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A phenomenological account of practices

Matthew Louis Drabek
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A PHENOMENOLOGICAL ACCOUNT OF PRACTICES

by

Matthew Louis Drabek

An Abstract

Of a thesis submitted in partial fulfillment of the requirements for the Doctor of Philosophy degree in Philosophy in the Graduate College of The University of Iowa

May 2012

Thesis Supervisor: Professor David G. Stern

ABSTRACT

Appeals to practices are common in the humanities and social sciences. They hold the potential to explain interesting or compelling similarities, insofar as similarities are distributed within a community or group. Why is it that people who fall under the same category, whether men, women, Americans, baseball players, Buddhists, feminists, white people, or others, have interesting similarities, such as similar beliefs, actions, thoughts, foibles, and failings? One attractive answer is that they engage in the same practices. They do the same things, perhaps as a result of doing things at the same site or setting, or perhaps as a result of being raised in a similar way among members of the same group.

In the humanities, appeals to practices often serve as a move to point out diversity among different communities or diversity within the same community. Communities are distinct from one another in part because their members do different things or do things in different ways. The distinct and varied ways in which different communities enact social norms or formulate law, state institutions, and public policy might be explicable in part by the different practices their members are socialized into. Appeals to practices hold the promise of explaining these differences in terms of the different background practices of the groups, cultivated through a kind of cultural isolation or sense of collective identity.

In the social sciences, appeals to practices have played a central role in fundamental theorizing and theory building. Appeals to practices in the social sciences are often much more systematic and theoretical, forming the core of the systematic theories of Pierre Bourdieu and Anthony Giddens in Anthropology and Sociology. Practice theory has thus become a growth industry in social scientific investigation,

offering the promise of a central object of investigation that explains both unity and difference within and across communities and groups.

But it is unclear just what practices are and what role, both ontological and explanatory, that practices are supposed to play. The term ‘practices’ is used to pick out a wide range of things, and its relation to other terms, from ‘tradition’ or ‘paradigm’ to ‘framework’ or ‘presupposition’, is unclear. Practices are posited as ubiquitous, yet they are difficult to isolate and pin down. We are all said to participate in them, but they remain hidden. Their role, whether causal, logical, or hermeneutical, remains mysterious.

After locating the historical origins of appeals to practices in the work of Ludwig Wittgenstein and Martin Heidegger, my dissertation uses Stephen Turner’s broad and systematic critique of appeals to practices to develop a new type of account. My account is a phenomenological account that treats practices as human doings that show up to people in material and social environments and make themselves available for specific responses in those environments. I argue that a phenomenological account is an effective alternative to accounts that treat practices as either shared objects with properties or shared and implicit presuppositions. I use a phenomenological account of practices to treat important debates in feminist philosophy and the philosophy of the social sciences, particularly debates over pornography’s subordination of women and the classification of mental disorders in psychiatry.

Abstract Approved: _____
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Title and Department

Date

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by

Matthew Louis Drabek

A thesis submitted in partial fulfillment of the requirements for the Doctor of Philosophy
degree in Philosophy in the Graduate College of The University of Iowa

May 2012

Thesis Supervisor: Professor David G. Stern

Graduate College
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CERTIFICATE OF APPROVAL

PH.D. THESIS

This is to certify that the Ph.D. thesis of

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has been approved by the Examining Committee for the thesis requirement for the
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To Stephen Howard

Since every effort in our educational life seems to be directed toward making of the child a being foreign to itself, it must of necessity produce individuals foreign to one another, and in everlasting antagonism with each other... In whatever direction one turns, eagerly searching for human beings who do not measure ideas and emotions with the yardstick of expediency, one is confronted with the products, the herdlike drilling instead of the result of spontaneous and innate characteristics working themselves out in freedom.

Emma Goldman, *The Child and Its Enemies*

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A dissertation is not the product of a single person, but rather a single person interlocked with an environment of challenges, goals, distractions, events, skills, pressures, and people. My own environment these last five years is as important a part of this project as I am.

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Finally, I would like to thank my cousin, Stephen Howard, who died shortly before the dissertation defense and to whom this work is dedicated. Philosophers have long thought that they could learn about the nature of the world and of concepts by placing an ordinary person into extraordinary situations. Stephen showed that we can learn much more by placing an extraordinary person into ordinary situations.

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INTRODUCTION

Appeals to practices are common in the humanities and social sciences. In the humanities, they often serve as a move to point out diversity among different communities or diversity within the same community. Communities are distinct from one another in part because their members do different things or do things in different ways. The distinct and varied ways in which different communities enact social norms or formulate law, state institutions, and public policy can be explained in part by the different practices they are socialized into, reproduce, and spread through diplomacy or force. The larger community or society is often composed of groups with distinct interests, goals, and aspirations. The appeals to practices that concern me in this work are ones that hold out practices as having key explanatory power. These appeals hold the promise of explaining these differences in terms of the different background practices of different social groups, background practices perhaps cultivated through a kind of cultural isolation or a sense of collective identity.

Appeals to practices also hold the potential to explain interesting similarities among people and the things they do, insofar as these interesting similarities are distributed within a community or social group. Why is it that people who fall under the same social category, whether men, women, Americans, baseball players, Buddhists, feminists, white people, or others, have similar beliefs, actions, thoughts, foibles, and/or failings? One attractive answer is that they engage in the same practices. They do the same things or do things in the same way, perhaps as a result of doing things at the same site or setting, or perhaps as a result of being raised in the same way among members of the same group.

In the social sciences, appeals to practices have played a central role in fundamental theorizing and theory building. One anthropologist claimed in a historical overview of her field that practices are the central object of study in Anthropology¹. Appeals to practices in the social sciences are often much more systematic and theoretical, forming the core of the systematic theories of Pierre Bourdieu and Anthony Giddens, among others, in Anthropology and Sociology. These theoretical orientations and their results have permeated subsequent work. Practice theory has become a growth industry in social scientific investigation, offering the promise of a central object of investigation that explains both unity and difference within and across communities and social groups.

Practice theory is a part of a broader turn toward practices in the humanities and social sciences. It is best to take it as a family resemblance of theories and approaches, part of a broader turn toward attending to the things people do in everyday life to rework theories about communities and social groups. In addition to treating a wide variety of activities, practice theorists also engage with a wide variety of theoretical traditions. David Stern draws attention to this wide variety of approaches, noting that practice theory includes “any theory that treats practices as a fundamental category, or takes practices as its point of departure².” Joseph Rouse draws attention to the wide variety of things included as practices in practice theoretical work, things that “include spatially dispersed but relatively short-lived activities such as Nasdaq stock market Internet ‘day trading’ [Schatzki 2002] or academic presentations on the international conference circuit

¹ See Ortner 1984.

² Stern 2003, p. 185.

[Rabinow 1996], but also relatively stable and widespread patterns of social relations such as willfully self-interested bargaining [Taylor 1985]³.”

But it is unclear what practices are and what role, both ontological and explanatory, that practices are supposed to play. The term ‘practices’ is used to pick out a wide range of things, and its relation to other terms, “such as tradition, tacit knowledge, *Weltanschauung*, paradigm, ideology, framework, and presupposition⁴”, is unclear. One natural place to begin is to ask: What is a practice? What are practices? Who performs practices, whether individuals or collections of individuals? How do practices differ from actions, behaviors, and habits, and how are practices individuated and studied? These questions are persistent and intractable because they are basic, yet difficult to answer. Practices are posited as ubiquitous, but they are difficult to isolate and pin down. Recognizing them seems to depend on insider status, or insight into a particular community or social group. We are all said to participate in practices, but they remain hidden to many of us. Their role, whether causal, logical, or hermeneutical, remains mysterious. I will treat these questions by offering a fresh approach to practices.

I begin the dissertation in Chapter 1 by situating appeals to practices historically in the world of Ludwig Wittgenstein on rule following and interpretation and the work of Martin Heidegger on understanding and the phenomenology of average everydayness. I use a key section of Wittgenstein’s *Philosophical Investigations* to explore Wittgenstein’s views on the normative status of everyday activity, an important locus of debate among people who appeal to practices. I next move to Heidegger, exploring his views on

³ Rouse 2007a, p. 499.

⁴ Turner 1994, p. 2.

understanding and everyday activity through his ideas on what must be in place for everyday activity to proceed as it does. Much of the existing Heidegger scholarship is united behind attributing to Heidegger the view that everyday activity is able to proceed as it does because it is always already normative. I challenge this view by distinguishing between two types of normativity, arguing that Heidegger posits only the more banal type that is unhelpful toward supporting the claim of many practice theorists that practices are normative. I finish the chapter by distinguishing between two types of holism about meaning and understanding, using this distinction to situate Wittgenstein and Heidegger in relation to other famous holists, namely Quine and Davidson, and to contrast Wittgenstein's atheoretical work to Heidegger's systematic theorizing.

In Chapter 2 I begin by presenting and evaluating Stephen Turner's systematic, far-reaching objections to appeals to practices. Turner raises a general dilemma for practice theorists, arguing that practices are posited as either shared objects with causal powers or as tacit presuppositions shared among members of a group or community. He argues that each route suffers from fatal metaphysical and epistemological flaws, an argument that covers much of the work in Wittgensteinian and Heideggerian practice theory. I endorse Turner's argument insofar as it applies to appeals to practices that theorize about practices *metaphysically*, toward the completing of a third-person, explanatory project. I then present and evaluate two attempts to defeat Turner's dilemma by going around it, attempts that treat practices as normative. I argue that these approaches fail due to a failure of one of their key components, a component I isolate and call 'normative practice-relativism'. I argue in favor of a competing view I call

‘descriptive practice-relativism’, a view I use to motivate my own phenomenological account of practices.

In Chapter 3 I present my own phenomenological account of practices. I divide practices into two types, background practices and normative practices, with the latter as a subset of the former. I present practices as intelligible doings, showing up to people in their everyday activities as a unity between something that is done and embodied ways of understanding the thing that is done. Embodied ways of understanding amount to the sorts of reactions and responses that doings open up to people in their everyday activity, the boundaries of which are fluid but patrolled by one’s sense of what one does in a local environment. Normative practices are a subset of background practices that show up to people not only in terms of embodied responses, but also as things to be identified or reified, turned into objects for articulation. The weakness of Turner’s argument, as I show, is that it is only aimed at the latter type of practices. I finish the chapter by returning to the issues of normativity and relativism, demonstrating how my phenomenological account of practices avoids the negative implications of Turner’s dilemma without suffering from the problems with the normativist responses to Turner examined in the previous chapter.

In Chapter 4 I draw out the implications of my phenomenological account of practices for several attempts to categorize and classify human beings and their practices into groups. I present a three-part model of the interaction between background practices and normative practices that I use to treat key debates in feminist philosophy and the philosophy of the social sciences. I use the model to challenge the speech act theoretical treatment of pornography presented by Rae Langton, arguing that my phenomenological

account of practices provides a plausible route for the successful challenging of pornography and the appropriation of pornography for positive ends. I finish by challenging the psychiatric classification of sadism and masochism, demonstrating how these classifications marginalize people who call themselves sadists and masochists and showing how a close attention to the phenomenology of everyday activity can help psychiatrists better achieve their goals.

CHAPTER 1
WITTGENSTEINIAN AND HEIDEGGERIAN APPROACHES TO THE STUDY
OF PRACTICES

1.1 Introduction

In this work, I develop a phenomenological account of practices. This chapter situates a phenomenological account of practices in the historical tradition of Ludwig Wittgenstein and Martin Heidegger. Wittgenstein and Heidegger are the primary historical precursors to the appeals to practices found in the humanities and social sciences, and different interpretations of their work have led practice theorists in a variety of directions.

But before this historical situating of the study of practices, I will start by remarking on the method of Heideggerian phenomenology and its important implications for the terminology of contemporary philosophy of mind and philosophy of the social sciences. This also serves as an introduction to my own phenomenological method and some of the philosophical moves that method entails. One popular and largely Husserlian and Sartrean way to define phenomenology is to take it to be the study of the structures of consciousness as those structures appear in first-person experience. Husserl uses the method of *epoche* to bracket questions about the world in favor of a direct contemplation of one's own consciousness. Through this method, he arrives at the result that consciousness is intentional in the classical sense outlined by Franz Brentano. Husserl claims that structures of consciousness such as thought, memory, and emotion are directed through their content or meaning at objects in the world and that all consciousness is of or about something.

Heidegger presents this Husserlian and Sartrean conception as merely *one* conception of phenomenology among alternatives and develops his favored alternative. Heidegger turns the Husserlian and Sartrean conception on its head by beginning with the study of practical activity, which he says embodies an understanding of phenomena. Heidegger returns to the etymology of ‘phenomenology’, breaking it down into letting be seen (logos) that which shows itself (the phenomenon). Phenomenology is a process of bringing to light the meaning and understanding that is embodied, but covered over or hidden, in everyday practical activity. Heidegger does this through a hermeneutic process that starts with the ways of being that are most common and ubiquitous in human beings, namely our practical activity and comportment with the world around us. The Husserlian and Sartrean focus on structures of consciousness enters the investigation one step too late on Heidegger’s view, engaging with phenomena that critically depend upon practical activity⁵.

