crossref], [Google Scholar]
21. Raid, Layla. 2011. Enoncés passionnés et performatifs selon Stanley Cavell, Revue internationale de philosophie 2011/2 (n° 256), pages 151 à 16. [Google Scholar]
22. Recanati, François. 1987. *Meaning and Force: The Pragmatics of Performative Utterances*. Cambridge: Cambridge University Press. [Google Scholar]
23. Wittgenstein, Ludwig. 1953. *Philosophical Investigations*. Oxford: Blackwell. [Google Scholar]