In this paper I investigate some of those things only philosophers can see and hear. I take up the most formidable argument, by John Searle, for the claim that many of those things are really okay--true though odd--and show that argument won’t wash; I point out besides that that argument is undermined by Searle’s later (and apparently still current) view regarding “background.” I then retrace the basic temptations we philosophers face which lead us to think we see and hear these things. I end by suggesting they, these things only philosophers see and hear, are seriously problematic and that there are a whole lot of them. FN

{FN: Searle, Assertion fallacy in Speech Acts; Ebersole, “Knowing and Saying So” in Meaning and Saying; Mosedale, “On Saying the Obvious” in Metaphilosophy}

When we are doing philosophy we sometimes say things, claiming they are true, when they would not be said or understood outside of philosophy. Sometimes these things are not the result of arguments but are part of the basic story we describe in order to say what problems or questions we are working on. We could look at current but perhaps ephemeral examples (see anything by Steven Pinker), but one time-tested collection is found as the first paragraph of John Searle’s Speech Acts, part of his explaining what philosophy of language is: 1

How do words relate to the world? How is it possible that when a speaker stands before a hearer and emits an acoustic blast such remarkable things occur as: the speaker means something; the sounds he emits mean something; the hearer understands what is meant; the speaker makes a statement, asks a question, or gives an order? How is it possible, for example, that when I say “Jones went home,” which after all is in one way just a string of noises, what I mean is: Jones went home. What is the difference between saying something and meaning it and saying it without meaning it? And what is involved in meaning just one particular thing and not some other thing? For example, how does it happen that when people say, “Jones went home” they almost always mean Jones went home and not, say, Brown went to the party or Green got drunk. And what is the relation between what I mean when I say something and what it means whether anybody says it or not? How do words stand for things? What is the difference between a meaningful string of words and a meaningless one? What is it for something to be true? Or false?

Besides this paragraph of Searle’s I take several examples from philosophy of language and from epistemology because I have profited from discussions of them by G.E. Moore, Wittgenstein, J.L. Austin, and Frank Ebersole. The examples include several about hands: “This is my hand;” “I know this is my hand;” “He has five fingers on his left hand;” having hands as a background item which allows us to go to the fridge for a beer in the usual way; and sentences about hands. I wave my arms at some other examples mentioned by Searle and by Paul Grice. I pass over many other examples which positively leap with their hands in the air calling for attention–examples having to do with consciousness, with rights, with rules, with intentionality, with representation and interpretation and perception, with cognition.

Sometimes we say these things and think that they are so obvious and so obviously true that they need no argument even though they point toward basic philosophical problems we will take up later. Words relate to the world. We understand the noises people make when they speak to us. We mean by the sentence, “Jones went home” that Jones went home. Words stand for things. The things we say are often true or false. The sounds he (the speaker) emits mean something. The hearer understands what is meant. I know this (my hand) is my hand, and you have five fingers on your left hand (unless you don’t).

One result of Wittgenstein’s work, and a theme in the work of some philosophers influenced by him is heightened sensitivity to such purported truths as possibly expressing bits of disguised nonsense. If so, it might be progress if we could see that more clearly. It’s appropriate that Searle should provide us with some of the examples, since Searle’s is one of the main defenses of using such purported truths (another is Paul Grice’s work on conversational implicature, which trades crucially on Searle’s argument).

Searle’s defense does not work. I’ll say why, using some of the same examples Searle and those discussing Searle have used. Then I’ll outline a development in Searle’s position which seems to be a retreat, leaving the field to his opponents on this issue. Then I’ll work with a couple of the examples in which I found Searle’s defense to be the most tempting and try to disentangle the thinking involved. My main result is to rehabilitate the cautious sensitivity to these purported truths which I think of as a legacy of Wittgensteinian methods—even though it seems to me Wittgenstein was not consistent in applying those methods and so bears part of the blame for the durability of confusions regarding these
Over the years since the publication of *Speech Acts*, Searle has returned several times to address the particular problem in philosophy of the status of sentences or things we might say which would be odd to say outside of philosophy. In *Speech Acts*, he took a hard line, attacking those who called those things into question by accusing them of being confused. About ten years later he used similar examples to show that our understanding of literal meanings of sentences depends on the context of utterances and began to formulate a view of what he calls “background” which has endured in his work since. Most philosophers with whom I’ve discussed Searle have taken these to be separate questions even though the examples used both in the discussion in *Speech Acts* and in the discussions of background are all examples of things it would be odd for us to say outside of philosophy.

We have alluded then to three positions regarding these oddities. First are those to whom Searle was responding in *Speech Acts*, who regard their oddity as evidence that the claims at issue are problematic. Second is Searle’s earlier position, that they may be odd but nevertheless are true. Third is Searle’s current position, that they are “background” (and nonrepresentational) features of the contexts which we must take for granted in order to do things. That his earlier position is that they are nonetheless true means they may serve as a model for the things that philosophers might say. That his later position is that they are to be spoken of not as truths but as underlying capacities, presuppositions, and nonrepresentational features of the contexts in which we work robs them of this possibility. Searle has changed his mind on this problem in such a way as to call a great deal of his own work and a great deal of work routinely done in philosophy into question; that question being, “Haven’t we been talking nonsense?”

When Searle attacks those who are suspicious about these purported truths in *Speech Acts*, Searle does not use as examples the first paragraph of his book I’ve quoted above. But he does remark on a variety of examples and we should take note of those in the interest of fairness and in order to get a feel for what is at stake.

