

# Perlocution and the Rights of Desire: Cavell, Nietzsche, and Austen (and Austin)

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The privileging of predication over plea, of propositional knowledge over wish, of topical language over the atypical, can be reversed neither by a violent act of knowing better nor by utopian wishes. But philological experience is recalcitrant. It shows that the desire for language cannot be restricted to the forms of knowledge. Since it is itself the advocate of this desire, it is close to the conjecture that forms of knowledge are only stations of this desire, not its structure.

WERNER HAMACHER, "Ninety-Five Theses on Philology"

There is indeed a vague and comforting idea in the background that, after all, in the last analysis, doing an action must come down to the making of physical movements with parts of the body; but that is about as true as that saying something must, in the last analysis, come down to making movements of the tongue.

J.L. AUSTIN, "A Plea for Excuses"

—Is there anything really important to you?

—I am tired of people. But it doesn't stop me from loving them.

—Nicely put.

—Yes, wasn't it.

[.....]

—One can never prevent a single human being from any kind of suffering. That's what makes one so tremendously weary.

*Smiles of a Summer's Night* (1955, dir. Ingmar Bergman)

Friedrich Nietzsche famously and mischievously begins the notorious Second Essay in *On The Genealogy of Morals* (1887) with an assertion that ties the proper breeding of mankind to the right to make promises. Nietzsche maintains: “[t]o breed an animal with the right to make promises—is this not the paradoxical task that nature has set itself in the case of man? Is this not the real problem which man not only poses but also faces?”<sup>1</sup> Nietzsche’s language challenges its reader from the start to comprehend its various possibilities of mood and mode, rhetoric and grammar: is it a bold statement of authorial values or an ironic insinuation meant to trap the bad conscience of civilized man? More simply, is it a “real” question or a rhetorical statement? The passage loses no time in deploying some of the soldiers in the army of poetical tropes that Nietzsche unmask as the producers of truth in his equally well-known short piece, “On Truth and Lie in an Extra-Moral Sense” (here prosopopoeia: speaking for nature). Based on this small sampling, already we can sense fully how the “literary” intensity and instability of Nietzsche’s style are embedded in his very conduct of philosophy. The question marks on which the two sentences of this opening salvo end (or sort of end, as there are original ellipses “...”) may not indicate a question has been posed at all for the reader directly to answer. No question, at least, has been posed from the quasi-naïve and open premise that we tend to call a question on equal (epistemological) footing or in (sociable) “good” faith. Not a “real” question from Nietzsche, then; but all the more a real problem. A driving interrogation in fact: in light of what the next sentence calls the “countervailing” and saving “force of *forgetfulness*,” the conduct of the human will in verbal action becomes “*the* real problem” we both pose and face as linguistic beings engaged by what Stanley Cavell understands in the term moral perfectionism.<sup>2</sup>

A different Nietzsche text close in provenance, the 1886 preface to *Human, All Too Human*, occupies Cavell in the eponymous chapter of *Philosophy the Day After Tomorrow*. But next to the opening of the Second Essay of *On The Genealogy of Morals*, I want to adduce the chapter on “Performative and Passionate Utterance” found in Cavell’s 2005 collection. My essay will focus in particular on what Cavell terms “the

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1. See Friedrich Nietzsche, *On the Genealogy of Morals: A Polemic*, trans. Douglas Smith (New York: Oxford University Press, 1996), 39, for one translation.

2. I continue to draw my language from Nietzsche’s Second Essay loosely from the Smith translation.

rights of desire”—rights stressed beyond institutional social “responsibilities of implication.”<sup>3</sup> Cavell’s recognition of the claims of desire, imaginative expression, and affective responsiveness, in contrast to J.L. Austin’s effort to minimize the scope given to perlocution in *How to Do Things with Words*, serves in this paper as a frame through which to mark (however schematically and provisionally) the various relationships of philosophy to literature, law to desire, and the once philosophically normative language of constation to a broader scope of more “poetic” or “literary” linguistic performativity. Further, as my subject here, “the rights of desire” draws attention to a compellingly peculiar specific literary argument Cavell makes in *Philosophy the Day after Tomorrow*. In the title essay, Cavell shares an extended reflection, at first “something of a shock” he admits, but ultimately, I want to show, persuasive and resonant for this occasion to think and converse upon The Literary Cavell, on the affective logic of a connective contrast between Nietzsche and Jane Austen.<sup>4</sup>

In reading Austen, Cavell singles out *Emma*. He pays attention to the heroine’s mournful thought over the continuation of her existence after the marriage of Miss Taylor to Mr. Weston at the start of *Emma*<sup>5</sup>—thus demonstrating in the very ground of Austen’s novel, and her famously entitled (“handsome, clever, and rich”) protagonist, a philosophical bafflement most readers had not really seen or heard before. And in seeking to understand the meaning of Fanny Price’s consent in terms that recall his previous writing on a film genre he calls the melodrama of the unknown woman, Cavell subsequently underscores the “economy of horror invisibly sustaining the main house of *Mansfield Park*.”<sup>6</sup> Fanny Price is at best the convalescent philosophical protagonist of a sick society awaiting its further constitution (a portrayal

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3. Cavell, *Philosophy the Day After Tomorrow* (Cambridge, MA: Harvard University Press, 2005), 185.