Heidegger’s phenomenological approach places phenomenology at the foundations of philosophical inquiry. He situates his phenomenology within the study of what he calls ‘fundamental ontology’, or a study of the meaning of being (*die Seinsfrage*, or the being-question). My own approach is Heideggerian in the sense that I am studying everyday activity and take practical comportment to be prior to the structures of consciousness studied by Husserl and Sartre. But it is non-Heideggerian in the sense that it is not in the service of a broader ontological project. Heidegger divides human *being* into three modes of existing that he associates with particular stages or progressions on the way to the development of authentic resoluteness. In this sense, his project is a

⁵ See also Dreyfus 1991, pp. 30-35 for a discussion of Heidegger’s phenomenological method in relation to the Husserlian and Sartrean conception of phenomenology.

thoroughly normative one, offering not only a description of the world and human beings, but a path toward authentic existence. He divides human *being* into a stage where one is passively formed by one's local culture, a stage where one questions and positively identifies with a social role, and a stage where one gains authenticity by accepting that one is not to be identified with one's culture and social role and learning to make choices within the framework of the groundlessness of human being⁶. I drop this normative aspect from my own project. I am interested only in a description of how human beings show up in local environments, without commentary on authenticity, progression, or ontology.

There are two distinctions critical to both Heidegger's phenomenological method and my own phenomenological method. The first distinction is between representational intentionality and absorbed intentionality or body-intentionality. The former type of intentionality is merely that of the received view handed down by Brentano and Husserl and adopted widely within the analytic tradition, namely the sort of intentionality where a subject has mental states that are about objects in the world. The latter type is a new sort of intentionality that is Heidegger's own novel contribution to the literature. Heidegger claims, on the basis of investigation into the ways the world shows up in everyday activity, that there is a primitive sort of intentionality where one's body and activities are directed toward or *about* objects in the world. These objects show up to people as equipment (*Zeug*). 'Equipment' is a term Heidegger uses to pick out nonindividuated things in the world that stand in a nexus of relations, showing up to people in everyday activity in terms of how they are used in the local environment. This primitive sort of

⁶ See also Dreyfus 1991, pp. 25-28 for a discussion of Heidegger on the three modes of existing.

intentionality is a useful starting point because it gets at what one is doing in most of one's daily life.

The second distinction is between deliberate and non-deliberate activity. When one is going about one's business in daily life, one is either paying attention to the activity she is carrying out or is not paying attention. Many of the things one does, such as stroll down the street or engage in casual conversation, or drive home from work in light traffic and normal weather conditions, are done 'aimlessly' or while on 'auto-pilot'. This is a phenomenon where one performs an activity skillfully but without paying attention to what one is doing. Deliberate activity is intentional activity. When one pays attention to one's activities, drawing explicit attention to them, the world shows up in terms of individuated objects one picks out with mental states. But some skilled activity is non-deliberate, and these activities are neither intentional in the way that deliberate activity is intentional nor are they non-intentional. This activity is intentional only in the sense of absorbed intentionality or body-intentionality.

On the Dreyfusian reading of Heidegger I am taking as my starting point, there are three ways that people engage, or 'cope', with the world: transparent or practical coping, explicit articulation or deliberate coping, and theoretical articulation or theorizing. These three ways of coping are correlated with three ways Heidegger says that human beings deal with things in their environment: circumspection (*Umsicht*), explication (*Auslegung*), and knowing (*Erkennen*). These second and third ways of coping are the ways taken as primary by the Cartesian/Husserlian philosophical tradition and by the contemporary philosophers of mind that Dreyfus has criticized in his decades

of work on artificial intelligence⁷. Deliberate coping is something that takes place when people form intentional states, such as beliefs and desires, that pick out objects in the world that are present in the subject's immediate environment. When one stubs one's toe on a couch, for example, one focuses or deliberates on the medium-sized dry goods in her environment, such as the couch and its surroundings, forming beliefs and desires about those objects. Theoretical articulation is more reflective thought about things that are absent. This typically occurs when deliberate coping is unsuccessful, when deliberation upon one's immediate surroundings fail to produce the optimal result. Suppose an instructor attempts to write something on the whiteboard and fails to find a proper instrument. She is kicked out of transparent coping and into deliberate coping, surveying the objects in her environment for one that is an appropriate writing instrument. Upon failing, she begins to theorize about things in their absence, deliberating upon various ways to solve the problem. She imagines, perhaps, a dry-erase marker. Dreyfus identifies Husserlian intentionality with the second and third forms of coping, the cases where the human being is a subject who has an intentional object of her consciousness. The first form of coping, transparent coping, is a precondition for Husserlian intentionality and all coping that involves a relation between subject and object.

Most everyday practical activity is done through transparent coping. When engaged in transparent coping, the person has an awareness of her environment, but one that is non-deliberate and non-thematic, involving no self-awareness or self-referential experience. Transparent coping occurs when one is moving about one's environment in a skilled way that does not require deliberate thinking and often for which deliberate

⁷ See Dreyfus 2000, pp. 313-317 for an overview of these components of the Dreyfusian reading in response to challenges from Joseph Rouse.

thinking would be harmful. For the former type, everyday activity like walking down the street is a typical example. For the latter, Dreyfus appeals to cases such as the ‘flow’ of skilled athletic performances, cases where deliberate thought often get in the way of competent performance. When engaged in transparent coping, there is no representation of the environment in the sense that there are no intentional mental states that are about it. Rather, the ‘aboutness’ of transparent coping is a relation between the body and certain features of the environment, namely those things in the environment that show up in terms of what one might do with them⁸.

The distinction between these types of coping, and the phenomenological result that most of our everyday skilled activity is done through transparent coping, has important implications for the philosophical treatment of mental states and the ways I will be using the language of mental states in the rest of this work. Intentional states such as beliefs, desires, and intentions are at issue only in the second and third types of coping, the deliberate types⁹. This renders such mentalistic language inapplicable to much of our everyday activity. This is not a denial of folk psychology or a form of reductionism about the mental¹⁰, but rather a point about the first-person phenomenology of mental states. Mental states are restricted to cases of deliberate activity, cases where one has intentional states that pick out objects in the world.

⁸ I discuss ‘the One’ in great depth below in Chapter 1.2.

⁹ Thus, there is in a sense no conflict between my own view and the views of those who have attempted to revive the phenomenal aspects of mental states. See Klausen 2008 for a representative sample of this approach. Klausen restricts his claims about the phenomenal aspects of mental states to mental states involved in *deliberate* activity.

¹⁰ I note this to distinguish my approach from phenomenological approaches that *do* eliminate or reduce the mental. See Morton 2007 for the outlines of an ‘eliminationist’ approach that argues that folk psychology has been unhelpful when approached from a phenomenological perspective. See Ratcliffe 2007 for an argument that folk psychological language is at odds with a commonsense phenomenology of daily activity.

From a third-person, explanatory viewpoint, it often makes sense to say of a person that she has intentional states, even when she actually does not or may not. Thus, the social scientist or philosopher might say of Serena Williams that she *believes* the tennis ball is in a certain position on the court and moving in a certain way and that she *desires* to hit the ball into the corner when she is engaged in a back-and-forth volley with her opponent. But on a phenomenology of mental states, this is outlandish¹¹. If Williams engages deliberately with her environment during a back-and-forth volley, she will not be able to play tennis successfully. Her tennis playing would be far too slow or sluggish. In the case of Serena Williams's transparent coping with her environment, the language of 'beliefs' and 'desires' can only pick out what amounts to non-deliberative mental states, whether this is put in terms of dispositions, first-order mental states, or a Heideggerian or Merleau-Pontian pre-intentional fit between Williams's body and her environment¹².

In light of the importance placed here on transparent coping, I restrict the language of mental states to deliberate coping and theoretical articulation. This is done to avoid any possible confusion that would result from any attempt to use the language of mental states to talk about what is going on at the level of transparent coping. 'Belief' and 'desire', used at the level of transparent coping, can only mean some sort of non-

¹¹ There are a few cases in the literature of this point being challenged. See in particular Selinger and Crease 2002. But Selinger and Crease challenge only the normative implications of the Dreyfusian point, not the basic point that non-deliberate, highly skilled activity does not involve what many contemporary analytic philosophers would call 'higher-order mental states'.

¹² Dreyfus addresses the relevance of phenomenology to scientific explanation in Dreyfus 2002. His line in this piece is that recent research in neuroscience accords with Merleau-Pontian phenomenological results, in the sense that there are brain activities involved in our everyday skilled activity that do not amount to representations or storages of information, or intentional states, but only brain activity that enables responses to environmental affordances. I do not make any claims about brain correlates to everyday activity in the present work, except to note that if Dreyfus's claims about neuroscience are right, it calls into question the more casual appeal to mentalistic language in science and philosophy for everyday skilled activity. But the accuracy of philosophical appeals to mentalistic language to pick out first-order states or dispositions is itself a large and difficult issue that needs to be treated at length elsewhere.

intentional state embodied in the relation between the person and her environment. This is far enough from common philosophical use of these terms to be unhelpful. I have no objection to the way others talk about ‘beliefs’ and ‘desires’ in describing everyday skilled activity from the third-person or from personal memory, so long as such language is understood as a short-hand or explanatory convenience rather than as implying that there are *actually* intentional states present.

1.2 Wittgenstein on Rule Following, Modes of Expression, and Modes of Judgment

Generality and Explanation

Suppose a man exits his home and enters his garden. He carries a container of water, sprinkling water onto three plants. One way to explain what the man does is to appeal to folk psychology, attributing to the man certain beliefs, desires, and intentions to get at what he has done. The man formed the intention to water the plants from a belief-desire set, perhaps the belief that the plants need water to thrive and the desire that the plants thrive. This type of explanation, a basic or naïve folk psychological explanation, seems to work perfectly well for a variety of everyday doings. It also seems to work well in getting at shared doings in communities or groups, allowing us to attribute shared beliefs, desires, and intentions to members of the relevant group.

But this basic folk psychological explanation rests on a variety of things that are taken for granted. We take it that the man’s beliefs and desires are about certain things, namely containers of water, gardens, and plants. Having the intention to water the plants prescribes the performance of certain doings. These doings range from the focused and possibly deliberate to the habitual or mundane, things like walking, crouching, and controlling one’s arm movements. These prior things, taken for granted in any folk

psychological explanation of action, must be in place before it is even possible to have the mental states that figure into the folk psychological explanation, in the following sense. One must have a certain skill set and bodily comportment in order to satisfy the intention by doing the things it prescribes, and one must have a prior familiarity with gardens, plants, and water to have beliefs and desires that are about them. Here, ‘familiarity’ amounts to having something to do with these things in one’s local environment, such as a sense of what to do with a container of water. It’s tempting to generalize these sorts of folk psychological explanations, to take them to be getting at a fundamental feature of human action and to use them to explain a broad range of human doings. This is a particularly tempting move in the case of action that appears to be rule-governed or rule-guided¹³, such as actions that take place as a part of a game with constitutive and regulative rules.

Modes of Expression and Modes of Judgment

Wittgenstein concerns himself in the *Philosophical Investigations* with commonalities in actions and judgments within communities, asking what serves to ground them or hold them together. But his project is largely negative, showing a deep distrust toward philosophical theorizing. Wittgenstein attacks at length a particular philosophical project of explaining human action, a project that amounts to a general

¹³ For present purposes, I have in mind activity that shows up as highly organized or taking place as a part of a highly organized activity. This need not involve a principled distinction between rule-governed and rule-guided action, the sort of distinction that might be found at the heart of a philosophical theory of action. I do have in mind, though, John Searle’s version of this distinction. Searle considers a rule-governed action to be one where we are consciously or unconsciously following rules, whereas a rule-guided action is one where we develop dispositions to act in a way that is accordance with a rule. The distinction is formed primarily in terms of causal ancestry. Rule-guided actions involve dispositions that are causally sensitive to structures of rules without actually being caused by rules. See Searle 1995, pp. 142-147. The reason I avoid the distinction is methodological, and can be found in the introductory material on methodology above. A first-person phenomenology, particularly as that phenomenology relates to the mental, does not have anything to say about the sorts of mental states that Searle builds into his account of action.

schema. I will present this project in terms of two generality conditions, conditions involving the scope of the explanation and the predictive value of the explanation. The project includes as one case or instance the sort of naïve folk psychological explanation sketched above. Extended beyond its useful boundaries, a generalized version of that folk psychological explanation is the sort of thing one might find attractive if one ignores those things taken for granted in the case of the man in his garden.