In introducing this problem in *Speech Acts* Searle invokes Wittgenstein, B. S. Benjamin, Ryle, and Austin, and the word “odd” is an important part of the story we learn from these four about the following examples. Wittgenstein points out that under normal conditions, when I have a pain, it would be odd to say, “I know I am in pain.” Benjamin’s example is “that it would be very odd for normal adult Englishmen in ordinary situations to say, ‘I remember my own name,’ or ‘I remember how to speak English.’ Searle attributes to Ryle and Austin the view that it would be odd to say in ordinary circumstances, while writing a book, “I am writing this book of my own free will,” and after buying a car it would in ordinary circumstances be odd to say “I bought my car voluntarily.”

A couple more from Searle in a moment. First, though, a couple of other examples, from a conversation between Moore and Wittgenstein, grappling with this same problem.

In Moore’s “Proof of an External World,” *(Philosophical Papers*, pages 145-147). Moore takes up Kant’s challenge to remove a scandal in philosophy by proving the existence of things outside of us. “I can prove now, for instance, that two human hands exist. How? By holding up my two hands, and saying, as I make a certain gesture with the right hand, ‘Here is one hand,’ and adding, as I make a certain gesture with the left, ‘And here is another.’” Along the way to explaining this Moore acknowledges that he is committed to the claim that he knows of each hand before him that the hand is his hand. (The moves here are worth attention but I am going to skip them.) The example I wish to use and which is used by Wittgenstein is the claim, “I know this is my hand.” Searle would point out that in ordinary circumstances it would be odd to make such a claim. We’ll put this too in the box with the other examples, the box labeled “odd.”

The last examples are from Searle again, mentioned because they may help him with one of his arguments and with the claim that it’s not just philosophical vocabulary which raises the issue. He points out that it would in ordinary circumstances be odd for me to say of you or for you to say of me, “He is breathing,” and it would also be odd for one of us to say of the other in normal conditions that “He has five fingers on his left hand.” The thing to notice here is that none of the philosophically loaded vocabulary of epistemology or action theory is part of these last two examples. No one says they know anything or that anything was voluntary or freely willed. The examples seem not to have any trailing clouds of philosophy. Since Searle ties some of his argument to the claim that the examples are obvious, it may help his case that these last two seem purer because they do not beckon with vocabulary tainted by philosophical temptations.

Parenthetically, during the nearly thirty years since *Speech Acts*, the label on the box of examples has changed, from “odd” to “fishy,” as though we have changed our location, from Dickens’ Old Curiosity Shop to the Institute of Marine Biology, and perhaps changed our discipline, from one in the humanities to ichthyology.

Review the opposing possible positions accounting for the odd in the odd examples. Let’s do this with one example first.

“I know this is my hand.”

The issue is raised because it would be odd in ordinary circumstances for you or me to say this. By
ordinary circumstances I don’t mean your ordinary
ordinary circumstances—I mean what Searle takes to be the
most common and unremarkable of circumstances; I mean
those circumstances in which we are holding out our hands
in front of us, no anesthesia or odd drugs, no attacks of
delirium, no trick photographs, no perceptual aberrations.
It would be odd. How would we take this? Imagine you
and I are walking on the beach and we are arguing about
how many different kinds of gulls are in the margins of the
surf ahead of us and I say, holding my hand before me, “I
know this is my hand.” You would not know how to take
it. If you were able to think of some way to make sense of
it, perhaps because you know some things about my
history or my mental health, you might do that by asking
me things like, “John? Are you eating those mushrooms
again? Are you having those delusions about prostheses?
Have you gone numb? Are your teeth telling you that you
are in someone else’s body?” and if I were to assure you
that everything is ordinary or normal, you will giggle
nervously and put a little distance between us, and you still
would not know how to take what I am saying. And the
fact of the matter is that you and I both know I would not
say such a thing in those “normal” or ordinary
circumstances.

Speaking as a philosopher, one position early on
regarding this example is that it is nonsense, that it is
unintelligible to suppose that in those normal or ordinary
circumstances I know that this is my hand, that we should
not know what is being said if someone were to say such a
thing, that we should not know what knowing such a thing
is, that what I have said cannot be true or false until we do
know how to take it, that Moore has made a mistake. That
is, this first position is one way to account for the odd in
this odd example. It’s odd because it’s nonsense.

Of course saying such a thing as that I know this
(my hand) is my hand does not have to be nonsense in
every case, and one way to show it is nonsense is to
contrast that philosophical talk with the following
example, perhaps owed in part to Henry Alexander. This
example goes on too long, but part of its plausibility comes
from the accumulation of details. Later examples I’ll
shorten.

I am a disabled veteran, missing one hand and one
leg, returning to Brooke General Hospital where I was
brought from a Viet Nam battlefield many years ago. I
make friends with one of the doctors who turns out to be in
charge of the Pathology Specimen Lab, and the two of us
have a conversation about that lab in which it is revealed
that there are many dozens of thousands of jars of
formalin, dating back for years, containing amputated
limbs and hands and feet and other body parts. All the
amputated parts of persons taken from people in surgery go
to this lab for examination and documentation and then,
since this is the U.S. Army, all of them are stored, in racks
and racks of shelving in rooms and rooms in Fort Sam
Houston basements. I ask, “You mean then that when my
hand and foot were amputated here they were examined
and put in jars downstairs?” And after further
conversation involving some wine, and my assurance that
the date of my surgery was three months to the day after
the Tet offensive started, we go down to a basement. She
thinks it will be difficult and she is paging through
clipboards on the ends of racks of shelving, but we find
the shelves for the right month and I go immediately to a
shelf and pull off a dusty jar, labeled only with a date and
a specimen number. “This is my hand,” I say excitedly.