4. *Ibid.*, 122.

5. *Ibid.*, 124. For an important study of another realist literary genre that draws from Cavell’s interest in the domestic world, beyond what he calls “headline moral issues,” see Toril Moi’s presentation of Ibsen’s modernism and the intolerable constrictions of gender roles on the human, in *Henrik Ibsen and the Birth of Modernism: Art, Theater, Philosophy* (Oxford: Oxford University Press, 2006), esp. 223-247.

6. Cavell, *Philosophy the Day After Tomorrow*, 127. Here one could incorporate, regarding both Emma Woodhouse and Fanny Price in their individual ways, Cavell’s discerning self-summary of his work on skepticism (the version he calls the “melodrama of the unknown woman”) in *Contesting Tears*: “This withdrawal of the world (a formulation that recurs in my various reformulations or replacements of skepticism), or this withholding of a voice before it, is an alternative understanding of [John Marcher’s character in the Henry James story “The Beast in the Jungle” that prompts his working through Eve Sedgwick’s essay “The Beast in the Closet”]; Cavell, *Contesting Tears: The Hollywood Melodrama of the Unknown Woman* (Chicago: University of Chicago Press, 1997), 191.

reinforced by the novel's canniness in turning to account Austen's, essentially the Regency's, historical positioning in between the abolition of the British slave trade in 1807 and the end of British imperial slavery in the 1830s.)

In "Philosophy the Day After Tomorrow," one of Cavell's main textual coordinates in Nietzsche is from his 1886 preface to *Human, All Too Human*, which sardonically calls *Geschwätz* the topics that ought to silence the philosopher: *Geschwätz*, "chatter," or *Literatur*.<sup>7</sup> In the preface to *On the Genealogy of Morals* Nietzsche asks how we can find ourselves if we do not even seek ourselves. "We are unknown to ourselves, we knowers." If, for Cavell, Nietzsche's prose takes on the recognizable role of maximizing the expression of discontent with the world of existing, lawful, philosophical systems and social institutions, and positions literature as the properly mute—perhaps maddening, perhaps idle—antinomy to such institutions, Jane Austen occupies a position that I think most readers would not expect of her novels, in this broadly romantic dialogue about the philosophical, social, and aesthetic conditions of expressive relation. Austen provides not a foil to Nietzsche's passion (or speaking biographically, even to his threat of isolation and madness) but signals an alternate scope and key for its expression of "spiritual distress"<sup>8</sup>—something like a "piano" key of the brash philosophy of the *Übermorgen*—that substantiates the claim of desire, or least makes for its underscoring. A basic idea that I take from Cavell's interest in Austen and in what he calls, in *Contesting Tears*, the "feminine voice" is that philosophy can have a means of emphasis that does not work by just making the object or point of emphasis bolder. The sympathetic critical disposition toward such a voice articulates a place for the livable (to that extent "realist") literary mood in (his) philosophy. Nietzsche sets the task as to "breed an animal *with the right to make promises*," or who "may make promises"; and Cavell, precisely, is interested in Austen (and in George Eliot) in this chapter as writers not only of constrained, or unheroic, passions and of extracted consent, but of "good breeding."<sup>9</sup>

Cavell reads Austen's work under the movingly exigent heading of *Philosophy the Day After Tomorrow* as a whole, in the urgent, sobering project appropriate to his life after retirement from teaching at Harvard as well as to the remaining scope of

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7. Cavell, *Philosophy the Day After Tomorrow*, 116.

8. *Ibid.*, 124.

9. *Ibid.*, 119.

his life as a life. When Cavell states his principle concern as “experience of the remains of my day” in the early pages of the Introduction to *Philosophy the Day after Tomorrow*, behind the allusion to Ishiguro’s novel of looking back on a life in dignified misspent service, one already senses that an encounter with an Austen novel must be coming soon, from just over the horizon that (due to her allegedly contained feminine realism) isn’t one.<sup>10</sup> Quite as though the belated encounter with Austen were a bigger and less easily broached topic for Cavell than the reference to Ishiguro, and later, E.M. Forster, or even his more extended history of interaction with Henry James—which I think it proves. One almost is led to ask by this tone and the foreclosed, future anterior tense: does Cavell’s constraint of time connect to Austen’s constraint of manner?