As with much of Wittgenstein's later work, his criticism of this project in the *Investigations* is not explicit. The tone of the work is conversational and the larger philosophical issues are embodied in the commentary of the conversants. The issues must be extracted. I'll be reading Wittgenstein as constructing a *reductio* argument against the philosophical project through a thought experiment involving the scene of instruction between a teacher and a young learner. Wittgenstein's criticism of the philosophical project, along with the surrounding passages of the *Philosophical Investigations*, allows him to point toward the need to attend to the activities and skills necessary to provide application conditions for rules. Wittgenstein's critique points to the need to attend closely to those things that must be in place for us to do the things we do in daily life. It is this move, a close attention to the activities and skills in everyday life, that Wittgenstein has passed on to his followers in practice theory.

Wittgenstein's thought experiment begins at section 185 in the text¹⁴. A teacher presents to a young learner what one would take to be a well-formed order on the basis of

¹⁴ I am reading Wittgenstein's *Philosophical Investigations* as a dialogue between two primary opposing voices, a narratorial voice and an interlocutory voice. This is one amongst a number of alternative ways one might read the text. I find the reading particularly useful in considering sections 185 and 186, as these two sections present a clear separation of two voices throughout the thought experiment presented. One large issue with this reading, particularly when applying this reading to section 201, a section I will consider later, is the issue of whether Wittgenstein himself means to endorse the views presented by the

a basic order schema. He gives the learner “an order of the form ‘+n’; so that at the order ‘+1’ he writes down the series of natural numbers¹⁵.” This is a simple order schema, one that Wittgenstein assumes the reader will take as uncontroversial. The teacher uses the schema to introduce specific cases to the learner, teaching him to add two up to one thousand. However, when asked to continue past one thousand, the learner writes “1000, 1004, 1008, 1012¹⁶.” The learner was presented with an unproblematic schema, but ran into difficulties when he tried to apply it. He has not appropriately learned how to follow the rule, beginning by adding two and switching to adding four.

If the learner had understood the lesson, taken it to heart, there’s something he would have done in this case as a matter of course. He would have written ‘1000, 1002, 1004, ...,’ his understanding embodied in the things he does. There is a standard or typical thing or things one does in many situations in daily life, something that I will call ‘modes of expressions’. Wittgenstein concerns himself with modes of expression throughout the first half of the *Investigations* and in his later philosophical work. This is a particularly clear case because there is only *one* thing one does in response to the teacher’s lesson and the prompt to add two. One adds two. Modes of expression are more complicated in most everyday situations, where there is generally a variety or range of things one does in response to what is going on. Wittgenstein focuses on simple and clear examples involving activities he takes it that the reader understands.

narratorial voice. I suspect he does not, though the main claims of this section do not rest on a negative answer to that question.

¹⁵ PI 185a3.

¹⁶ PI 185b.

In addition to modes of expression, there are also modes of judgment, or the standard or typical response one gives to the doings of others. The things other people do open up responses available to people in particular environments, responses that draw on both what the person does and the context in which she does it. In Wittgenstein's thought experiment, the teacher takes it that the learner has made a mistake. He responds with the standard reaction one would have to this type of case, exclaiming "we say to him: Look what you've done!"¹⁷ The mode of judgment in this case is the expression of exasperation and the scolding of the learner, a judgment Wittgenstein takes it that the reader shares. Either the learner has misunderstood the lesson or he has shown a radical lapse in performance. As with the example of modes of expression, the example of modes of judgment is simplistic and general in comparison to daily life. There is one embodied response in the case, but a variety or range in many other cases.

Rules and Alternatives

Wittgenstein presented similar thought experiments in various writings before the presentation at section 185, and the various presentations incorporate subtle differences in the details. He presents a variation in section 143 of the *Investigations* in order to ground an extended discussion of human understanding. He presents yet another variation in the *Brown Book* at BB5 that involves the rule 'add one'¹⁸. Furthermore, in earlier drafts of the *Investigations* Wittgenstein ended the book with this thought experiment and the ensuing discussion, a discussion that ends after only a few additional remarks. Following

¹⁷ PI 185a.

¹⁸ See Wittgenstein 1965 [1958], pp. 95-98.

Saul Kripke¹⁹ and the responses to Kripke's reading of the *Investigations*, I take the experiment and the discussion following it to constitute a summative point of the first half of the book, a synthesis of the broad themes of criticism in which Wittgenstein is engaged in roughly the first 270 sections of the *Investigations*.

Each presentation of the thought experiment shares a number of features, most prominently a common structure of apparent paradox followed by a deflationary, atheoretical 'resolution' of the apparent paradox. In each presentation Wittgenstein resolves the paradox by appealing to modes of expression from which one draws modes of judgment as a matter of course. Wittgenstein's thought experiments are ones in which these two things, modes of expression and modes of judgment, are pried apart, usually in a highly artificial or contrived manner. Wittgenstein points out that they are connected in everyday experience. In the version of the thought experiment located at section 185, the idea is that there is some typical or standard reaction the teacher engages in, a reaction Wittgenstein assumes the reader will share. This reaction is grounded in the shared background activities and understandings from which the teacher and the readers of the work operate. It is on this shared background that the rule following proceeds. I'll return shortly to the idea of modes of judgment grounded in modes of expression, as it is a critical point of departure for practice theorists. Before this, I'll continue exploring the thought experiment, as its further developments in the text make clear the need for an appeal to shared activities and understandings in order to account for more theoretically articulated human doings.

¹⁹ See Kripke 1982.

The learner responds to the initial scolding not by admitting his error and promising to perform to expectation in the future, as one might hope. Nor does he respond by lashing out in anger at the overbearing nature or unfairness of the teacher, as one might expect or fear. Rather, the learner simply *reasserts* his initial mistake. He asserts that he *was* following the rule ‘+2’ correctly. At this point, it would be of no use to repeat the lesson a third time because something else is going on. Wittgenstein takes it that the reader is shocked or taken aback by what the learner has done. The standard reaction to the case is such an engrained and unproblematic one that the learner’s behavior drives one toward a state of puzzlement. Rather than scold the learner again for misunderstanding the lesson, the teacher takes the learner’s reassertion of the initial mistake as a prompt to investigate and reflect upon how he could have done such a thing.

The reaction of the learner presents the opportunity for a re-examination of what one might initially consider to be a paradigm case of following a rule, the sort of case where one takes oneself to be acting correctly as a matter of course in a way obviously prescribed by the rule. If rule following is not unproblematic here, then it is difficult to see how we might take doings outside a mathematical context to be cases of unproblematically rule-governed or rule-guided behavior. Is even the paradigm case in doubt, the issue that Saul Kripke takes Wittgenstein to be presenting to the reader²⁰? Is this an illusory issue to be dissolved or largely dismissed, as suggested in different ways by Norman Malcolm and Warren Goldfarb²¹? The trouble with cases such as these is that

²⁰ In Kripke 1982, Kripke takes Wittgenstein to be presenting a skeptical problem that requires a ‘skeptical solution’, a solution taking it for granted that radical skepticism about rule-following is ultimately correct, but grounding the proper way of proceeding in convention.

²¹ In Malcolm 1989, Malcolm does not take the worry seriously because he believes that community agreement in beliefs and doings serves to shore up the predictive value of rules like ‘add two’. Malcolm

absorbed doings, the ones people do as a matter of course in particular situations, are often *so* engrained that one is knocked off one's feet when they are questioned.

One might take the unsettled feeling one has when these absorbed doings are questioned to indicate a deep skeptical worry about modes of expression, their normative status or the ways in which they are connected to modes of judgment. Stanley Cavell points to other ways in which we might question modes of expression, focusing on more complicated and problematic sorts of cases. Cavell writes:

But if the child, little or big, asks me: Why do we eat animals? Or Why are some people poor and others rich? Or What is God? Or Why do I have to go to school? Or Do you love black people as much as white people? Or Who owns the land? Or Why is there anything at all? Or How did God get here?, I may find my answers thin, I may feel run out of reasons without being willing to say "This is what I do" (what I say, what I sense, what I know), and honor that. Then I may feel that my foregone conclusions were never conclusions *I* had arrived at, but were merely imbibed by me, merely conventional²².

The issues Cavell raises involve the normative status of modes of expression, a central theme to which I will return throughout this work, but particularly in the discussion of Heidegger just below and the competing types of practice theories in Chapter 2. Cavell points out that what one does as a matter of course varies widely, from the mundane and ordinary cases that appear to raise no broader problems to the highly problematic and ethically charged.

relies heavily on his reading of Wittgenstein's remark in section 242 of the *Investigations* that "if language is to be a means of communication there must be agreement not only in definitions but also (queer as this may sound) in judgments". The trouble with Malcolm's reading is that he treats Wittgenstein's view as more explanatory than deflationary, accepting what I will call the 'First Generality Condition' below. In Goldfarb 1985, Goldfarb presents a reading similar to Malcolm's, though without the appeal to a background of community agreement. Instead, he appeals to the understanding of the individual in everyday experience, noting that the learner's mistake would not be enough to dissuade us from our modes of expression or modes of judgment. This is much more similar to the 'linguistic phenomenology' of ordinary language philosophers like J. L. Austin, where one asks oneself what one would say in a situation.

²² Cavell 1996 [1979], pp. 44-45.

But one way to react is to continue doubting the sincerity or the authenticity of what the learner has done, to take it to be inept or incompetent. Here's one possibility, a possibility Wittgenstein explores and moves beyond. Perhaps the learner was operating within the understanding of a slightly different rule, such as one that stipulates that we "add 2 up to 1000, 4 up to 2000, 6 up to 3000, and so on"²³. Initially this does not seem like such a remote possibility, since this reformulated rule is clearly compatible with the things the learner has done. Suppose that someone had given me the series '2, 4, ...' and asked me to continue. The continuation of such a series is obviously underdetermined and dependent upon which rule I am following, out a variety of possibilities. I may continue the series by writing '6, 8, 10, ...' or '8, 16, 32, ...' depending on whether I take myself to be adding two or doubling my number. But the thought experiment Wittgenstein presents is one that looks far less underdetermined, and the alternative interpretation above looks bizarre. Why would someone take 'add two' to mean *that*? It seems that there is a far stronger connection between rule and application in the initial thought experiment than in the obviously underdetermined case, though in principle both cases are underdetermined; the learner's way of proceeding is clearly a conceptual possibility.

I take it that one of Wittgenstein's key points is that there is at least one connection between even the severely underdetermined series and the series in the initial thought experiment. In order to determine which way to continue a series, *any* series, one needs to apply the relevant background knowledge and context with which one is provided. It is just that in many cases the correct continuation is clear and obvious given

²³ PI 185c7.

one's background, particularly when the continuation is grounded in shared ways of doing things, modes of expression. What needs spelling out in the cases of severe underdetermination is a broader background of shared ways of doing things. A more precise specification of the rule, no matter how precise, would still leave open the conceptual possibility of alternative courses of action.

We should consider again the standard reaction to the learner's method of following the rule, the mode of judgment in this particular case. Even after acknowledging the conceptual possibility of an alternative to the ways of understanding and following a rule, one still wishes to say that what the learner has done is *wrong*. The mere conceptual possibility of an alternative course of action does not serve to make the alternative a viable one in our actual lives. Warren Goldfarb illustrates this point with a thought experiment involving Walter Cronkite's use of the word 'chair'. Goldfarb claims that despite Cronkite's continued use of 'chair' in the way one normally means it, we could construct an example of a "Goodmanesque 'grue'-like nature²⁴" where Cronkite suddenly uses 'chair' in a different way, a way entirely consistent with some appropriately generalized rule about the use of 'chair'. One can acknowledge such a conceptual possibility without threatening judgments about the way Cronkite is using 'chair' and without threatening the judgment that someone using 'chair' in a different way from an established use is speaking inappropriately. As Goldfarb notes, "any challenge to our ascriptions must have weight enough to move us from our present, ordinary, position²⁵" to the type of alternative position the challenge suggests we take.

²⁴ Goldfarb 1985, p. 473.

²⁵ *Ibid.*, pp. 473-474.

I think there are two basic facts Wittgenstein's thought experiment points us toward. First, there is a typical or standard way of proceeding in rule following cases, a mode of expression one undertakes as a matter of course²⁶. In the thought experiment, we find that writing '1000, 1002, 1004, 1006, 1008, ...' is simply the standard way to follow the rule 'add two'. I take it that this standard way of proceeding is what Goldfarb has in mind when he discusses the 'present, ordinary, position' from which an interlocutor is obligated to provide clear reasons to dislodge someone. Second, there is a typical or standard way of reacting, a mode of judgment, when an interlocutor goes about following a rule in a way that does not accord with the modes of expression. The former doing, the mode of expression, appears to be the sort of thing that can be described in non-normative, causal terms. The latter doing, the mode of judgment, is a normative component, a judgment that what the learner has done is wrong.