That’s the example. This is my hand. I know this
is my hand. I have given an example in which I would
say such a thing and be understood, and an example in which it
turns out to be true that I do know. One of the paradoxical
things about knowing this is my hand is that one situation
in which I would know this is my hand is an unusual or
non-ordinary case in some sense. This suggests that
perhaps knowing this is my hand is not something I
ordinarily do. For instance, it is not something I do as I am
walking with you along the beach arguing about how many
kinds of gulls are in the surf.

It might be thought that I mean to show that I do
not know this is my hand as we walk along the beach
(Searle seems to take these as the exclusive and exhaustive
list of alternatives), but this would be a mistake. I neither
know nor do not know. The support for this is that the
same kinds of arguments could be brought to bear showing
we would not know how to take the denial (or negative
assertion) either. As we walk along the beach, your
incomprehension would be basically the same, your
attempts to make sense of my saying I don’t know this is
my hand would be of the same general kinds, and in the
absence of those drugs, those hallucinations, those talking
teeth, that anesthesia, your inability to make sense of what
I have said when I assert I do not know this is my hand will
be like your inability to make sense of my making the
affirmative assertion, that I know this is my hand.

The implication is that in ordinary cases I neither
know nor do not know this is my hand. And this is in
contrast with cases like that involving the Pathology
Specimen Lab, where several alternative but related cases
can be provided, demonstrating what we might call the
grammar of knowing this (my hand) is my hand. If there
never was a scar from the posthole auger and the records
are lost or mixed up, I might hold the jar in my lap in my
wheelchair and not know this is my hand. When we think on these kinds of cases, pretty soon calling the other cases (like walking on the beach discussing gulls but with the claim I know this is my hand as a surprise visitor)—calling those cases the ordinary cases seems odd by itself, since the ordinary cases (in the sense of being set in common circumstances) are the cases which do not make sense. In the face of this vertiginous notion of the ordinary, we need to keep before us the reminder that what does not make sense is the philosophical claim imported into the ordinary cases in which we are walking on the beach.

Moore wants to say that we, all of us in this room, can hold before us each hand and we can, as we make a certain gesture with each hand (ah, but what gesture? Several suggest themselves) know these are our hands, you can know that is your hand. He is mistaken; we neither know nor do not know any such thing. Seeing that we do know is one of those things only philosophers see.

There is a lot of good work to be done to make this first position into a more general account. So far all we have is an emblem, a particular case and a position about that case which might stand for a great many cases. Perhaps we can see though how this good work could be done to make the claim into a broader claim, a way to account for the odd in these odd examples and perhaps even to account for the ichthyological nature of other examples to come later. The account is this: the examples are odd because they are nonsense. As philosophers we are tempted to say these odd things: I remember my own name, I know I am in pain, I remember how to speak, I bought my car voluntarily, when I speak I emit acoustical blasts and those sounds mean something. But the philosophically tempting thing that is said cannot be understood outside of philosophy because outside of philosophy we cannot make sense of it. It is not that the claim is false, because it is not even a candidate for being true or false until we can tell what is being said. It does not make sense in the context-free way it is offered up. As soon as we supply an example in which we can make sense of what is said, for example that I know this is my hand or that I don’t know this is my hand, then the oddity goes away but with it the philosophical charm as well. (But that’s another story.)

I have spent time on this first position because now I want to argue that Searle, who early on had an argument, perhaps the main argument, against this position, winds up giving it up and yielding the field to those he had opposed, yielding the field to those who say that Moore’s claim is nonsense or cannot be understood in the way the philosopher requires.

Here then is the second position, Searle’s earlier position, on the sentence or claim “I know this is my hand.” Early on, in Speech Acts, Searle claims that positions like the first position, that the sentence is nonsense, are the result of a confusion, the confusion of the conditions for the assertability of a sentence with the conditions for that sentence being true. (I pass over some alternative ways Searle characterizes this confusion; he also puts it not in terms of a sentence’s truth conditions but rather in terms of the applicability of concepts or the presuppositions of concepts.) Searle calls acting on this confusion the assertion fallacy and thinks its source is use theories of meaning. FN {FN I most adamantly do not have a use theory of meaning. } All are agreed that these things would be odd to say, but Searle claims the fact that they are odd to say is not anything which reflects on their truth. The examples, he says, are true, obviously true. They are odd because the conditions which make the odd thing to say remarkable or assertable are absent. It’s only philosophers who see them, but still they are true.

His main argument for this is that the denial of the odd thing to say is not in ordinary circumstances neither-true-nor-false but simply false. Following Searle, we could spell this out in terms of our walk along the beach, arguing about how many kinds of gulls there are. Searle agrees that if I were to say in the middle of this without any mushrooms or fillings in my teeth acting up or such in the example, “I know this is my hand,” that would be odd. But it is odd not because it is nonsense and not because it is neither true nor false. We can tell this because we can imagine my saying, holding my hand before me, “I don’t know this is my hand,” and that would be obviously false. Sentences like this, that is the negations or denials of the philosophically tempting sentences, “are just false, for it is their falsity which renders the situation standard or normal in the relevant respects. But then if they are false, are not their denials true?” [p. 145]  

I have perhaps unfairly tried to prevent this move of Searle’s from seeming plausible by drawing attention to denials and negations already, and to the fact that it will be no more easy to make sense of my saying as we walk on the beach “I don’t know this is my hand” than it is to make sense of my saying, “I know this is my hand.” But we can also see that Searle’s argument begs the question by looking at this other item of support, his claim that the falsity of the negation is what makes the situation standard or normal in the relevant respects.