Recall that J.L. Austin’s series of lectures detailing his disagreement with the sense-data theory of knowledge carries the Austenian title, *Sense and Sensibilia*, and that Cavell thinks of the genre of the essays in the collection as “celebratory addresses”<sup>11</sup> meant to honor the occasions from which he has taken instruction, occasions from which to raise “the possibility of praise” as a mindset more worthy and more currently in need than a hermeneutics of suspicion.<sup>12</sup> So by the time of the eponymous chapter that pairs Austen with Nietzsche, we have been in a sense prepared to learn that (even) Jane Austen—not least because *Sense and Sensibilia* honors her—articulates the field under critical scrutiny and helps to form tools for a voice of expressive critique.<sup>13</sup> My association of Austen with critique may sound odd, but it is intended in a fairly rigorous way in its own terms, in the context of the linkage of Austen’s and Kant’s minimizing hence maintaining gesture of passion or knowledge. Austen’s work too exposes the conditions in response to which one intelligible option, one way to help ourselves to a future, is the fragmentation or rupture found in such

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10. Cavell, *Philosophy the Day After Tomorrow*, 2.

11. *Ibid.*, 1.

12. *Ibid.*, 31; also see 82. Cavell may draw here from Eve Sedgwick’s articulation of “reparative reading.” Though Cavell offers few anti-homophobic readings apart from his account of Bette Davis in the *Now, Voyager* and “Postscript” chapters of *Contesting Tears*, in this “[e]njoining [of] a kind of suspicion of suspicion itself” he may be compared to Sedgwick, whom he engages at length in “Postscript”; for the source of the quotation, see Anne-Lise François, “Late Exercises in Minimal Affirmatives,” in *Theory Aside*, ed. Jason Potts and Daniel Stout (Durham: Duke University Press, 2014), 37.

13. A Foucauldian relation to critical discourse and cultural theory is not beyond Cavell’s reach or interest. The last of the three epigraphs to “Performative and Passionate Utterance” reads: “It is in so far as discourse is common that it can become at once a place and an instrument of confrontation.—Michel Foucault”; Cavell, *Philosophy the Day After Tomorrow*, 155. With Arnold Davidson, Cavell co-taught a seminar on Foucault and Freud at the University of Chicago in 1999.

hyperbolic expression as Nietzsche's: the joyful, cheerful, but also stressed-out, desperate, shrieking and "zany" styles of Nietzsche's writing with "spurs."<sup>14</sup>

It is true that Jane Austen's prose style is almost never manic, outside of a couple moments in *Persuasion* and in the boisterous juvenilia. In fact, in the lecture version of "Philosophy the Day after Tomorrow," Cavell stunningly calls the "surface" of her prose style one of "lethal calm." He narrates his "late" fascination with her novels as a response not to their "elation" and "thrill" of identification in the main marriage plots, but in response to "the stupidity, the silliness, the empty-headedness, the quality of being worn-out...of so many of her supporting players."<sup>15</sup> (Cavell does not mention particular characters, but I find it instructive and paradoxically enlivening to build the list of these "players," which must include the menacing boor and rattle John Thorpe in *Northanger Abbey*, the pathetic routine of Anne Steele with her dead-end talk of a doctor beau in *Sense and Sensibility*, and Miss DeBourgh, Mr. Collins, Lady Bertram, Mrs. Elton, and Sir Walter and Elizabeth Elliot in the more famous later novels from *Pride and Prejudice* to *Persuasion*.) "By the time of *Mansfield Park*, in 1815, there is mostly no one to identify with."<sup>16</sup> This list of vacuous, worn-out predicates joins with the stakes of the conversations of moral encounter in play throughout Cavell's writings about the film genre of the remarriage comedy with undeniably vibrant stars like Katherine Hepburn and Cary Grant, because these remarriage "screwball" comedies for all their vibrant play must answer a comparable force of depletion, still "touching upon contemptuousness, inattentiveness, brutality, coldness, cowardice, vanity, thoughtlessness, unimaginativeness, heartlessness, deviousness, vengefulness."<sup>17</sup>

Among the many aspects of the literary (in) Cavell are his specifications of medium and genre: meaning not only philosophy, cinema, and literature; but within the latter, Shakespearean and modern tragedy, Romantic lyric poems, realist novels. I

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14. These terms, as used to characterize Nietzsche, are taken from Sianne Ngai, *Our Aesthetic Categories: Zany, Cute, Interesting* (Cambridge, MA: Harvard University Press, 2012), 184-188; 222-232, and from Jacques Derrida's *Spurs: Nietzsche's Styles/Éperons: Les Styles de Nietzsche*, trans. Barbara Harlowe (Chicago: University of Chicago Press, 1978). Ngai's account of the affective conditions of labor in the "new economy" in her chapter on the zany further stresses (in both senses) the affect of Nietzsche's tone in terms of gender. This approach makes her reading particularly relevant to the discussion of Jane Austen and the "feminine voice" of "passionate utterance"; Ngai, *Our Aesthetic Categories*, 224ff.