Generality and Explanation

In order to take seriously what the learner does in Wittgenstein's thought experiment, in order to take it to present some sort of philosophically interesting problem or situation, one must accept the learner's way of following the rule as casting some sort of doubt on one's own rule following activities. One must take the mere conceptual possibility of an alternative course of action as constitutive of a real, legitimate alternative in our own rule following. But this is not easy to do. Performing this move requires that one be in the grip of some sort of broader theory or principle. One of Wittgenstein's key aims is to reveal and criticize these sorts of principles, to point his

²⁶ There is a further issue over just what is expressed in modes of expression. We might take a rather broad view. See, for example, Finkelstein 2003, who allows for the expression of anything from mental states, to norms or ways of understanding others. I addressed above in the introduction why I think this route is unhelpful. We might also take a rather narrow view whereby modes of expression express typical or average ways of doing things.

philosophical opponents toward the grounding of their views in order to see why these grounds are problematic. Wittgenstein does not name or formalize these principles, though I will extract them from the text as ‘generality conditions’.

The first of these generality conditions is a move I will call the ‘First Generality Condition’ (hereafter ‘FGC’). FGC states that when explaining rule following philosophically, one must do so without appealing to background knowledge, skills, context, and typical or standard ways of proceeding. One must take cases of rule following behavior as isolated, individual sorts of doings not linked to the other things one does. The motivation behind FGC is as follows. Assume, as does the interlocutor in Wittgenstein’s thought experiment, that the mere conceptual possibility of an alternative course of action is constitutive of a real, legitimate alternative course of action. FGC follows from the assumption because those things FGC rejects are insufficient for ruling out all conceptually possible alternatives. The appeal to background knowledge or skills, or typical ways of proceeding, will no doubt help one navigate one’s immediate social environment. But the immediate social environment is far more restrictive than the expansive set of all conceptually possible alternative courses of action. One who is interested in all conceptual possibilities must be looking for something different in nature from background knowledge, something like a self-applying rule or recursion rule. In the argument I draw from Wittgenstein’s text, FGC factors as a key philosophical assumption to be rejected at the conclusion of the *reductio*.

We can see that accepting FGC is grounded in one’s taking as a serious alternative the learner’s way of following the rule. If we were allowed to appeal to the things FGC rejects, the learner’s move amounts to a gross misunderstanding of his own

mathematical training and practice. A simple appeal to mathematical training leaves no serious doubt about how to follow the rule in the present case. Furthermore, once one accepts FGC one also undermines one's grounds for applying the rule to future cases. After all, prior rule following activities are a key component of the relevant background for future rule following. If one cannot appeal to this, then future cases become hazy.

What one would need in order to continue with a philosophical explanatory project, having accepted FGC, is some sort of general principle, perhaps a recursion rule or principle, for writing the next number "after *every* number...in turn²⁷." The stipulation of the need for such a principle is a move I will call the 'Second Generality Condition' (hereafter 'SGC'). SGC states that when explaining rule following philosophically, one must do so in a way that applies to all instances or cases of rule-following under the particular domain in which one is working, mathematically adding two in Wittgenstein's thought experiment. Stripped of an appeal to any sort of shared background or context, we have lost the material that links together rule and future application. We stand in need of some sort of specified principle to re-establish the link.

SGC, like FGC, functions as a philosophical assumption to be rejected after the *reductio* is complete. Its motivation comes from the earlier assumptions, namely FGC and the acceptance of all conceptually possible alternatives as legitimate. Once we have agreed to those two assumptions, we need a principled reason to link together past, present, and future cases of rule-following. The various cases are linked together in daily life by what one rejects when accepting FGC, by background knowledge and skills, typical ways of proceeding, or, in short, the ways one understands the situation in which

²⁷ PI 186a6.

one finds oneself. Furthermore, the recursion rule or principle would need to be *general*, applying to the entire domain under discussion. Anything less would leave out a wide range of cases.

Suppose we apply the same explanatory project to something one does in daily life, something like walking the dog or ordering a coffee at the café. In coming to understand what is happening, predicting what will happen or experiencing the doing from the first-person case, one assumes that a great deal is already in place, things like typical or standard behavior and regularities for how to proceed. Cut off from this broader background, a background that is shared and distributed across many people, one is left with a kind of skeptical problem about how to go about understanding and predicting the things people do, as well as a skeptical problem about how to do these things oneself. If I, for example, arrived at the counter in the café and considered all conceptually possible alternatives for the proper way to order a cup of coffee, I would be highly unlikely to meet with success. This is not only because it may take an infinite amount of time to work through these possibilities, but also because there would be no principled reason for preferring one procedure to another.

The project is self-defeating when fully specified. The giving of a general principle to meet the demands of SGC, a recursion rule or other principle, is susceptible to the same objections that motivated the entire project. It remains conceptually possible to follow any recursion rule or principle in a variety of different ways. If one takes the conceptual possibility of following the principle differently as constitutive of a legitimate alternative course of action, then the demands of SGC will never be met. Thus, accepting FGC entails that one cannot meet the demands of SGC and the two parts of the project

cannot be completed together. Rather than attempt to offer some sort of general explanation of rule following or rule-guided activity, Wittgenstein would prefer to engage in a close descriptive project. When one says to the learner, ‘Look what you’ve done!’, one is surely not inclined to offer any sort of systematic explanatory account in order to justify the judgment. Furthermore, the very attempt to offer such an account is one that leads to dismal failure. Instead, one takes the judgment that the child is wrong, the normative component, to be an established part of one’s present situation. Justifying the judgment amounts to no more than pointing to standard ways of proceeding, modes of expression, which is the non-normative or causal aspect of the doing in question. In everyday experience, modes of expression embody modes of judgment.

Paradox and Dissolution

Wittgenstein’s own way of describing the experiment and its relevant philosophical results are laid out in an oft-quoted remark at section 201a of the *Investigations*. Wittgenstein writes:

This was our paradox: no course of action could be determined by a rule, because every course of action can be brought into accord with the rule. The answer was: if every course of action can be brought into accord with the rule, then it can also be brought into conflict with it. And so there would be neither accord nor conflict here²⁸.

While Kripke takes this to be a presentation of a skeptical problem and a skeptical solution to the problem, Wittgenstein himself provides a quick, summative ‘solution’ in another oft-quoted mark immediately after the previous one. Wittgenstein writes:

That there is a misunderstanding here is shown by the mere fact that in this chain of reasoning we place one interpretation behind another, as if each one contented us for at least a moment, until we thought of yet another lying behind it. For what we thereby show is that there is a way of grasping a rule which is *not* an

²⁸ PI 201a.

interpretation, but which, from case to case of application, is exhibited in what we call “following the rule” and “going against it”.

That’s why there is an inclination to say: every action according to a rule is an interpretation. But one should speak of interpretation only when one expression of a rule is substituted for another²⁹.

As Meredith Williams points out, Wittgenstein provides a solution in terms of shared ways of doing things, doings that are non-interpretive and undertaken as a matter of course. These doings are not themselves interpretive, but form the material through which interpretation takes place³⁰. This is shown in the case at the outset of this section of the man watering his plants, where any beliefs and desires about the plants (‘interpretations’) presuppose a prior familiarity with the plants. The initial doings, the ones that are preconditions for interpretation, are modes from expression from which one develops modes of judgment.

Barry Stroud arrives at a similar point in his discussion of Wittgenstein on meaning and community. Stroud writes of a detached and general study of words that it “does not give us a way of stating the facts of meaning which could not be understood by someone who did not already understand those words, who did not already know... what the operation of addition is³¹.” Rather than proposing norms at the level of the community, surely yet another instance of rules that stand in need of modes of expression for grounding or applying them, I will suggest in Chapter 3 that practices, things one may turn into rules and norms, perform this role. Wittgenstein advocates a method of staying

²⁹ PI 201b.

³⁰ See Williams 2000. Williams takes these shared ways of doing things as pivotal components of training, where we adopt them and naturally develop them into interpretations.

³¹ Stroud 2000 [1990], p. 94. Stroud, like Cavell, is motivated to take the skeptical concerns more seriously than Malcolm or Goldfarb. He uses a similar skeptical argument in Stroud 1989 to address what he sees as core problems in contemporary analytic epistemology.

close to the surface, offering a basic phenomenological and descriptive method rather than any broader explanatory model for getting at the things people do and say. These are sticking points for debate because one line of thought in the practice theory tradition, the normativist line of thought, holds that even modes of expression are already normative, that they are run through with implicit norms that specify appropriate and inappropriate ranges of doings in particular situations. This is troubling, because it might cut us off from questioning our modes of expression, from asking the sorts of questions Cavell asks in the quote above. I have described modes of expression as non-normative or pre-normative, a part of the causal order that must be in place for normative modes of judgment, but not already normative. The ways in which modes of expression and modes of judgment relate is critical to practice theoretic debate and ought to be troubling to us. In everyday experience, as we saw with Wittgenstein's thought experiment, they are not separated at all. Separating them is often unsettling or disturbing. But we certainly have the capability, and perhaps the responsibility or duty in some cases, to question the link. Cavell asks, "what is the natural ground of our conventions, to what are they in service?"³² and notes that "it is inconvenient to question a convention; that makes it unserviceable, it no longer allows me to proceed as a matter of course; the paths of action, the paths of words, are blocked"³³. This is right, and helpful if and when the convention stands in need of modification.

³² Cavell 1996 [1979], p. 45.

³³ Ibid.

1.3 Heidegger on *das Man* and Normativity

A Phenomenology of Average Everydayness

Heidegger arrives at a similar set of problems and solutions as Wittgenstein, though from a much different methodology and set of concerns. His focus is not on rule-governed or rule-guided behavior but rather on those things that must be in place for us to arrive at explicit, articulated understanding and interpretation of one's surroundings. While Wittgenstein begins from philosophical theories and shows problems with these theories, Heidegger starts from a phenomenology of average everydayness and theorizes from the ground up. Two Heideggerian results are highly relevant to the current project, namely the phenomenological claim that a more primitive type of understanding is conceptually prior to explicitly articulated interpretations and the proposal of the One (*das Man*) to spell out this more primitive type of understanding. We will take a look at both of these results.

Heidegger's basic phenomenological claim is that an explicitly articulated interpretation occurs only against the background of a much more primitive mode of understanding. He begins from a phenomenology of everyday experience, particularly from an examination of things that concern people in daily life, things like cooking breakfast, walking the dog, driving to work, and engaging in conversation. He claims that in everyday experience one is not engaged in thematic awareness, a state of affairs where one directs mental states at intentional objects. Rather, one is engaged in a non-thematic, circumspective awareness of one's surroundings³⁴. One comports oneself

³⁴ 'Circumspection' (*Umsicht*) means, literally, 'looking around'. For Heidegger this is not the sort of sight where we thematize our world as a set of objects that are objectively present, or present-at-hand (*Vorhanden*), but rather where we gather together our surroundings so that they can become intelligible through their use, or so that they can become handy or ready-to-hand (*Zuhanden*).

toward one's surroundings in certain expected ways, ways that other people understanding and find intelligible as a matter of course. This is where a close similarity exists between Wittgenstein and Heidegger. It is similar to the Wittgensteinian point from the previous section that one must be familiar with the plant to have mental states about it. Heidegger's prototypical example involves the experience of a person who is hammering. Suppose a person uses the object in front of him as a hammer by driving a nail into a board. Heidegger claims that this sort of doing, what one might want to call the 'interpretation'³⁵ of an object as a hammer, presupposes a prior form of understanding. In order to engage in these forms of interpretation, one must already know what hammers are for and how one uses them, namely by grasping and swinging the object in the typical or standard way, and one must have some sort of idea about how the hammering will proceed. The hammer shows up in its proper context as handy for a person, allowing the person to make use of it without thematic awareness³⁶.

Heidegger argues that these everyday ways of relating to the world, one's basic, circumspective awareness of one's surroundings, presuppose the existence of a normal,

³⁵ Here I am using 'interpretation' in a way common in the Heidegger literature, but at odds with the way I have been using it throughout the rest of the work. Here it picks out the sort of understanding exhibited in daily life when one makes use of an object or another person in the context of some activity. This is a point of some contention in the Heidegger literature, as Joseph Rouse claims that "for Heidegger, interpretation is involved whenever one interprets something 'as' something, whether one interprets something as a hammer by using it to hammer a nail, or by making explicit assertions about it" (Rouse 2007, p. 643). This is contentious because one might think, as I in fact do as discussed in the Introduction, that explicit assertions and interpreting X "as" Y are derivative or posterior forms of doings, things that come conceptually after more fundamental doings.