We could ask, then, whether the falsity of the negation renders the situation normal in the relevant respects. Let’s look at a case in which the negation is false and see if that makes the situation normal.

I am in the Pathology Lab, cradling the specimen bottle with my hand in it on my lap. It has the scar on the index finger from when the auger fell on it when I was seventeen. I know this is my hand. I say to my doctor friend, “I don’t know this is my hand.” This is false. I do know. Has the situation thereby become a normal
situation? This is a baffling thing to suggest. What can Searle be thinking? And what could we think about the situation, or about what I say to my doctor friend?

First consider how such an example might make sense. One way would be if the doctor has told me that the hospital has recently changed its policy and has allowed her to begin disposing of specimens which are over 14 years old by distributing them for educational purposes, but that there is a strict provision against giving a specimen to anyone with a personal relationship to the specimen. So when I tell the doctor that I do not know this is my hand she understands after a bit that I really want this hand, and if she is willing she will stop thumbing through the clipboard, say, “yeah, right,” and wink, and we will carry it off. It is bizarre, though, to think that my lying to the doctor is going to render the example an ordinary or normal case, which Searle thinks is one in which my knowing this is my hand is not assertable but nevertheless is true. It is not only bizarre but false, since I still could be honest, and being honest could find that the conditions for the assertability of “I know this is my hand” are present and it is true. The falsity of the negation does nothing to make the case normal in the relevant way and the negation is no more easy to make sense of than is the assertion. Searle’s argument won’t hunt.

Of course that’s not how Searle was thinking, and it is fairly easy to suppose one way he might have been thinking because it is tempting to other philosophers, such as Moore, and perhaps to us as well. He (Searle) was thinking that Moore was not talking nonsense but rather was speaking the truth, and that when the denial starts to make sense then that shows our case is not the ordinary, commonsensical case to which Moore directs our attention. The problem is that this is not anything that can be used as support, because it is based on accepting the conclusion. It begs the question. You have to be a believer going in.

The second position, that these examples philosophers see and hear are true though admittedly odd, is unsupported by the main argument Searle offers in its behalf.

I don’t know what Searle thinks of his early treatment of these matters, and I don’t in particular know if he still believes in the existence of an Assertion Fallacy. But it is clear that he has not taken the problem of the odd things we philosophers say to be settled. He returns to the problem of things philosophers say which are odd but which are somehow basic or which might be taken to underlie the other things we say, in several places. Of particular interest are his essay “Literal Meaning” in Expression and Meaning (which essay dates to 1978), the chapter entitled “The Background” in Intentionality (1983), and the chapter entitled “Consciousness, Intentionality, and the Background” in The Rediscovery of the Mind (1992), along with a briefer account in Mind, Language, and Society, (1998). The restless fact that it would be odd to say “I know this is my hand” has not quite been laid to rest. It keeps rising up, waiting for the stake through the heart to give it peace, but the stake never comes.

Perhaps Searle is succeeding in wearing this vampire fact down. (He’s not, of course, but perhaps he is.) In some ways the most interesting statement of his later view, because most like his opposition’s view, is to be found in the essay “Literal Meaning.” I think this is the first place Searle emphasizes anything with the word "Background," a notion with a prominent place in his thinking ever since, though he modifies what he means by it slightly. Some quotes: “I want to challenge . . . the view that for every sentence the literal meaning of the sentence can be construed as the meaning it has independently of any context whatever. . . . [I]n general the notion of the literal meaning of a sentence only has application relative to a set of contextual or background assumptions. . . . [A]s far as our semantic competence is concerned we understand the meanings of such sentences only against a set of background assumptions about the contexts in which the sentence could be appropriately uttered.”

That is, literal meanings of sentences cannot be absolutely context free; instead they are dependent on sets of presuppositions which in different contexts determine different truth conditions, as well as other different conditions of satisfaction for various speech acts, such as fulfillment conditions for optatives and obedience conditions for imperatives. The presuppositions are not things which can be realized or specified in the semantic content of the sentence because they are indefinite in number and because the attempt to so specify would involve an infinite regress, since each new specification would itself involve more presuppositions in order to fix its literal meaning.

Separate from this argument, Searle brings in a great many examples, from what he calls “deviant contexts,” as part of the business of showing that our understanding of the literal meanings of sentences has to be context dependent. Oddity in these examples has become displaced, from the oddity of our saying something to the oddity of circumstances. Our understanding of what it is to shut a door will change if the speaker and hearer of the command to “Shut the door” are, e.g. floating with the door in the ocean, or they and the door are sitting alone in the Sahara, or “the hearer goes to the door and chops the entire complex—door, frame, hinges, latch and all—from the wall, sets the whole mess up in the middle of the room and then moves the door on its hinges so that it latches in the frame. Has he shut the door, that is are the obedience conditions of the sentence satisfied? I am inclined to say that, as we look over our shoulder at the gaping hole he left in the wall, we would say no, the obedience conditions are
not satisfied."

That is, in the example (presumably outside of philosophy), Searle thinks we would say the hearer has not done what was commanded, and that this is because of the context or it is because of what later he calls background. Notice that here is an example of Searle doing what I suppose he learned from Austin, appealing to what we would say when. I think Searle might think his examples of "deviant contexts" are somewhat like my case of pulling the specimen jar off the shelf in the Pathology lab and knowing this is my hand. That is, there is something odd, not about saying the philosophically interesting locution but about the example, in the sense that the setting is an unusual one.