15. Cavell, *Philosophy the Day After Tomorrow*, 126.

16. Ibid.

17. Ibid., 121.

am aware there may be losses in moving too quickly between Cavell's bodies of thinking about film and the novel, and in relating these media without a careful critical translation to his philosophical writings. Here specifically, whatever the genre in view, the qualities admitted in the list above are specifications of the forces arrayed against Cavell's Emersonian "perfectionism" as a dynamic of "moral encounter."<sup>18</sup> Yet however threatening or neutralizing they may prove to that encounter, the negative attributes are internal to the task. Throughout his writing career, Cavell has been fired, inspired—as well as simultaneously floored—by the force of both of such staggering premises of personal incomprehension, non-expressiveness, and unfeeling, and by their equivalent at the institutional level, of philosophical and cultural "discounting." From here it is Cavell's stimulating and rigorous contribution to Austen Studies as a discounted area in the study of Romanticism, to claim that Austen's contained and minimized mode of expression *preserves* the philosophical standing of unmet, unsatisfied "rights of desire" in the criticism of this (*lawful*) world.

Thus Cavell can maintain of Austen: "You might say that her prose seeks incessantly to minimize (hence maintain) the expression of distress in everyday existence no less drastically than Nietzsche's seeks to maximize it."<sup>19</sup> Jane Austen performs this role not so much despite as *via* what Cavell terms her "narrator's renowned surface of containment."<sup>20</sup> Even Austen's most limited world in *Emma* can be shown to face down a zero-degree test for a sociable practice and stylistics of affective critique (rather than an official philosophy). As Emma and her father grieve the passing of Miss Taylor into Mrs. Weston through marriage, the narrator remarks that in this moment "Emma first sat in mournful thought of any continuance." Here is Cavell's gloss on that phrase: "I find that I am unsure whether this meditation means that she is vexed not to have her friend to continue their happy mode of existence; or whether it suggests that she is so grief-stricken that she cannot imagine wanting her own existence to continue; or whether, as mostly seems to me the case, that Emma herself cannot tell the difference."<sup>21</sup>

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18. Cavell, *Philosophy the Day After Tomorrow*.

19. *Ibid.*, 124.

20. *Ibid.*, 124. As noted above, in the Berkeley (Feb. 2002) Howison Lectures version of the chapter, Cavell does not say "renowned surface of containment" but instead (enunciating it with careful energy) "Jane Austen's celebrated surface of lethal calm." [https://www.youtube.com/watch?v=bTCK\\_u1fpxc](https://www.youtube.com/watch?v=bTCK_u1fpxc).

21. *Ibid.*, 124.

In such an insight, as well as in such a mood of indistinction of the crucial difference, Cavell sees in Austen a means of expressing the limits of what is and isn't experienced as livable, what the main character can recognize as a knowledge of the possible continuance of her life, or is willing to face going on with under the auspices of an interesting, hence to that degree consented-to, existence. This critical threshold of experience is felt as an expressive capacity, and limit, on what Austen can write, what her narrator can "say," and what the reader may be prepared to "hear." Cavell himself hears the sentence, put there by Austen's narrator and testifying to Emma's cognition, as Emma's own stunned responsiveness: not as a cognitive statement of indirect speech, that is, but as a kind of inexpressibly stifled and yet still audible perlocution. Thus to notice the almost imperceptible slightness of judgment in this negation of status quo life, comes in Austen as it were bound with a significant force and inescapable framing. Through Cavell, we notice *Emma's* minimal yet still definitive negations of the given conditions of life. (For one instance of such a condition: that life for Emma of such regular comforts and irritations, in Surrey, as one of many apparently very numerous counties that are dubbed "the garden of England": a cliché shared vacuously and insistently by Mrs. Elton, and at one level attested to by Austen's narrator—because Surrey is called that—and contemptuously negated at another as beneath even the use of her clarification—as almost everywhere in England is called that—by Emma herself.)<sup>22</sup> This practice of literary critical judgment positions Austen's novelistic program more or less explicitly after Kant's method in critical philosophy to define limits beyond which we cannot know, and hence what we can affirm and may lawfully hope for. Yet Cavell's intensive concern with the challenge to sustain interest goes powerfully against Kant's affective economy of disinterestedness. Nietzsche, contrasting Kant to Stendhal's description of the beautiful as "*une promesse de bonheur*," sounds off on this disinterestedness: "in each of Kant's famous definitions of the beautiful, the lack of a more differentiated experience of the self sits like a fat worm of fundamental error."<sup>23</sup>

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22. Jane Austen, *Emma*, ed. George Justice; 4th edn. (New York: Norton, 2012), 188. The passage especially holds my attention due to J.L. Austin's scrupulous devotion to reclaim from skepticism "the garden of the world we live in"; see "Other Minds," in *Philosophical Papers*, 90.

23. Nietzsche, *On the Genealogy of Morals*, 83.

In *Philosophy the Day After Tomorrow* Cavell reminds us that way back in “Aesthetic Problems in Modern Philosophy” (first published in 1965) from *Must We Mean What We Say?* (1969), he had come to understand and propose “Kant’s characterization of the aesthetic judgment” as the model for “what we should ordinarily say when, and what we should mean in saying it. The moral is that while general agreement with these claims can be ‘imputed’ or ‘demanded’ by philosophers, they cannot, as in the case of more straightforward empirical judgments, ‘postulate’ this agreement (using Kant’s terms).”<sup>24</sup> Such a displacement and expansion of the role of Kant’s practice of “reflecting judgment,” based on his concept of “subjective universality,” again makes the closely modeled revision of Kant the pattern of a new philosophy, as it was already in German Romanticism. Cavell develops beyond a Kantian approach by taking up ordinary language philosophy and its criteria and claims to begin with; but also—and overgoing Kantian and other foundations to a further extent than the post-Kantian Romantics of the “literary absolute” had done—in accounting for the “passionate utterances” that J.L. Austin, Cavell’s teacher, organizes under the name *perlocution*.