³⁶ Heidegger contrasts two different modes of being, one where our surroundings are ready-to-hand or handy (*Zuhanden*), and another where our surroundings are present-at-hand or objectively present (*Vorhanden*). He points out that something like a hammer shows up for us as handy when one is engaged with her surroundings in the form of transparent or practical coping. By contrast, a hammer shows up as objectively present when one's engagement with it is interrupted, forcing her to engage in deliberate coping or theoretical articulation by thematizing her surroundings to deal with a problem or issue. For example, a hammer shows up as handy when one is hammering, and it shows up as objectively present when one is deciding between a hammer and a screwdriver for what to use when hanging a picture on the wall.

average way of doing things in particular situations. He calls this aspect of Dasein's being '*das Man*', or 'the One'. Heidegger's appeal to the One is an attempt to fill out how people develop the primitive sort of understanding enabling them to engage in any form of explicit or articulated interpretation. The One can also be seen as an attempt to fill out an account of those things identified by Wittgenstein as necessary components for more theoretically developed, rule-governed or rule-guided actions. The appeal to the One is Heidegger's way of developing a systematic theory of modes of expression, articulating how they are structured in relation to each other and to features of the material and social environment.

Heidegger studies the One as a component of his broader project of studying the question of the meaning of being (*die Seinsfrage*). Heidegger claims that when people engage in everyday activities, as with the example of the person hammering, they implicitly take for granted a great deal of prior knowledge and skills, including an implicit understanding of what it is for the things with which they are working *to be*. Heidegger labels the study of what is taken for granted an ontological investigation, or an investigation of being itself. He distinguishes ontological investigation from ontic investigation, which amounts to the study of particular entities realized among a variety of possibilities. Since Heidegger believes ontological investigation in this sense has been widely ignored or forgotten in philosophy, he finds it necessary to introduce a new philosophical vocabulary, a set of neologisms he uses to conduct an ontological investigation into the meaning of being. A few of these neologisms are discussed above.

'The One' is a neologism Heidegger introduces in the text of *Being and Time* to fully interpret the ontological preconditions to everyday ways of behaving. Heidegger's

motivations for such a move anticipate the dissatisfaction of practice theorists with talk of intentions, behaviors, habits, and actions, namely that this terminology presupposes a faulty view of the human subject as isolated from society and from the everyday things with which she interacts. I will show that the term is the Heideggerian correlate to modes of expression, a view I located in the later work of Wittgenstein. A more controversial view I will defend is that the One is conceptually prior to what I identified as modes of judgment. This view puts me at odds with a range of views in the practice theoretical traditions and the Heideggerian tradition. Heidegger's term is meant to be quite general and systematic, encompassing everything from practical, informal ways of doing things, like the way one greets a colleague every morning in the office, to more developed, rule-governed ways of doing things, like the priest's utterance of 'Dominus vobiscum' at the prescribed point in the Roman Catholic mass. Each of these doings counts as a modification of the One.

Heidegger starts his investigation of the meaning of being, as noted above, with an understanding of being that is already implicit in people's everyday lives and activities. We must unfold this implicit understanding into a more complete understanding. Heidegger uses the term 'Dasein' to pick out the sort of entity³⁷ that is able to engage in the ontological project³⁸. Dasein is not a conscious subject or a moral agent, but rather an anonymous entity that is a shared way of life. John Haugeland draws

³⁷ Heidegger is keen to distinguish 'being' (*Sein*), which is an ontological term, from 'entity' (*Seinde*), an ontic term. Haugeland 2005 points out, contra Brandom 2002, that Dasein is not a 'being that thematizes', but rather an entity that is a communal, shared way of life.

³⁸ Literally, 'Dasein' means 'there-being' or 'here-being'. Heidegger uses it as a generic term to pick out human beings in a way that is not, as with alternative philosophical vocabulary, loaded with ontic implications or connotations. Heidegger is trying to avoid the connotations of, among other examples, consciousness, subjectivity, or *Homo sapiens*.

a helpful analogy to a language, something one might view as a communal, shared way of speaking³⁹. Heidegger engages in the project of the ontological investigation of Dasein's way of life, or the articulation of aspects of Dasein's being. Dasein is the ideal being to undertake Heidegger's project because being is necessarily an issue for Dasein.

As Stephen Mulhall writes:

All entities exist in the sense that they are encounterable in the world; some exist in the sense that they are alive; but, of them, only Dasein exists in the sense that the continued living of its life, as well as the form that its life will take, is something with which it must concern itself... Only human creatures *lead* their lives: every impending moment or phase of their lives is such that they have it to be, i.e. they must either carry on living in one way or another, or end their lives. Although this practical relation to one's existence can be repressed or passed over, it cannot be transcended; for refusing to consider the questions it raises is just another way of responding to them, a decision to go on living a certain kind of life⁴⁰.

When Dasein does something, she constitutes or defines her being. Studying Dasein, then, is critical to understanding being. We are locked into investigating being beginning from an implicit and incomplete understanding, and it is only the implicit understanding of Dasein that is up to the task.

Heidegger describes the One as a fundamental aspect of Dasein's being, a required component that must be in place in order for Dasein to understand his or her surrounding world⁴¹. Heidegger writes that "*the One is an existential and belongs as a*

³⁹ However, as Carman 1994 points out, Haugeland unfortunately stretches the notion of Dasein to include human institutions like marriages or General Motors. Such an inclusive view would include not only human beings, but relations among human beings. See Carman 1994, p. 214 and Haugeland 1990. Carman counters that these are things Dasein *does* or *performs*.

⁴⁰ Mulhall 2005, p. 15.

⁴¹ This is a view expressed in Dreyfus 1991 and Schatzki 2007. Edgar Boedeker, in Boedeker 2001, sees *das Man* as one of three possible conditions for the intelligibility of the world, the other two conditions being the world itself and death. Boedeker argues that the authentic self sets aside *das Man* in favor of defining itself against the background of an understanding of its own temporal finitude. His reading is motivated largely by a strong emphasis on Heidegger's claim in Division Two of *Being and Time* that in

primordial phenomenon to the positive constitution of Dasein. It itself has, in turns, various possibilities of concretion in accordance with Dasein. The extent to which its dominance becomes penetrating and explicit may change historically⁴².” The One is an existential, an aspect of Dasein that all Daseins develop and one that can be modified and realized in a variety of different ways. As noted above, these modifications range from expressions in mundane and practical activity to ones in highly coordinated and rule-governed activity. They run from the implicit and tacit to the explicit and articulated.

The ‘Who’ of Everyday Dasein

Heidegger presents the One as the answer to the ‘who’ of everyday Dasein, or the question of the nature of the human subject or person. But this is not an answer to human subjecthood or personhood that posits a transcendental ego or traditional alternatives, options that Heidegger would dismiss as ontic. Dasein begins with absorption in everyday activity, transparent or practical coping, and it is the investigation of this activity that sets out ‘who’ Dasein is. Much of the tradition in Heidegger interpretation is united in taking this to be a normative project⁴³, where the One is a kind of anonymous

order to develop authentic resoluteness Dasein must withdraw herself from the practices of her community and commit to ‘keeping silent’. I suspect, however, that keeping silent is not incompatible with *das Man* but is rather another way to modify it. Mulhall takes a sort of intermediary approach where the One is necessary to Dasein’s development only insofar as it contributes to Dasein’s location in specific social roles (Mulhall 2005, pp. 68-73). One troubling aspect of this account is that it reduces the One to a specific sphere of social life, primarily our occupational roles. It would seem that we need to develop a standard or expected way of doing things in *all* aspects of life, not only social roles.

⁴² Heidegger 1996 [1927], BT 129. The italics are found in the original.

⁴³ There are a variety of different ways we might take the One as normative, from the implicit norms posited by Robert Brandom in Brandom 1994 and Joseph Rouse in Rouse 2007 to views that stress our bodily comportment in a world of equipment, such as Hubert Dreyfus in Dreyfus 1991 and Theodore Schatzki in Schatzki 2007. Standard Heidegger commentaries, such as Mulhall 2005 and Cerbone 2008 explain this normativity in terms of the Heideggerian notion of authenticity. The idea is that our standard ways of doing things are normative and are judged by normative standards insofar as they do or do not lead Dasein toward authenticity. I will be setting aside the Mulhall and Cerbone readings and focusing in the

subject following interpersonal norms. I will be challenging this reading, offering an important qualification on the normativity of the One that is at the heart of many of the fundamental debates in practice theory. In order to do this I will need to distinguish between two types of sociality and two types of normativity at work in Heidegger's project.

Heidegger describes the One as a part of the care-structure, which is the background or horizon within which one develops a self, *any* self at all. The care-structure is the fundamental feature of Heidegger's existential analytic in Division I of *Being and Time*. One is already working within a care-structure when developing a typical or standard way of doing things and, consequently, prior to the development of a self. Heidegger writes that "being-in-the-world [*in der Welt sein*] is essentially care"⁴⁴ and that "being-together-with-things-at-hand could be taken in our previous analysis as *taking care* of them, being with the being-with-others [*Mitda-sein*] of others encountered within the world as *concern*"⁴⁵. He describes care as the "formal existential totality of the ontological structural whole of Dasein"⁴⁶ and clarifies that it "*does not need a foundation in a self*"⁴⁷. The care-structure is a matter of a human being showing concern for the world around her. It is the care-structure that ensures that Dasein is an entity fundamentally oriented toward noticing relevant features in her surrounding world and

views of Brandom/Rouse and Dreyfus/Schatzki, particularly in Chapters 2 and 3. In this chapter I will focus on the sense in which the One can be taken as non-normative.

⁴⁴ Heidegger 1996 [1927], BT 193.

⁴⁵ Ibid., The italics are found in the original.

⁴⁶ Ibid.

⁴⁷ Ibid., BT 323. The italics are found in the original.

Dasein engages in her various doings with this part of her nature presupposed. It is within this structural whole that one develops a sense of what to do in particular situations and within this structure that one develops a self.

Within the care-structure Dasein engages in everyday experience as an entity already occupying a world shared with others, an aspect of Dasein that Heidegger calls ‘being-with’. As Heidegger writes:

“The others” does not mean everybody else but me – those from whom the I distinguishes itself. They are, rather, those from whom one mostly does *not* distinguish oneself, those among whom one is, too. This being-there-too with them does not have the ontological character of being objectively present “with” them within a world. The “with is of the character of Dasein, the “also” means the sameness of being as a circumspect, heedful being-in-the-world. “With” and “also” are to be understood *existentially*, not categorically. On the basis of this *like-with* being-in-the-world, the world is always already the one that I share with the others. The world of Dasein is a *with-world*. Being-in is *being-with* others⁴⁸.

As a part of the care-structure, being-with is an aspect of Dasein developed prior to any kind of self. Dreyfus, who quotes the same passage, writes:

According to Heidegger, “being-with” is a basic structure of Dasein’s being, more basic than relating to particular others. Even when I am not encountering others nor using equipment, others are there for me. I have a readiness for dealing with them along with my readiness for dealing with equipment. Being-with would still be a structure of my Daseining even if all other Daseins had been wiped out⁴⁹.

The idea is that in everyday experience, when one encounters people and objects in either a familiar and non-deliberative way or in careful, deliberate engagement with them, one does so as an entity already socialized into a shared world.

The claims are that Dasein is an entity oriented toward showing concern for the world around her and that Dasein occupies a shared world. One is being-with others in

⁴⁸ Ibid., BT 118. The italics are found in the original.

⁴⁹ Dreyfus 1991, p. 149.

light of developing a typical or standard way of doing things in particular circumstances or situations. Suppose you enter a bar and begin to chat up a friend about a recent soccer match. This particular mode of being-with, in which you and a friend share a conversation, is made possible because you and your friend share certain typical or standard ways of doing things and a shared, social world. The two of you share a common language, a common understanding of soccer, and common bodily comportment or ‘body language’ allowing the two of you to coordinate reactions, and so forth.

Heidegger presents the One as a necessary component that must be in place for one to make sense of the surrounding world. Heidegger writes that “everyday Dasein derives the pre-ontological interpretation of its being from the nearest kind of being of the One⁵⁰.” He means that when people articulate who they are in their daily lives, they rely upon the One. He claims that “the One itself, for the sake of which Dasein is every day, articulates the referential context of significance. The world of Dasein frees the beings encountered for a totality of relevance which is familiar to the One in the limits which are established with the averageness of the One⁵¹.” We need the One, or a standard way of doing things, in order to understand other people and develop our own way of acting. As we will see, articulations of the One in everyday experience are flawed in important ways. This typical or standard way of doing things can be inferred from the same variety of thought experiments that motivates Wittgenstein’s appeal to ways of doing things that are not an interpretation, but are exhibited in everyday cases, what I called ‘modes of expression’. When in a common situation with others, such as the classroom or the

⁵⁰ Heidegger 1996 [1927], BT 130.

⁵¹ Ibid., BT 129.

factory floor, one is able to communicate intelligibly with others in virtue of these shared ways of doing things.