–Except it’s odder than that. I am not sure what I would say when the person I command to shut the door chops the door and its frame from the wall, sets the mess on the middle of the floor and then moves the door so it latches. And I also wonder why I told this person, with whom I apparently have a fairly poor relationship with lots of power issues, perhaps a sixteen year old stepson, to shut the door in the first place. Was his music a problem, or the cold air, or was there a worry about his inability to ever latch a door? There is more to the example than the gaping hole left in the wall after the door latched in the frame. One conspicuous possibility is the one Austin mentions in connection with the goldfinch that explodes or starts quoting Mrs. Woolf–I might not know what to say, or how to make sense of it. Perhaps the oddest thing is that Searle thinks it is still relevant to ascertain the truth of whether the hearer has shut the door.

Explicating the notion of background is hard. Some of it we can do, though. In Intentionality, Searle gives his most full account of what background is and an account of the thinking which led him to adopt the view which includes a claim that there is such a thing as background. There is a shift toward adding other talk to the presupposition talk of the essay on literal meaning, though talk of presuppositions remains present up through Mind, Language, and Society in 1998. Background is less tied to descriptions of contexts. Background now looks more like ways to connect our understandings of sentences (or maybe our understandings of the meanings of sentences) to some of the same things that earlier Searle would have just claimed we know, back when Searle was talking about the assertion fallacy.

"The background is a set of nonrepresentational mental capacities that enable all representing to take place. Intentional states only have the conditions of satisfaction that they do, and thus only are the states that they are, against a Background of abilities that are not themselves Intentional states. In order that I can now have the Intentional states that I do I must have certain kinds of know-how: I must know how things are and I must know how to do things, but the kinds of "know-how" in question are not, in these cases, forms of "knowing that."

Searle offers us here a way to account for how meaningfulness or making sense arises in examples. Our box of odd cases, in which the claim that perhaps the cases were defective in this ingredient of intelligibility or making sense or being meaningful (I know I'm conflating things I should not here) will turn out to be cases in which the lack of intelligibility is due to a lack of background. A lack of background is in important ways like a lack of context, without which we do not know how to understand even the literal meaning of a sentence.

Searle's first move after introducing the idea of background is a move to the refrigerator for a beer. That is, "To illustrate this point consider another example. Think of what is necessary, what must be the case, in order that I can now form the intention to go to the refrigerator and get a bottle of cold beer to drink. The biological and cultural resources that I must bring to bear on this task, even to form the intention to perform the task are (considered in a certain light) truly staggering. But without these resources I could not form the intention at all: standing, walking, opening and closing doors, manipulating bottles, glass, refrigerators, opening, pouring and drinking. The activation of these capacities would normally [there's that word again] involve presentations and representations, e.g., I have to see the door in order to open the door, but the ability to recognize the door and the ability to open the door are not themselves further representations. It is such nonrepresentational capacities that constitute the Background."

(Intentionality, p. 143)

We can at this point think of our three different positions, by contrasting three ways we have learned of thinking about a part of that. In particular, let’s pay attention to my relationship to my hand, my capacities in relation to my hand as I go to the refrigerator and open it.

One way is to regard our temptation to claim things about my hand, that this is my hand or that I know this is my hand or that I have a hand as a feature of context or background–to regard any and all of these with suspicion until we can clarify the extent to which the philosophical views in which these claims play their parts require us to beg questions. Our suspicion is that the philosophical argument is founded on these claims which are unintelligible and which are the result of, or are an expression of, the view we are going to go on to argue.

In the second way, the way we were prepared to sing along with Searle back in Speech Acts when he told us about the assertion fallacy, I would have sung that
though we do not of course say such a thing, or it would be odd to say such a thing, still it is true that as I open the refrigerator I know that this (the this is my hand on the refrigerator door, or maybe it’s the other one, the one reaching in for the beer) is my hand. The conditions for assertability are absent, and that is the explanation for why it would be odd for me to say it. Nevertheless it is true as I open the refrigerator door that I know this is my hand. Now if we are sorting examples by all the philosophically important categories this example does not go in the reject bin even though its oddness is admitted. It is an example of knowledge, since I do know this is my hand. It is an example of truth, since it is true that I know this is my hand. The fact that some picky philosophers worry about the fact that it does go in that box of odd examples does not count for much. On all the important matters, this example is a perfectly good example and belongs in the same categories with me telling the doctor in the pathology lab I know this is my hand--and in the same categories with my telling you as we walk on the beach arguing about gulls that I know this is my hand. All three of those examples belong together in all the important ways. The most important way, of course, is that all three examples are grist for the epistemology mill and for the truth mill. That two of the three are odd makes no difference. That’s the second way for us to think about the example, the way we were taught by Searle in Speech Acts.

Now, later, after Intentionality and after the essay on literal meaning, we think about the example in a third way. One feature of the new way I am interested in, though Searle may regard it as a nuisance, is that the fact that the example does belong in the box labeled odd now makes a difference though it did not before. And Searle now no longer has to say or be committed to saying that I know the hand on the refrigerator door as I open the refrigerator is my hand. We no longer have to claim it is true that I know this is my hand. Instead, the oddity makes a difference and the explanation of the oddity is no longer the assertion fallacy but instead the explanation is in terms of background. Here’s how to think about my hand on the refrigerator door: in order for me to go get the beer there are a great many capacities or nonrepresentational abilities which have to be present before it is possible for me to form intentions. These capacities or maybe the relevance of these capacities vary by context. These capacities are to be regarded differently from the things we would say which are not odd, and these can include things like the following: I can use my hand to open refrigerators. And of course that is not the same as saying I know this is my hand as I open the refrigerator. Having hands, or having five fingers on my hand, is not the same as the truth of the assertion that I have hands or that I have five fingers on my hand. Having hands is instead a background item, something from the bottomless welter of features which is the context making it possible for us to get beer and to talk to each other. The effect of this is to redirect our attention to what is said in live examples and to wave away these things which are mere context or background. We no longer need to worry about those odd cases in which we are walking along the beach and one of us knows this (my hand) is my hand.