Between Nietzsche and Austen, there is neither a stable binary contrast nor a clear spectrum of some kind of measure of “passionate utterance,” not only because Austen’s “renowned surface of containment” preserves a minimal and hence irreducible amount of negation and distress, but also because the question of lawfulness registers internally in Nietzsche’s text on the task of creating a human being with the “right to make promises.” While the mobile literary style of Nietzsche’s writing compels us to move on in reading—rather than stop to make one-to-one assessments of constative truth claims—nearly every aspect of this famous quotation registers the question, the weight, of judging the urgent difference between conventional language and what Cavell would call “perfectionist” modes of expression. “To breed an animal with the right to make promises”: is the tone of any of that “straight” and free from contempt? But also, isn’t every bit of this directive instated with an almost unintelligible earnestness? (For just one instance, I have already pointed out that Cavell makes use of the almost culturally untouchable “breeding.”) Most practically, there is debate over the translation of *versprechen darf*. Does it invoke even ironically the discourse of contractual rights? Should it be translated simply, “who makes promises,” with an unaided relative pronoun, without the “right”? Or should the translation

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24. Cavell, *Philosophy the Day After Tomorrow*, 9.

lean more on the *darf*, from the modal verb *dürfen*, and render the translation as “who may make promises” (or “is permitted” or “can,” which is either the language of morality or of will, force, and capacity).<sup>25</sup>

Even before we get to the classic illocutionary act of promise-making in the famous bit of language from *On The Genealogy of Morals*, the challenge of translating *versprechen darf* demands that we consider the difference between a pre- and other-authorized dimension of lawful “rights” (and consider its Nietzschean transvaluation into a possible dimension not of contractual but of higher and rarer, self-authoring “rights”), as well as to consider a passional dimension. What can giving oneself permission mean for the individual citizen subject of “right”-based law? Indeed, Nietzsche’s first use of the language of rights in *On the Genealogy*, again from the preface, invokes this term not in the contractual sense, but in the language of what we may say with grounds in ordinary language: “*Mit Recht hat man gesagt.*”<sup>26</sup> What can giving ourselves permission to speak thus mean beyond or beside the law? What does it mean to think of the promise as a capacity in which one grants a kind of self-permission to feeling (to be an animal who may/can/ is permitted to promise, and makes promises, and iteratively if not interchangeably, more than one and more than once), knowing that “making” a promise is not an act governed by the external authority of lawful institutions?<sup>27</sup> A promise for the “literary” philosopher, however full, is not bound determinately to the understanding of a contractual tie to be kept (though if “happy” it is kept). If the right to make promises is always open to both linguistic and human sequels, partly this is because, if we may be happy, it means to give more than we own of ourselves.<sup>28</sup> Happiness is an evental unfolding, not a stabilized intentional structure.

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25. Another edition of the text brings personal and class “rights” into the mix, by rendering the phrase, “To breed an animal with the *prerogative* to promise”; *On the Genealogy of Morality*; revised student edition, trans. Carol Diethe and ed. Keith Ansell-Pearson (Cambridge: Cambridge University Press, 2007), 35; my italics.

26. “How right is the saying,” is one possible translation that has been used.

27. See Cavell, *Philosophy the Day After Tomorrow*, 122-123.

28. Does this affirmation of the contingent and not-fully agential self mean to depart from Nietzsche’s expression of the man-animal who “promises like a sovereign—seriously, seldom, slowly—who is sparing with his trust, who confers distinction when he trusts” (*On the Genealogy of Morals*, 41)? Nietzsche’s sovereign promise is bound by and takes its force not merely from psychic and physiological memory but from what he calls “a real memory of the will”: “This development is not merely the result of a passive inability to rid oneself of an impression once etched on the mind, nor of the incapacity to digest a once-given word with which one is never through, but represents rather an active *will* not to let go, an ongoing willing of what was once willed, a real *memory of the will*: so that between the original ‘I will,’ ‘I shall do,’ and the actual realization of the will, its *enactment*, a world of new and strange things, circumstances, even other acts of will may safely intervene, without causing this long chain of the will to break” (*ibid.*, 40).