Positive and Negative Aspects of the One

As with Wittgenstein, I think we can draw a provisional distinction between a non-normative, causal component and a normative, non-causal component to our fundamental understandings, analogous to the distinction between modes of expression and modes of judgment. As with Wittgenstein, the distinction is a conceptual one that does not show up in everyday experience, but only in special circumstances. The distinction is poorly formulated in Heidegger's text, but can be drawn out by examining a pair of apparently contradictory Heideggerian claims. Heidegger, as noted above, claims that our development of the One is a necessary condition for the intelligibility of the surrounding world. This is a descriptive, positive rendering of the One. From the One people develop a one-self, a socialized, public self.

But the One has both positive and negative aspects in Heidegger's text⁵². It ensures, through conformity to standard ways of doing things, that people occupy a shared world where they can understand one another and their surroundings. We can see this most clearly through examples of conformity that are extremely pervasive. Most or all cultures, for example, develop a shared, public language. They develop acceptable practices of bodily comportment, such as expected distance-standing during conversation. They also develop naming customs for people and for material objects. Without these things in place, one would be utterly lost and confused within particular cultural

⁵² While this tension is generally recognized in the secondary literature, most responses solve it by emphasizing one aspect of the One to the near or total exclusion of the other. See Dreyfus 1991 for a reading that emphasizes the positive role of the One in building the sort of conformity that articulates the referential context of significance. See Olafson 1987 for a reading that emphasizes the negative role of the One in engendering conformism.

environments. Heidegger wants to claim that people understand their surroundings through conformity, by doing as others do through habit or imitation. This might be described as a causal process where one comes to understand one's environment by acting within it as those around them do.

But in addition to this descriptive, positive interpretation of the One, Heidegger sees the one-self as flawed and deformed. To account for this, he gives a prescriptive, negative interpretation of the One. He claims that the conformity required to render the world intelligible degenerates into an all-encompassing social conformism that disguises the ultimately contingent and malleable nature of many of the things people do. He writes rather ominously:

This being-with-one-another dissolves one's own Dasein completely into the kind of being of "the others" in such a way that the others, as distinguishable and explicit, disappear more and more. In this inconspicuousness and unascertainability, the One unfolds its true dictatorship. We enjoy ourselves and have fun the way One enjoys oneself. We read, see, and judge literature and art the way One sees and judges. But we also withdraw from the "great mass" the way One withdraws, we find "shocking" what One finds shocking⁵³.

In addition to the descriptive interpretation of the One, Heidegger develops a prescriptive, normative reading of the One as consisting in undesirable standards of behavior that block one from serious reflection upon one's own being. Furthermore, in daily life and experience, people experience these two aspects of the One together. One judges others by standards of appropriate or inappropriate practice that conflate these two aspects, serving to cover over the contingent and malleable nature of many of the things one does.

The positive and negative interpretations of the One are in tension with one another as they relate to Heidegger's vision of an authentic self. Heidegger appears to

⁵³ Heidegger 1996 [1927], BT 126-127.

claim both that an authentic self is a modification of the public, one-self and that the one-self is a modification of an authentic self. He claims that “*authentic being one’s self* is not...a state detached from the One, *but is an existentiell modification of the One as an essential existential*”⁵⁴.” He later writes that “the one-self is an existentiell modification of the authentic self”⁵⁵.” Heidegger appears to be claiming both that people develop an authentic self from their socialized, public self *and* that the socialized, public self is a deformed or defective authentic self.

I think we can ease this tension and maintain the distinction between the descriptive, non-normative and prescriptive, normative aspects of the One by identifying the One with the former half, with those things necessary for rendering the local environment intelligible. The odious features of the One, the prescriptive, normative aspects, count as *modifications* of the One, and the normative aspects of the One do not enter until we begin discussing modifications. Before presenting this, it would be helpful to first expand on what it means for one thing to modify another. One way to modify something is simply to change it. If B modifies A, then B changes some feature or property of A, most likely a non-essential or contingent property. A second way to talk about modification is to say that B depends on A where the dependence relation is taken to be some sort of precondition for B’s occurrence. A third way is to use ‘modification’ to pick out some sort of limitation or qualification. Heidegger’s use of ‘modification’ in *Being and Time* looks most like an instance of the second way of using ‘modification’.

⁵⁴ Ibid., BT 130. The italics are found in the original.

⁵⁵ Ibid., BT 317.

For Heidegger, if B modifies A, then A is an ontological precondition for B. B occurs with A always already in place⁵⁶.

My interpretation of the One treats it as analogous to Wittgensteinian modes of expression, typical or standard ways of doing things that are sensitive to the development of norms and rules. Heidegger's concerns about authenticity can be seen as analogous to the concerns raised by Cavell over the normative status of modes of expression, though a Heideggerian statement of these concerns would be made in terms of the connection between the One and what modifies it. Heidegger, unlike Wittgenstein, directly considers as a part of a philosophical theory the Cavellian concern about how we can address and question the fundamental doings and assumptions of our surrounding communities. For Heidegger, while it is true that the One is a necessary condition for living in the world in the way one does, we can come to rethink, redefine, and reformulate how the One is modified.

This is key for Heidegger because, as with Wittgenstein in his presentation of the thought experiment in the *Philosophical Investigations*, Heidegger is highly sensitive to the fact that one does not tease apart the descriptive and the normative in everyday experience. Once one develops a standard way of doing things in a particular context, such as choosing what to wear to the office or how to treat one's colleagues, one is prone to the imitation and habitualization of modes of judgment that, from a more reasoned or considered position, one ought to reject. Perhaps one is socialized into ways of speaking or acting that embody negative modes of judgment, such as racist or sexist attitudes.

⁵⁶ I'd like to thank Timothy Martell for helpful comments on this issue at the 2010 Midsouth Philosophy Conference.

Consider the following example, modified slightly from a blog entry describing the experience of a female philosopher in graduate school⁵⁷. Sally, a graduate student, organizes a grad student party for students in her department. A week after the party, Mark, a student in Sally's department, thanks Sally for holding the party and lets her know that he appreciates her presence in the department. He tells her that she is a welcome addition to the department given that Kim, a former student, has now graduated and left town for a faculty position in another state. Mark continues chatting with Sally from time to time about social events, but reserves intellectual discussion about his coursework and philosophical interests for the male students in the department. At one level, there are various expressions at work in this case, such as conversations, bodily compartments, and social events. At another level, Mark's expressions embody various modes of judgment. He has shown that he values his female colleague for her social but not for her intellectual contributions to the department. From Sally's perspective, these two aspects are not separate. She experiences them together, feeling degraded by Mark through the expressions.

This sort of example brings out the sense in which the negative aspects of the One, its negative modifications, cover up their own contingent and malleable natures. Since one experiences modes of expression and modes of judgment together in daily life, it is easy to confuse them with one another and lose sight of the potential for *changing* modes of judgment. In the above example, Sally's experience might lead her to associate the modes of judgment embodied in Mark's expressions with the expressions and the situation in which they take place. She may, through conscious ascription or the

⁵⁷ The story I present is modified from: <http://beingawomaninphilosophy.wordpress.com/2010/10/06/this-one-has-a-happy-ending/>. The only substantial change I have made is to give names to the characters.

internalization of norms, take the modes of judgment, the de-valuation of her intellect, to constitute an essential part of the modes of expression, or conversation in a graduate student context. She might come to think that these negative values are an essential part of the intelligible situation of being a woman in a philosophy graduate program.

Sociality and Normativity

I have proposed identifying the One with the activities, the doings and sayings, needed to render the world intelligible. Distinguishing between two types of sociality and two types of normativity helps make this more concrete. We can distinguish between a first level of sociality dealing entirely with the bare conditions for making sense of the world around us and a second level that deals with more advanced social relations. The first level involves those activities that form the possibility of making sense of correct or incorrect and appropriate or inappropriate activity. This includes things like the examples discussed earlier, activities like distance-standing, bodily comportment, and the use of language. These things are often pervasive and unarticulated, what one does in understanding the world. The second level presupposes that these things are already in place. One modifies what one does when one does things like judge art and literature, Heidegger's lead examples of the negative aspects of the One.

When one is engaged in practical or transparent coping, these two levels of sociality are experienced together. But when one is engaged in deliberate coping and explicit articulation, thinking carefully and attending closely to what she does, they often show up in different ways. The second level shows up in a way much more similar to everyday objects like tables, chairs, or cash registers, what J. L. Austin called 'medium-sized dry goods.' They are at the surface and easier to think about. The first level is

ubiquitous and hidden, not the first thing that comes to mind when thinking or problem solving. The second level is also more complex and difficult to grasp. It is this deep hiddenness that Heidegger gets at when discussing the One. The One is so ubiquitous and hidden that unless one puts forth great time and effort, it is routinely conflated with the second level.

When one draws a distinction between the first and second level of sociality, one finds that normative terminology enters only at the second level, a level that is a modification of the One. The One itself, like the Wittgensteinian modes of expression, is merely a standard way of doing things that makes it possible to articulate things like rules, norms, or judgments. Much of the Heidegger literature conflates these two levels. Dreyfus, for example, writes that:

the equipment and roles of a society are defined by norms that apply to *anyone*. But even translating *das Man* by “we” or by “anyone” does not capture the normative character of the expression. *We* or *anyone* might try to cheat the Internal Revenue Service, but still, *one* pays *one’s* taxes⁵⁸.

Dreyfus is correct here, but the quote is potentially misleading. In ascribing normativity to the One, Dreyfus is pointing out that the One shows up as normative in everyday experience when one is going about one’s business. When one acts deliberately, Dreyfus’s point applies to only the second level, not the first. Paying one’s taxes involves social relations with contingent corporate entities and other involved social activities and institutions. These things are modifications of the One, making sense only when we assume that one has mastered a broad range of more basic activities like reading the tax forms in the appropriate language, understanding how to use an envelope and stamp, and either understanding how these things work together or learning how to use

⁵⁸ Dreyfus 1991, p. 152.

the online form if one is e-filing. The One, which is at the first level, includes only very basic intelligible activities. It makes sense not to speak of correct or incorrect activity here, but rather about whether the person is successfully socialized into the world. It is at the second level where Heidegger concerns himself with normative language. I suspect much of the confusion here concerns how we think about norms and normativity, an issue I will closely address in Chapters 2 and 3. For now, it should be clear that the One is no mere set of behavioral or habitual regularities, but neither is it best described in the language of correctness or incorrectness and appropriateness or inappropriateness.

The sense in which normative language can be fruitfully applied to the first level is distinct and rather minimal. I will draw a distinction between what I will call ‘constitutive normativity’ and what I will call ‘authentic normativity’ to bring this out. Constitutive normativity involves only an investigation of what one does and whether it fits into one’s surroundings, in the sense of asking whether a person has successfully rendered her local environment intelligible in the way one does in the local environment. This is the sort of normativity connected to the first level of sociality, a level that does not involve judging activity as correct or incorrect, or making any appeal to the duties or obligations one has. Authentic normativity does involve some appeal to standard normative language, and is the sort of normativity connected to the second level of sociality. The normative standards Heidegger would have us adopt are indexed to his ideas on authenticity and authentic resoluteness. The development of these ideas is

Heidegger's project in Division II of *Being and Time*. I'll set aside this large issue, as Heideggerian authenticity is not relevant to the current project⁵⁹.

We might return to the Dreyfus example of paying one's taxes. There are a variety of ways one can pay or not pay one's taxes, whether through filling out the forms on one's own or using a tax service on the one hand or through active resistance or forgetfulness on the other. But each of these activities is understood within the context of the basic maxim 'one pays one's taxes' as the starting point, as the source of the intelligibility of further activity. But the starting point of intelligibility is not itself normative in the sense of imposing duties or obligations. It's an open-ended notion that can be modified in many ways. One might routinely carry out the activity in a specific way, perhaps by taking one's paperwork down to the local H&R Block each spring. One might deliberate and construct an argument for why it is inappropriate to pay one's taxes, perhaps due to moral objections to military spending, social spending, or corporate subsidies. There are, of course, many options in between these two extremes. What is critical for the One is its constitutive normativity that enables specific ways of realization or modification.

Heidegger and Wittgenstein

We can pick out a number features common to the respective analyses of Heidegger and Wittgenstein. They share the view that human doings, from the first-person perspective during everyday experience, begin not with belief systems or intentional states, but rather with shared activities and doings. They begin not solipsistically in the mind, but in the world, in patterns of doings and sayings that enable

⁵⁹ This is also addressed in the Introduction. The current project is much more descriptive in nature, looking at how things are and how we might change things, rather than a broader project about how one can become authentic.

people to render the world intelligible. Much of the historical concerns of practice theorists have involved getting at a proper theory of just what it is that these patterns consist in. But my analysis thus far has pushed aside the key disanalogy between Heidegger and Wittgenstein. Heidegger believes we can give a systematic theory of the background to everyday doing and understanding, while Wittgenstein thinks such a project is doomed to failure. Wittgenstein prefers to offer piecemeal description of what he calls the ‘hurly-burly’ of human doings and sayings. Heidegger takes intelligible doings, things people understand from the first-person perspective, and posits an anonymous subject of the doings. Wittgenstein would speak not of Dasein’s aspects or modes of being, things that must be in place for Dasein to understand her surroundings, but rather of overlapping family resemblances of expressions in which people participate.