What I’ve done so far is lay out possible approaches to some of the things which would be odd to say but which philosophers find tempting to say anyway. I have shown Searle’s assertion fallacy argument is a non-starter and is undermined by his later views about background. Now I want to go back and think about the part of Searle’s view which seems most resistant to attack, the most tempting for us as philosophers. We are inclined to think, despite the bankruptcy of his argument, that he must have something right about these examples.

In a way it seems unfair of Searle to turn his back on the assertion fallacy, as though he has turned his back on his own child. It was, after all, a promising child. Let’s look at one of the most promising aspects. One of the places where the things which would be odd to say nevertheless seem incontestably true is given by his examples in which the philosophically loaded terms are abjured. Consider in connection with a defense still of the assertion fallacy, the sentence, “He has five fingers on his left hand.”

It is almost irresistibly tempting to think that though it would be admittedly odd for one of us to say this of someone, still in a great many cases it would be true if we were to say it. We have, then, a poster child for the assertion fallacy. Though the conditions for the assertability of the sentence are in most usual circumstances absent, nonetheless, we think, it is likely to be true. (And a great many of the truths of philosophy are like this, and the criticisms of them (based on appeal to ordinary language cases) that they are odd or we do not know how to take them or they are nonsense are unfair. Philosophy too has its results, and those results are not necessarily going to be the things which would be said by the person on the street.)

"He has five fingers on his left hand." One of the charms of this comes from its seeming immunity to demands it be contextualized. Anyone, anywhere, any time, could ascertain its truth. When I look at you or you at me, checking our hands, we find that indeed we do. We seem to have settled the matter, which is after all an empirical matter, in a way that seems both to be at the roots of science and to be consistent with Wittgenstein's injunction not to think but to look and see.

Contrast that with the following: I worked my way through graduate school in a mill, and in the last years
there was a helper to the millwrights. On one occasion, the head of the millwrights for the company visited our mill, and I got introduced by our millwright with the remark "John's been doing a good job for us for three years--might make a millwright out of him." The head of the millwrights looked me over and said, "He ain't never gonna be a millwright." Finally it was clear I was supposed to ask, so I did-- "Why?" "He's still got all his fingers on both his hands."

It would take some work to make this example exactly right, but suddenly a possible direction of work shows itself. And some work is required, because while it may be possible to say that someone has five fingers on his left hand based on purely philosophical grounds, it is also clearly possible to say that someone has five fingers on his left hand based on nonphilosophical grounds, and the status of the example as evidence regarding the assertion fallacy is profoundly different in the latter case, in that it does have some such status. If someone were to say such a thing, it would not be at any time or anywhere--that someone would be saying something, would have a point to the saying, would be in a particular situation in which the saying would make sense. There are lots of possibilities. Columbo could be separating out the person in question from those who should still be considered suspects. (Searle mentions this kind of case. SA p. 143) The speaker could be saying why he of the whole hand rather than someone else should serve as a model for photographing wedding rings. The speaker could be rebuking someone whose job is taking fingerprints. The speaker might be explaining why one piano player is more capable than another. The speaker could be reporting an insight made by a kindergartner learning to add.

What do all those possibilities show about the truth of saying "He has five fingers on his right hand" in other circumstances, or in (no circumstances at all except for) the philosophical way it is offered by Searle? Doesn't the truth of the millwright’s claim, the truth of Columbo’s separating out non-suspects from suspects, the truth of the remark about suitability for modeling rings, the truth of the rebuke (the justice of the rebuke?) of the person taking fingerprints, and so on--don’t these show that it’s true if some philosopher says of another philosopher that she has five fingers on her left hand? And the answer is, of course not. Of course the truth of any or all of these claims shows no such thing. Instead, to the extent truth is involved at all it is because it’s built into Searle’s example as a requirement going in that it is true, it has to be true. That requirement queers Searle’s example, though of course calling it an example is excessively friendly.

On the contrary, even if we grant there are such things as truth and assertability as general or context-free determiners of language (surely a claim worth investigating on its own), these other examples remind us in part that sometimes it’s (having five fingers on his left hand) not true or it is possible for it not to be true--and that the relevance of that fact is likely to be one of the circumstances which makes the claim that he has five fingers on his left hand something we would say. Another way to say this which includes the requisite jargon is that Searle has ignored the role that truth value may play in assertability--that often assertability is a result of the fact that the truth value is relevant or is at issue in the context or example. To claim that we should not be confusing the two is to lose sight of the relationship between the two and to assume that they are always distinct. And because the issue is the status of the assertion fallacy, we have to pay attention both to the relationship between the two (assertability and truth) as we are tempted to argue for either of them philosophically, and to the relations between the two as they are found in examples of people conversing outside of philosophy. If there were a millwright who had been at it for a while who nevertheless has five fingers on his left hand, that might be remarkable (I certainly never met one), and the remarkability of it gives reason to doubt the person saying it unless we or someone trustworthy can look and see, and also gives us reason to say that he has five fingers on his left hand if he does. If the person taking fingerprints can respond by saying that as a matter of fact it’s false that he has five fingers on his left hand, then the rebuke is answered at the same time that the conditions for the assertability for the rebuke are explained. The distinction between assertibility and truth may not be tenable.