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A fiat-like power—expressed through the unconditioned originating power of the *logos*—features in understandings of the “romantic Performative” in foundational accounts such as the work of Angela Esterhammer. In his recent book *Stanley Cavell and the Claim of Literature*, David Rudrum has used Esterhammer’s work to develop an account of the (Austinian) performative in Wordsworth’s Preface to *Lyrical Ballads* by way of Cavell.<sup>29</sup> But this approach remains—as it is in Austin’s foundational enterprise and in a different way in Esterhammer’s magisterial comparative study of linguistic romanticisms—fundamentally an account of illocution. A broadened concept of illocution shades into the natural supernatural by way of its penumbra of “force”: the aspect of the performative utterance that cannot be explained grammatically, that is, cannot be explained apart from situational tone, and hence leads the transition in the second half of *How to Do Things with Words* into the lectures on perlocution as “a third kind of act” subject neither to referential falsification (as constative statements supposedly are subject internally) nor to stabilization by context (as the official Austin of most of *How to Do Things with Words* positions his “happy” illocutions).<sup>30</sup>

Having myself written a book on romantic fiat that considered in this more or less theological way how language not only exists but attaches the world (and us? philosophers? poets? to the world), I now put forth perlocution as the major alternative way to reconsider this question of affective movement, sequels, and the being and attachment of language to the world, as well as the intersubjective zone of actual language users in confrontation and exchange. The displacement of the *unmoved* mover of causation that drives the classic theological way of thought perhaps can still be recognized in its change into the question of how responsibility, the over- and under-determination of cause on passion, “direct” or “indirect,” adequate or no, appears as a crucial but unsolvable issue in forming any system of perlocution.<sup>31</sup> Like the fiat, perlocution is performative and eventual language, but unlike the fiat (or even its Colerid-

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29. Angela Esterhammer, *The Romantic Performative: Language and Action in British and German Romanticism* (Stanford: Stanford University Press, 2002); David Rudrum, *Stanley Cavell and the Claim of Literature* (Baltimore: Johns Hopkins University Press, 2013).

30. Austin, *How to Do Things with Words*, 101.

31. Daniel Stout’s forthcoming study of modern “corporate” causation in *Justice After Persons: Corporate Personhood in the Romantic Novel* (New York: Fordham University Press) will be of great help on this question, though Stout’s interest lies more in applications of legal theory and history to narrative, than in “passionate utterance” as a subjective experience.

gean echoes), perlocutionary events unfold temporally as sequels, not as instations of singular, originary utterance, or even as such utterances proliferating in sequence. Beginning with the self-knowledge of their speaker, perlocutions are not subject to limits and stability. Thus though so far I've taken Cavell to be aligned with and motivated by Nietzsche's literary voice in philosophy, especially but not only with regard to Cavell's commitment to perfectionist conversation and perlocutionary sequels as forming a claim on the future (tomorrow, and the day after tomorrow), here Nietzsche's overriding emphasis on will breaks both with the experience of passionate exchange and with the indeterminate nature of its assessment.

J.L. Austin says dryly that such contextual/ circumstantial "resources" of language are "over-rich." But on re-reading, this time after Cavell's chapter on "Performative and Passionate Utterance," the relevant sections on perlocution in *How to Do Things with Words*, Austin comes across (to me) as less constraining than expected. Perlocution is afforded thirty pages, and there are several brief but uncontainably devious moments that more than ruffle the premise of a lawful, tidy, professorial exposition. Perhaps, as a Jane Austen scholar, I am prone to this amplifying response because J.L. Austin takes *persuasion* as his first instance of the kind of "consequential effects upon the feelings, thoughts, or actions" that he terms the perlocutionary realm. The first example he gives of this realm, filed as Act C.a., is frankly weird—definitely mixed up with the experience of total warfare in the Second World War (where Austin served in British Intelligence), but mixed with something else too. It's an example on being urged, or advised, or persuaded "to shoot her"; and then Austin's second example of perlocution reverberates with a Thomas Wyatt or Bishop Lowth-like rendition of calling out in Hebrew Penitential Psalm: "He pulled me up, checked me," followed by the more empiricist and fidgety, "He stopped me, he brought me to my senses, &c. He annoyed me."<sup>32</sup> (With just these two wildly underdetermined examples, Austin evokes the range of perlocution from wrestling with God to jostling with everyday discomposure.) Austin can write: "It is always possible, for example, to try to thank or inform somebody yet in different ways to fail, because he doesn't listen, or takes it as ironical, or wasn't responsible for whatever it was, and so on. This distinction will arise, as over any act, over lo-

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32. Austin, *How to Do Things with Words*, 102. Austin uses the word "devious" of himself and his ordinary language method on 123.

cutionary acts too; but failures here will not be unhappinesses as there, but rather failures to get the words out, to express ourselves clearly, etc.”<sup>33</sup> Apart from the big embedded assumption that the philosopher speaks for the norm against which others may depart (people may fail to listen responsibly and heed), Austin sounds like Cavell; or, more accurately, the derivable source of Cavell’s work in acknowledging passion is heard, in a moment such as this. Still, granting however much suggestiveness this productive (and not simply sidelined) equivocation ought to have, Austin has a way of saying (not without fastidious charisma), “But in a way these resources are over-rich.”<sup>34</sup> Hence Cavell’s idea that Austin’s institutional grounding demands both alterity and opposition. But we can’t fail to see that Cavell’s expression of critique is derived itself from a perlocutionary entailment from Austin. It is derived from his gratitude.