1.4 Theoretical and Practical Holism

Two Forms of Holism

In this section I will further explore the similarities and dissimilarities between Wittgensteinian and Heideggerian approaches by presenting a distinction between two types of holism about meaning and understanding. Wittgenstein and Heidegger share a rejection of the first type of holism, a third-person approach called ‘theoretical holism.’ The theoretical holist treats human action from the perspective of the Quinean or Davidsonian field linguist. The second of these holisms, practical holism, is a broad framework under which the most promising work in practice theory falls. I will claim that the views of Wittgenstein and Heidegger are varieties of practical holism. After introducing these two types of holism, types first introduced by Hubert Dreyfus in his

1980 paper “Holism and Hermeneutics⁶⁰,” I will point out the critical differences between Wittgenstein and Heidegger, namely the contrast between Wittgenstein’s atheoretical, descriptive understanding of practices and Heidegger’s more straightforwardly holistic, theoretical understanding of practices.

Theoretical holism is a view about meaning and understanding that can be extended into an account of what people do. The theoretical holist holds that understanding should be taken as a kind of interpretation, essentially an inversion of the Heideggerian views presented in the previous section. On this sort of view interpretation is conceived on an explicitly theoretical model, as a matter of taking a target of interpretation such as an object language or other scientific object in terms of a home language by means of a translation scheme⁶¹ or an interpretive scheme⁶². The view posits that human understanding is highly separate from the target of understanding. Understanding is a matter of confirming beliefs or hypotheses about the target of understanding against the background of a broader, more complete theory that itself consists in a web of beliefs, rules, and representations.

The theoretical holist who takes as her goal the explanation of human action would have us take a person’s doings to be a matter of applying her theoretical understanding to practical situations in the world, situations she represents and compares to the home theory. Furthermore, as Stern notes, human understanding for the theoretical

⁶⁰ See Dreyfus 1980.

⁶¹ This is the view connected to Quine.

⁶² This is the view connected to Davidson.

holist is “a theory that can, at least in principle, be fully and explicitly formulated⁶³.”

Such a theory stands in need of a complementary account of folk psychology, allowing the theoretical holist to develop a rule-based understanding of human doings where the rules are applied to a folk psychological framework. Human doings, on such a view, amount to the application of a folk psychological scheme to what essentially amounts to the project of the Quinean or Davidsonian field linguist.

Dreyfus, who first drew the distinction between theoretical and practical holism, took Quinean radical translation to be the clearest manifestation of this project in the philosophical literature. The original, Dreyfusian way of thinking about theoretical holism is on the model of the Quinean field linguist. This is a third-person, behaviorist account of how people come to understand others through a translation of statements in the target language into the home language. But as theoretical holism is applied more directly to human doings rather than systems of language, Davidsonian radical interpretation is the view’s clearest manifestation⁶⁴. What is most critical to theoretical holism is that human understanding is a matter of learning how to interpret the doings of others in terms of a broader, articulable system. This system consists in a network of actions and folk psychological states, along with mental representations, with a broader theory relating these things together. The view is a third-person account of human understanding positing that people encounter actions or doings, represent them, and form

⁶³ Stern 2004, p. 163.

⁶⁴ The main difference between Quinean and Davidsonian approaches, of course, is that the Quinean field linguist uses only behaviors and dispositions as evidence for constructing a translation manual, while the Davidsonian field linguist is focused on producing a semantic theory. The need for a semantic theory arises because one can, in principle, develop a translation manual without actually understanding the target language. See also Morris 2007, pp. 195-202, for a contrast between Quinean and Davidsonian approaches. See also Fennell 2003 for a closer look at Quinean approaches to meaning from a specifically Davidsonian perspective.

beliefs about the actions on the basis of a prior web of representations and beliefs. Each individual action has to be interpreted in terms of the broader background system.

Theoretical holism is both a hermeneutic and a holistic view, though in a quite different way from practical holism's hermeneutic and holistic features. The theoretical holist claims that people are locked in the hermeneutic circle of their own background theories and beliefs. One's understanding of particular doings is shaped by this background from which one cannot escape, on the grounds that these representations and folk psychological states are what allows one to do what one does. The process of understanding the things others do is an interpretive process moving between the individual doing and the broader interpretive system. It is a holistic view in the sense that particular aspects or parts of the background understandings are only intelligible in light of the broader system. The system is the source of intelligibility.

Davidsonian radical interpretation forms the best example of theoretical holism because the Davidsonian view most clearly articulates the fundamental theoretical holist tenet that there is a fundamental division between the things a person does and the ways in which one interprets or understands the things a person does. It is this division that is key, and the one that motivates the appeal to a third-person view. If we are radically separated from the target of our understanding then we need a second-order feature, such as a representation of a person's doing and various beliefs about the doing, in order to interpret the doing successfully. The thought is that if we assume a fundamental division between human doings and ways of understanding human doings, we must *apply* something, a *grasping* or an interpretation, to the world. This something must come from

us, an internal network of mental states or capacities. We must apply this something to the world in order to understand it.

On a Davidsonian view, the best model for how this interpretive process works is the model of interpreting an alien or foreign culture. It is here that the process looks to be most articulated and explicit. In the process of encountering an unfamiliar or foreign culture, one most clearly separate the action or object of understanding from the ways in which one understands the object as a matter of course, because the ways one understands it as a matter of course remain unestablished. It is here that the theoretical holist thinks we have an exemplary case for what people do tacitly or implicitly in daily life, where one does not explicitly struggle in order to understand others. The theoretical holist thus holds that the model of interpreting a foreign culture also describes the process for a familiar or home culture⁶⁵.

Fundamentally, the theoretical holist is committed to the view that what needs explaining are the ways in which people understand each other, because these understandings are disconnected from the things the people do. This requires accessing and applying a way of understanding others. It need not matter for present purposes how such an understanding is accessed. The theoretical holist might hold that such an understanding is conceptual, though some have argued that even Davidson thinks conceptual understanding presupposes some sort of pre-conceptual basis⁶⁶. The point is

⁶⁵ For Davidson, and perhaps more famously for John Searle, what one does in one's home culture is more developed and repetitive or dispositional because the rules have been pushed into the background, where one develops a kind of honed sensitivity to rule structures. See Searle 1995. See also Davidson 1973 for his original work on radical interpretation.

⁶⁶ See, for example, Nulty 2006. Nulty argues that Davidsonian triangulation requires a pre-conceptual form of understanding. Nulty's reading of Davidson depends on a crucial distinction between methodological and ontological priority. For Davidson, the project of the field linguistic relies on the methodological, and not the ontological, priority of interpretation over understanding (Nulty 2006, p. 444).

that such an understanding is not already united with the things one does. It has to be acquired. Such an acquisition will form a hermeneutic circle with individual cases of understanding, hence understanding is considered on the model of interpretation. For the Wittgensteinian and Heideggerian, understanding is not a matter of interpretation because understanding is not separable from the doings in everyday experience. There is no need for a separate act of understanding because understanding is always already present in the very doings.

The practical holist claims that interpretation of the type described by the theoretical holist presupposes a more primitive type of understanding. Rather than calling all understanding a matter of interpretation, which leads to the third-person perspective and fundamental separation of human doings from their ways of being interpreted, the practical holist considers understanding to be more fundamental than interpretation. She takes interpretation to be the further development and articulation of a prior mode of understanding. Rather than focusing on third-person cases of interpretation as the basis of human understanding, the practical holist rejects the assumption that human doings and ways of understanding these doings are separate in all cases. From this, the practical holist takes as her paradigmatic case not the case of interpretation of humans in a foreign culture, but rather a phenomenology of human experiences and doings within a local and familiar cultural environment.

The hermeneutic circle described by the practical holist is not between actions and ways of interpreting them, but rather between different types of activity and the broader

See Smith 2006 for a largely corroborating reading of Davidson. See Davidson 1984 for Davidson's canonical contribution to issues of first-person authority. Defenders of a distinction between Davidsonian views on the one hand and Wittgensteinian or Heideggerian views on the other, defenses made in Williams 2000 and Dreyfus 2000, point out that even triangulation is about mutual interpretability rather than conformity in doings.

context in which these activities occur. This happens at two levels. First, particular doings are only intelligible within a broader context of other person-level, intelligible doings. Consider my trip to the local café to buy a cup of coffee. Such a doing can take place only within a broader context of other doings within a particular material environment, namely the doings of various employees in the café, the owner's opening of the café, the existence of a site for the café and a broader business infrastructure in the city in which I am located. Second, there are more fundamental doings and skills that count as necessary conditions for the performance of my activity. These are doings and skills that are not person-level, intelligible doings, but are fundamental skills into which one is socialized. At this level are things like the basic language skills and the bodily coordination or comportment that allows me to travel to the café. One acts with these skills as assumed preconditions.

When one is in particular situations and circumstances, one cannot, on a practical holist view, step outside of the things she does, things that must be in place for her to do the things she does in daily life. One is always already in a context of prior activity when one does the things one does. Any attempt to act differently from how one acts at present will also involve acting within a broader context of activities and skills. What is most fundamental to human doings, on this view, is a set of skills taken in their appropriate situations and contexts, skills that embody a pretheoretical understanding of what one does in particular situations. This is, of course, simply a development of the Heideggerian notion of the One. One's beliefs and desires, one's representations and interpretations, presuppose a prior, pretheoretical understanding of one's situation. One uses this understanding to develop more theoretical and thematic modes of awareness.

Two Arguments for Practical Holism

The practical holist objects to theoretical holist accounts on the basis of the Wittgensteinian and Heideggerian point that rules and interpretations must come laden with conditions for application, and that conditions for application come from the broader material circumstances and the activities in which one engages. The theoretical holist would charge that such conditions for application can themselves be formulated in terms of implicit or tacit rules or representations, but the practical holist will charge that *those* rules or representations require conditions for application. From the practical holist's first-person, phenomenological starting point, the argument for the view can be formulated as a regress argument. Suppose I am engaged in some sort of basic, everyday activity like cooking an omelet. On a theoretical holist account, I will represent certain aspects of my environment and prior learned activities and formulate rules for proceeding. I will represent the eggs and the bowl, the fork used for stirring the eggs, the cooking equipment and the vegetables and cheese that will go in the omelet. I will formulate rules for how to proceed, rules for chopping the vegetables and throwing them in at the appropriate time, cooking the omelet to the desired visual specification, and so forth. Yet a phenomenology of skilled activity shows that the matter is not this simple. A major part of one's skilled activity involves responding to circumstances in real-time, responding in a flexible way to happenings as they evolve and unfold. I may find that I do not have the equipment required to chop the vegetables. I may cut off my finger or run out of the appropriate spices, requiring me to bandage myself, concoct a new spice mix, or take a trip to the store. The situation as I imagine it might evolve or change. The rules for proceeding might need modification or responsiveness to these changing

circumstances. But such possible modifications and changes are infinite in number. It is simply not possible for me to formulate an infinite number of alternative possibilities, *ceteris paribus* clauses and the like, in terms of the rules, beliefs, and theories the theoretical holist thinks we have.

Denis McManus helpfully distinguishes two ways the practical holist might go about establishing these claims, two arguments he finds in his reading of Dreyfus's work on the phenomenology of skilled activity⁶⁷. The first argument is that our everyday human doings, conceived in the terminology of rules and representations preferred by the theoretical holist, presupposes a background of non-rule and non-representational activities and skills in order to be properly applied. The idea is that if we think of the things we do in the terms the theoretical holist prefers, namely in terms of representing our environment and interpreting possibilities for action, then we will need prior background skills for applying the rules and interpretations. But, as McManus points out, positing the need for skills to apply the rules presupposes their very separation in the first place. As McManus puts it, the argument presupposes the very need for a response to the problem of a separation between an interpretation and a grasping of that interpretation⁶⁸. This involves accepting the initial Davidsonian assumption, the assumption that doings and ways of understanding doings are distinct, that the practical holist rejects.

This argument is surely only effective at addressing a particular viewpoint for a rhetorical purpose, that of moving an opponent away from the underlying assumption that

⁶⁷ See McManus 2008.