Another thing these examples display is related to Searle’s insight about literal meaning, though perhaps it should be stripped of all talk of meaning and of sentences and of context. The array of examples shows us how the remark that someone has five fingers on his left hand can be taken differently in different circumstances, and supports the idea that without those circumstances we will not know how to take the remark.

How should we take the remark when it is made by a philosopher? In order to take up this question we need first to consider sentences.

Because of the talk about truth, talk of sentences is also tempting. This is because one rear-guard action in the face of this paper will be to think of having five fingers on his left hand as something which we might admit we would not remark or assert but nevertheless we would want to maintain that the sentence “He has five fingers on his left hand,” would be true if it could be remarked. That is, with the talk of truth we might be tempted by the idea that there are sentences involved. After all, there are contexts in which we might come across the sentence, "He has five fingers on his right hand." Think for a moment about those.

There's one conspicuous immediate result: that it's
a sentence changes our examples. In the examples above, in which someone might say of someone else that he has five fingers on his left hand, no one would say anything about sentences. If I report of a kindergartner that he has discovered that he has five fingers on his left hand any talk of sentences in connection with that would be very strange unless there were some reason for our being interested in sentences, something, that is, in addition to the kindergartner discovering that number of fingers. The oddity here I take as evidence that no sentences are involved. More strongly: there are no sentences. With no sentences, the philosophical problems of truth have a harder time getting a grip in the example--what would be true or not true, if not a sentence or something like what is conveyed by a sentence? The thing that the philosopher has done, all unawares, is import sentences because the philosopher is convinced that any time anyone says such a thing that person will use sentences to say it.

As part of making this case, recall that there are examples in which we do find sentences. A teacher might write the sentence in which we are interested on a blackboard as part of a lesson about diagraming or grammar, perhaps about subject-verb agreement. But to talk about the truth of such a sentence in such a grammar-lesson setting could only be based on a misunderstanding, a misunderstanding of the point of the sentence written on the blackboard (or perhaps a joke, if one of the class members, for example, were a millwright).

Other examples come to mind. If I should paste the sentence into this paper from some other file, since I'm using it so often, it might come pasted in in a different typeface, and so someone editing might comment, pointing with a finger or marking with a blue pencil, on the sentence. This example also is instructive because without the pasting and font mixup, there is no sentence about which to comment--that is, in the example in which we are thinking of an editor, without the pasted sentence in the wrong font there is no sentence about which to remark. The evidence for that too is to be found by looking to examples of what we would say. We can think of an example, in which the editor thinks she's checking over the same file and is looking to see whether I've corrected the sentence in the subtly different font, and tells me that's what she's doing--"I'm looking for that sentence that came pasted in in ten-and-a-half point." One thing I might tell her if the circumstances are right is, "Oh, you're thinking of a different file--there's no such sentence." And I could say this even though in this file there is a paragraph which says the same thing as in the file she was editing and for which she was looking. (And my saying this, that there's a paragraph which says the same thing as in the file she was editing, only makes sense by virtue of the contrast with the file she was editing--without that there'd be no paragraph either. We'd check for this by doing the work to see what we would say in the examples.)

Teachers, linguists, and editors tell us about sentences, sort of like physicists telling us about atoms, but they are mistaken if they think all our speaking and writing and promising and warning and acquiescing and so on is made up of sentences, just as physicists are mistaken if they think human beings are always made up of atoms. **Frank Ebersole has written about thinking that all our conversations involve something like having a phrase book full of sentences which we may use for various purposes, but in our thinking such things we forget that we are most likely to do such a thing when we are abroad, dealing with people with whom we cannot talk. The editors, linguists, teachers, and philosophers following their lead have perhaps understandably taken the contexts of their vocational work to be all contexts. We'll excuse them.

Still, it does not seem to account for all our propensity to yield so quickly to these temptations to say we are led by our belief in sentences. Get rid of the sentences and get rid of our talk about sentences, and we will still be drawn to grant that he’s got five fingers on his left hand whether we know which he we are talking about or not, whether we know what we are saying this for or not, whether we’ve a context that makes sense of it or not. Human beings generally have five fingers on each hand, after all, and one hand is the left hand, so therefore, of any he, unless exceptional in some way, he has five fingers on his left hand.

Consider that claim. And consider the examples in which we might say such a thing. It comes trailing clouds of primate taxonomy or taxonomy more generally, so perhaps there are examples in which someone is maintaining that human beings are related to the other creatures who have five fingers on their hands. Arguing with a creationist, for example, we might point out the ways in which he is like the near relatives on our family tree--it’s curious that we don’t comment on “each” hand, or “both” hands--but then maybe he’s a millwright. Or we might maintain in the face of a child’s query that someone in a photograph is not a cartoon character, as we can tell because he’s got five fingers on his left hand. We can read both of these as pointing out something that generally on the topic of evidence regarding our being human beings.

My opponent will think perhaps that I am being obstinate. It may be the case that in our nonphilosophical talk we will be doing any of these variety of things that I point out when we say of someone that he has five fingers on his left hand--but, still, surely it is the case that, just as we do, he does have five fingers on his left hand whether we say so or not. (Putting it this way boils out the talk of truth as well as the talk of sentences.) And I need to be very clear that I am not denying that he has five fingers on his left hand, I am instead only asking how I should be making sense of it, asking what is being said, asking why I am being told that this is so. I do this out of a deep suspicion that Searle is doing something I have caught
myself doing, namely providing what looks like evidence to me because I already believe the claims it is supposed to be evidence for. When I’m alert to this possibility, then the oddity of the things we philosophers say and see and hear ring out like alarms, alarms speaking of begged questions.