“A Performative utterance is an offer of participation in the order of law,” Cavell concludes in the essay “Something out of the Ordinary.” He goes on: “[a]nd perhaps we can say: A passionate utterance is an invitation to improvisation in the disorders of desire.”<sup>35</sup> So given this formulation and the discussion above, what exactly is Cavell up to when he effectively, lawfully, lists and orders the “necessary conditions” for perlocution? It cannot be just an anti-enlightenment parody like Foucault’s encyclopedic taxonomy, riffing on Borges with lucid–mad laughter, in the Preface to *The Order of Things*;<sup>36</sup> Cavell follows his own idiosyncratically Kantian method of being a rigorist in critical philosophy just so far as he can, and a specifier in indeterminate aesthetic and subjectively human matters in the descriptions and judgments that go beyond rule-following.<sup>37</sup> He also honors Austin’s insistence not only on finding order in the pleasures of agreement where possible, but in stressing the richly plural but finite character of linguistic experience. But nevertheless, the linear, almost bullet-point exposition of the following passage is difficult to keep free of a tone. Cavell’s ability to sustain an earnest regard for all aspects of his teacher Austin may

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33. Austin, *How to Do Things with Words*, 106.

34. *Ibid.*, 76.

35. Cavell, *Philosophy the Day After Tomorrow*, 19.

36. Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Vintage, 1970), xv.

37. I owe this use of “specifier” to Simon Jarvis, who carried a quotation from the Russian Formalist critic Boris Eichenbaum—“We are not formalists, we are specifiers”—as a kind of flag in his English Institute presentation of Sept, 2013. Cavell, however, also uses the word in much the same way, perhaps in contrast to abstract systematic philosophy rather than the imputation of literary formalism. For the published version of this talk, see Simon Jarvis, “How To Do Things With Tunes,” *ELH* 82.2 (Summer 2015), 365–383.

allow for irony-free seriousness; but readers of Cavell might find they just can't maintain it. Cavell maps out the necessary conditions of passionate utterance:

I propose that something corresponding to what Austin lists as the six necessary conditions (he sometimes calls them rules) for the felicity of performative utterance holds for passionate utterance. Austin's are (1) there must exist a conventional procedure for uttering certain words in certain contexts, (2) the particular persons and circumstances must be appropriate for the invocation of the procedure, (3) the procedure must be executed correctly and (4) completely, (5) where the procedure requires certain thoughts or feelings or intentions for the inauguration of consequential conduct, the parties must have those feelings or thoughts and intend so to conduct themselves, and further (6) actually so conduct themselves subsequently. Now in the case of passionate speech, in questioning or confronting you with your conduct, all this is overturned, but specifically and in detail.

There is (Austin notes) no conventional procedure for appealing to you to act in response to my expression of passion (of outrage at your treachery or callousness, of jealousy over your attentions, of hurt over your slights of recognition). Call this absence of convention the first condition of passionate utterance; and let's go further. Whether, then, I have the standing to appeal to or to question you—to single you out as the object of my passion—is part of the argument to ensue. Call standing and singling out the second and third conditions of passionate utterance. These conditions for felicity, or say appropriateness, are not given a priori but are to be discovered or refined, or else the effort to articulate it is to be denied. There is no question therefore of executing a procedure correctly and completely, but there are further unshiftable demands, or rules, that (fourth) the one uttering a passion must have the passion, and (fifth) the one singled out must respond now and here, and (sixth) respond in kind, that is to say, be moved to respond, or else resist the demand.<sup>38</sup>

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38. Cavell, *Philosophy the Day After Tomorrow*, 18-19.

In “Performative and Passionate Utterance,” Cavell reviews the perlocutionary conditions (if anything) more systematically, before adding this seventh “rule”:

I add to this list, registering a final asymmetry:

*Perloc 7:* You may contest my invitation to exchange, at any or all of the points marked by the list of conditions for the successful perlocutionary act, for example, deny that I have standing with you, or question my consciousness of my passion, or dismiss the demand for the kind of response I seek, or ask to postpone it, or worse. I may or may not have further means of response. (We may understand such exchanges as instances of, or attempts at, moral education.)<sup>39</sup>

In another project I examine two literary texts (poems and a letter on poetics), by Claudia Rankine and Keats, which put a curious kind of pressure on a few of these conditions: namely, that “the one singled out must respond *now and here*, and (sixth) respond in kind, that is to say, be moved to respond, or else resist the demand” (emphasis added); with the amplification of the last “rule” in its apparent neutralization in the questioning, denial, dismissal, postponement, or unavailability of “further means of response.” Cavell in *The Claim of Reason* articulates a way in which to respond to the suffering of others, despite the unavailability of the subject in the moment, which allows “freedom for a further response.” Cavell’s romantic perfectionism allows for the fluctuating (non-) succession as the future, or sequel to this realm of further responsiveness beyond stable predication. The generous outward gesture, which Cavell extends not only to future readers, but to dead literary authors and toward himself too, lies in disburdening the (near) affective nullity from its added burden of pressing and disabling shame to allow space to experience both “another’s misery [as] unforgettable” and for “freedom for a further response” in oneself.<sup>40</sup>

Yet here in the context of this essay and its treatment of the Literary Cavell, as opposed to the scene of face to face conversation through which Cavell insistently models his thinking on perlocution, it must suffice to notice the alignment of Cavell’s perlocutionary condition #7 with key aspects of the space of literature itself: with the ques-

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39. Cavell, *Philosophy the Day After Tomorrow*, 182.

40. Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (New York: Oxford University Press), 82.

tioning or even removal of the author's presence; with the scriptural, and with *différance*. As French theorists of *l'écriture* as different as Blanchot and Foucault intimate, this is a gray space. Such an affectively neutralizing "asymmetry" presents a strong challenge not so much to the systematicity (which he does not attempt) as to the possibility of claiming a pre-determinate (or an indexical, urgently referential, *right-here* determined) contemporary historical uptake of Cavell's major project of elaborating on the interests, rights, and responsibilities of the perlocutionary realm. Already in Part One of *The Claim of Reason* there is an instance of this important criticism of the urgent nature of present demands, in the example of knowing the "distance" of suffering in Keats, and in assessing the dimension of a "freedom for further response" that anticipates the acknowledgment of incapacity and non-responsiveness in his language of 2005, "I may or may not have further means of response."<sup>41</sup> Except in a perlocutionary sense, it does not appear "already" or "anticipate" in that master work of 1979, because nothing in Cavell's later writings I've considered is being prevented in advance or defended from, forestalled, by arguments offered in *The Claim of Reason*.

As important to this topic as the reflections he shares on literary texts in themselves, Cavell's literary mode as a writer and thinker opens up a space of intensive, non-coercible, yet specifiable thought. As the wonderful, wily (not in the usual sense weary) old mother character says in an unforgettable moment when she is about to plan a party at the behest of her daughter, in a film that was important to the young Cavell, Bergman's *Smiles of a Summer Night* (1955), "One can never prevent a single human being from any kind of suffering. That's what makes one so tremendously weary." To end back with Nietzsche and *The Genealogy of Morals* (this essay having been a prolongation of the interval between the Second Essay's second and third sentences, already marked by an ellipsis in the original), "[t]he extent to which this problem" of breeding the promise-making animal "has been solved must seem all the more surprising to someone who fully appreciates the countervailing force of *forgetfulness*" as an "active...positive...inhibiting capacity, responsible for the fact" that we can absorb and return the contact of experience, take part in conversation and confrontation, and respond to the word's touch.<sup>42</sup> The very opacity of perlocution to

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41. Cavell, *The Claim of Reason*, 82.

42. Nietzsche, *On the Genealogy of Morals*, 39.

traditional knowledge claims makes it a touching dimension of knowing, and suggests linguistic philosophy's relation to the textural modes of literary knowing, whether the proffered reading methodology be "close" or "surface." An alignment of the literary in Cavell with this (in)capacity for active forgetfulness, also suggests to me an alternate route to the final sentence of *The Claim of Reason* and its famous questions, can philosophy become literature and still know itself? Can philosophy accept (its) knowledge back at the hands of poetry? And is the measure of Cavellian acknowledgment inseparable from the cost of unknowing, if knowledge is to be defined as the prerogative of a fully conscious animal?

The three epigraphs I have taken for this essay have been functioning so far, if they have performed a role at all for the reader, themselves only as resonances and touches, rather than to structure the line of argument I have taken on Cavell, Nietzsche, and Austen (and Austin) with regard to promise-making and perlocution. So let me describe their explicit contributions to my thinking on where the literary (in) Cavell leaves me. In Hamacher's philological thesis is the idea that we want, we are tasked, to go beyond the model of language as predication, but that we cannot do so through a simple irreversible act or wish—for the former is exposed as "violent," the latter identified as "utopian" or pious. In Austin's "A Plea for Excuses," we see not only the constative / performative distinction in play, but already the initiation of a supple critique of Austin's own rage to order in *How to Do Things With Words* amongst types of verbal action—the demarcation between illocution and perlocution foremost. In Bergman's tremendous marriage farce *Smiles of a Summer Night*, I hear something not only of Keats's vale of soul-making, but in the shared exposure to suffering, a mood and project that leads curiously back to a language of constation and letting things be, if only because the "preventing" of suffering of "a single human being" is neutralized between two relations to experience that are literary, and between which another writer—in fact, Austen—would carve out the discursive space of free indirect speech: the wizened old mother's third-person perspective, as close to a titanic narrative omniscience as a human representation could be; and the mortal first-person condition acknowledged by her of her daughter with love and chagrin, that the individual cannot be spared her particular and costly experiences even if they only serve to instance such poor lessons of where the ordinary and perfectionism meet.