Consider the various examples in which someone might say of someone else that he has five fingers on his left hand. There’s the kindergartner examples, the millwright examples, the Columbo and suspects examples, the pianists, the wedding ring model examples. Now consider saying such a thing outside of all those examples, saying it as a philosopher might be strongly tempted to say it, out of all context except as a philosophical remark which will be obviously true. And consider how the philosopher would have to answer a question we could imagine asking in all these examples (and answering in terms of the examples), namely, “Why are you telling me this?”

As a matter of fact we do know why Searle tells us this, and our accepting that his example is a good example involves accepting a great deal that might be at issue in philosophy, though Searle takes all of it for granted. He is telling us this because he believes all those things he told us in the first paragraph of Speech Acts I quoted early on. There are words and sentences and sounds and language present in every conversation. Words relate to the world. Language is the things Searle is convinced it is, and the problems of philosophy of language result from that account. We generate sentences whenever we have conversations; we make sounds when we say anything to anyone, and hear sounds when we hear someone speak to us; the sentences we generate have meanings and conditions of satisfaction or conditions of truth and we use those sentences to do things. The fact that we would not know how to take someone telling us out of the blue that someone else has five fingers on his left hand does not take away from the truth of the sentence spoken to us, even though the saying does not make sense.

The problem with this is that the example does not work as evidence for his claims if it cannot be understood on its own terms but instead has to be understood as an expression of the view which is at issue. It may be that Searle does not see these matters as being at issue, and that would explain why he thinks they are so obvious they needn’t be argued. Again: if having five fingers on his left hand can be understood only if one imports and buys at wholesale this huge load of philosophical baggage, that tells against his view, not for it, even if our part of the world has proven to be wonderful customers for the view. And with the other examples before us in which we would say and it would make sense to say of someone that he has five fingers on his left hand, his example looks suspicious in just the way we learned from Wittgenstein and Austin and Ebersole to be suspicious.

This suspicion is reinforced if we think of some of Searle’s other work. In Intentionality, he makes the case that the things we say have their intentionality mapped onto them in conventional ways, but the original intentionality is not conventional but intrinsic. (This of course is one of Grice’s big topics as well.) So I may form the intention to get you to pass the salt, and there’s nothing about that intention which is dependent on the rules and conventions of our language, but it takes the form in language which it does by way of convention.

It would take too long to examine this as it deserves, but it is a little alarming to review the possibilities here—look at you and say “Please pass the salt;” or I take a taste and furrow my brow in the way you know and you pass the salt; or I say, “Salt;” or “Needs Salt;” or “It’s kind of bland, don’t you think?” or “Are we out of salt?” or “Cook much?” or this is a lot like that stew you made when we were camping; and so on—and I pass over this odd and interesting entity, the intention to get you to pass the salt, which is allegedly nonlinguistic (as though it were not really salt we are after but only some thing of which “salt” is the name) but allegedly present at every table where people are asking for salt.

“Since sentences—the sounds that come out of one’s mouth or the marks that one makes on paper—are, considered in one way, just objects in the world like any other objects, their capacity to represent is not intrinsic but is derived from the Intentionality of the mind. The Intentionality of mental states, on the other hand, is not derived from some more prior forms of Intentionality but is intrinsic to the states themselves. An agent uses a sentence to make a statement or ask a question, but he does not in that way use his beliefs and desires, he simply has them. A sentence is a syntactic object on which representational capacities are imposed; beliefs and desires and other Intentional states are not, such as syntactical objects (though they may be and usually are expressed in sentences), and their representational capacities are not imposed but are intrinsic. All of this is consistent with the fact that language is essentially a social phenomenon and that the forms of Intentionality underlying language are social forms.” **Intro, Intentionality, vii-viii.

That is, language is a tool or instrument by which we may publicly communicate Intentionality, and the Intentionality of language is a parasitic or derivative kind of Intentionality, unlike the Intentionality of our mental states, which is intrinsic. This is strongly reminiscent of Locke’s talk of the articulate sounds which stand as signs for that which lies hidden and invisible within our breasts and cannot of itself be made to appear. That suggests
Searle is still thinking of language as signs in just that way about which Wittgenstein helped us to be suspicious in *The Blue Book* and the early sections of *Philosophical Investigations*. The idea that language is some kind of self-contained system whose meanings and uses and purposes are separate from it is endorsed by Searle, and so naturally he must resist the challenges to it. If he thinks these challenges reduce to a theory of meaning as use, then he has also misunderstood objections to his view because he cannot conceive of any way to look at the objections without using his view. If he takes Wittgenstein’s therapeutic suggestion to ask after use rather than meaning as a positive account of meaning, then he has also taken the pharmacist to be confusing a pill with health.

The problem of the assertion fallacy resonates with the problem of how we understand what the business of doing philosophy is. When it’s only philosophers who see or hear things, even when we are the philosophers, we need to be suspicious. Wittgenstein comments that laying out our temptations is not philosophy but the material on which we may do philosophy. Indeed, the assertion fallacy is a crucial item of support any time philosophers start hearing things or seeing things the rest of the world does not. The failure of the arguments for the existence of the fallacy is further evidence we need to be careful, and that in having articulated our temptations our work is only begun.