⁶⁸ Stroud 2000 [1991] uses a similar argument, using a conception of representation that requires representations to be taken independently from a grasping or an interpretation of the representation. See, especially, p. 131.

we need to make use of rules when describing everyday doings. My take is that when Dreyfus uses arguments like the one above, he is not presenting a considered philosophical viewpoint, but rather running a *reductio* against the theoretical holist. The argument is effective at addressing rule-like doings by showing how rule-like doings depend on prior doings that do not involve rules. As McManus asks, “what understanding of a rule entails that one ‘needs a rule or skill for applying a rule’? Why not say instead that what it is to know a rule simply *is* to be able to apply it?⁶⁹” Indeed, the only way it would make sense to think about rules in such a way would be if one begins with a fundamental division between a thing and the way it is understood.

McManus identifies a second argument that is much more promising for developing a considered view. On this version, one needs rules for acting or explicit interpretations of one’s surroundings in only a subset of cases, cases where one’s typical or standard ways of proceeding are unsuccessful. This restricts rule-based accounts to the realm of what Heidegger calls the ‘unavailable’ or the ‘occurrent,’ rather than extending it to the available or ready-to-hand. This argument relies on a distinction between deliberate and non-deliberate activities, a distinction between doings where one attends to one’s surroundings and doings where one proceeds without such thematic attention. When non-deliberate, practical doings are interrupted, when something blocks or impedes one’s progress, then one’s doings begin to look much more like something that is rule-governed. The trouble for the theoretical holist, however, is that a representational or rule-based approach can handle these possibilities only through *ceteris paribus* clauses. Yet such *ceteris paribus* clauses cannot account for the infinite number of ways in which

⁶⁹ McManus 2008, p. 437. The italics are found in the original.

one's non-deliberate, practical doings might proceed unexpectedly. In order to carry out the things one does, one needs background activities and skills for navigating these concerns in real-time, the solution proposed by the practical holist.

As it is formulated, the regress argument is most often paired with examples of highly-skilled, non-deliberate activity taking place under a broader telic purpose or goal, what Dreyfus calls 'skilled coping.' Common examples are things like driving a nail with a hammer, driving a car, playing tennis or basketball, or cooking. One key feature of all of these examples is that they are activities done under the scope of a broader project. One cooks to produce a meal. One drives a car to go somewhere. One drives a nail to connect a board to the wall of a structure, and so on. A central purpose of providing the regress argument was to show that background activities and skills are presupposed in a broad range of everyday activity. This, of course, covers only skilled activity. Transparent or practical coping goes well beyond skilled activity, as I pointed out in the Introduction. Does hammering as a part of the project of building a barn presuppose background activities and skills in the same way that something like chatting on the phone with a friend or engaging in free play at a jazz improv session presupposes background activities and skills? This must be determined piecemeal, through a phenomenology of such activity. I'll take up this issue again when developing my positive account in Chapter 3.

Conclusion

The practice theorist attempts to provide a systematic account of these background activities, the more fundamental background activities that form the preconditions for doing the things one does. But it is at this point that the

Wittgensteinian and the Heideggerian diverge. Wittgenstein is particularly keen to point out two things. First, he points to the contingent and malleable nature of judgments as demonstrated by thought experiments, like the teacher and learner on following a rule, where we recognize that things could have gone differently. Second, he points out the conceptually related point that in daily life one does not run into problems such as these, as demonstrated through the teacher's reaction to the learner's mistake. In the way Wittgenstein brings these points together we recognize that background activities and shared contexts are themselves highly fluid and resistant to explanation, playing different but overlapping roles in the lives of various people. Heidegger brings to the table a much greater optimism about the prospects for developing a theory of practices. Heidegger thinks we can return to the background and, by distancing ourselves from our contingent and malleable practices in the appropriate way, we can lay out a thorough interpretation of the role practices play in people's lives, a description of the ways in which they cover over their own contingent or malleable nature. Wittgenstein does not share this optimism.

We have a basis for moving on to consider the work of practice theorists, though we also have a variety of reasons for caution. A practice theoretical approach is one that attempts to systematically uncover the most fundamental sort of understanding, an understanding that is a precondition for more articulated, developed sorts of interpretations. This more fundamental understanding is shaped by and manifested through practices. However, we ought not lose our sense of the disanalogy between Wittgenstein and Heidegger because this disanalogy forms the basis of much of the disagreement within practice theoretical work. For the Wittgensteinian, the preferred

form of practice theory is not a theory at all, but rather a descriptive turn toward paying close attention to practices in their context and circumstances. For the Heideggerian, practice theory is a theory in a somewhat more standard sense. Heidegger thought that one could do the work of laying out the broader ways in which activities hang together and ground the rest of people's everyday experiences and doings.

The differences between Wittgenstein and Heidegger might be cashed out in terms of a distinction between explanation and description and, in particular, a distinction between the need for an approach that sticks close to the surface and an approach that casts all human doings into an appropriate interpretive or explanatory model. For the Heideggerian, we come to a positive theory of practices by describing how the One is a fundamental aspect of the human being such that the human being is always already socialized into expected ways of doing things. For the Wittgensteinian, we deconstruct or reject positive theories of human activity by pointing out that the ways in which one does things often conflicts with the theory, or by pointing out the ways in which the theory is underdetermined by the evidence or data.

The Wittgensteinian is wary of any attempt to fully present the things that must be in place in order for one to do what one does. But the Heideggerian project was never one of enumerating the specific activities that count as necessary conditions for the things one does in daily life. Rather, it was a way of showing how these background activities hang together and have a common structure. There are a couple of ways in which the Wittgensteinian might object to even this less problematic Heideggerian project. First, the Wittgensteinian might object to the efficacy of the phenomenological methods through which the Heideggerian operates, the existential analytic of average

everydayness. Second, the Wittgensteinian might stress the open-ended ways in which one can learn and apply one's activities, the room for creativity that one's activities leave open, as evidence that a more developed structure is not inherently present and hence should not be analyzed.

CHAPTER 2

PROBLEMS WITH APPEALS TO PRACTICES

2.1 Introduction

In the first chapter I examined the Wittgensteinian and Heideggerian motivations for some of the key issues in practice theory. In this chapter I will present and evaluate Stephen Turner's general objection to appeals to practices. Turner raises a dilemma for practice theorists, a dilemma that has motivated them to abandon many of the problematic features of the post-Wittgensteinian and post-Heideggerian turn to practices. In the first section I will present Turner's argument and take a few initial steps toward an evaluation of the argument. In the second section I will present and evaluate two normativist approaches to practice theory designed to address Turner's dilemma. I will finish the chapter by suggesting that Turner's dilemma is based on the wrong approach to the study of practices, leading Turner to misunderstand the relativistic nature of practices and the role appeals to practices play in the discussion of social phenomena. I will use these suggestions to motivate my own phenomenological approach to practices in Chapter 3.

2.2 Turner's Challenge to Practice Theory

Turner's Dilemma

Stephen Turner takes it that practice theorists are engaged with a particular explanatory problem in the social sciences, namely that of finding a fundamental, ground-level explanation for interesting similarities in human doings and the normative significance or force of those doings. He takes this project to be a part of the tradition of *social theory*, particularly the project of nineteenth century social theorists such as Alexis

de Tocqueville⁷⁰ and Ferdinand Tonnies⁷¹ to explain similarities in human doings by appealing to things like cultural norms, mores, or traditions⁷². He charges practice theorists with picking up these previously established concepts and transforming them into a new concept, ‘social practices,’ that cannot support the explanatory goals they are supposed to serve. What appears to be a novel concept, argues Turner, is nothing more than a repackaging of problematic ideas from the past. Turner finds that the appeal to practices, like the appeal to the mysterious social forces of nineteenth century social theory, is pseudo-explanatory, relying upon an appeal to something with unspecified or unclear causal powers.

Turner claims that the practice theorist begins with social regularities and sameness in doings and explains these phenomena in terms of shared practices, which might range from embodied skills or inner mental objects with causal efficacy to propositional commitments with psychological reality. A successful explanation will be

⁷⁰ Alexis de Tocqueville’s project in de Tocqueville 1969 [1848] is to explain the effects of new movements, particularly expansionism and Jacksonian democracy, on American life. He conceptualized these developments in terms of a tension between individual liberty and community equality. He responded by identifying liberty as a part of human nature and collectivizing equality, turning it into a social or cultural construction and locating it in nefarious social forces.

⁷¹ Ferdinand Tonnies, in Tonnies 2001 [1887] discusses the relation between a *Gemeinschaft*, or more primitive, pre-modern notion of family or community, and *Gesellschaft*, or more advanced society and social relations. He postulates a subconscious will, and collectivizes it, in order to move from the one to the other. The problem Tonnies raises is that *Gesellschaft* is a secondary form of association where we are not bound by a shared upbringing or familial ties, and thus is a greater challenge in building loyalty and avoiding conflict.

⁷² Despite his focus on social theory, Turner holds that the large groups of theories he catalogs are widely dispersed throughout the humanities and social sciences, particularly in the social study of science. See, for example, Collins 2000 and Collins 2001 for a discussion of ‘tacit knowledge’ and Bloor 1991 [1976] for a causal explanation of scientific beliefs. These theories are also prominent in attempts to handle some of the problems involved in artificial intelligence research, particularly problems of practical knowledge and skills. As Turner explains, “social theory provides a more convenient starting point for several reasons: the issue of diversity is easily understood, the problems of causality easily formulated, and the variety of historically influential viewpoints is large” (Turner 1994, p. 12).

one that gives practices a “role in the world of cause⁷³.” It will show how practices are the causal origin of similarities in doings, explaining how and why these regularities are in place. But he thinks practice theorists fail to do this and fail for a variety of reasons. I’ll present these reasons before discussing what I take to be Turner’s key misunderstandings of some of the central goals of practice theoretical work. Turner takes the motivation for practice theoretical approaches to be the need to find a replacement for philosophical foundations or first principles, a state of affairs tracing back to the Humean tradition. The motivations follow from the Wittgensteinian discussion of interpretation and rule following and the Heideggerian discussion of understanding and interpretation, both examined in the previous chapter. Philosophical principles, formulated on the model of rules or maxims, are in a critical sense practice-relative, dependent upon our shared ways of doing and understanding.

Turner’s central argument against practice theorists takes the form of a dilemma. The practice theorist might use ‘practices’ to pick out something that is a part of a substantive metaphysical theory or she might not. The practice theorist taking the first horn uses ‘practices’ to pick out substantive objects or properties with causal powers, and the practice theorist taking the second horn uses ‘practices’ as merely a descriptive term of art designed to pick out overlapping regularities in doings. Turner believes both horns are problematic. He objects to the second horn by arguing that using ‘practices’ as merely an instrumental term either does no explanatory work or it depends on a pernicious form of cultural relativism, relativizing practices to local knowledge. He

⁷³ Turner 1994, p. 11.

objects to the first horn by arguing that while taking the horn does accomplish the desired explanatory work, the route is rife with key epistemological and metaphysical problems.

The Second Horn

The practice theorist who takes the second horn does not give a metaphysical account of practices. Rather, she uses ‘practices’ as a term of art or convenience, grouping some set of regularities together under a common descriptive terminology. She takes an apparently connected set of regularities, such as the things people do in the kitchen when preparing a meal or the things people do on the baseball field, and collects them under a common descriptive terminology, such as ‘cooking practices’ or ‘baseball practices.’ This terminological move allows one to speak about such doings as things that are connected, as unified objects of thought or study. The move allows us to attribute normative force to the things people do in the relevant context, normative force that is relative to the framework of ‘cooking practices’ or ‘baseball practices.’

Turner claims that this move is merely instrumental and does no useful explanatory work. The explanatory work is done by providing a theory of how the regularities picked out by the term ‘practices’ are causally related. Merely grouping various doings together without giving a causal story behind their relations and production gives us a useful way of talking, but *only* a useful way of talking. The practice theorist who takes this route is forced to find a way to objectify practices, to turn them into something identifiable to an observer. Turner charges that the practice theorist taking this horn of the dilemma is forced to accede to a damaging or problematic kind of cultural relativism in order to perform the explanatory move.

To demonstrate the problematic slide into cultural relativism, Turner evaluates a historical case from the sociologist Marcel Mauss. In this case⁷⁴, Mauss spends time in a hospital in New York. During his stay in the hospital, he notices that the nurses display a walk or gait familiar to him. Mauss notices the walk again when he returns to Paris, reflecting and discovering that he first saw it in Hollywood films. He concludes that the gait began in Hollywood films and was transmitted to the New York nurses and Parisian women. On one reading of Mauss on this case⁷⁵, Mauss claims that there is a certain shared practice in place, a practice of Hollywood walking. This practice, originally performed by actresses in Hollywood films, is transmitted to New York nurses and Parisian women, women who now participate in the practice.

Mauss's chain of reasoning works because of his use of 'practice' terminology in a descriptive way to pick out interesting or significant regularities. He individuates and isolates a certain way of walking, the Hollywood gait, as a set of regularities in doings that are significant. They are significant to Mauss because they differ in noticeable ways from his prior experiences of watching women walk. What we have is an appeal to 'practice' terminology that is designed to explain cultural regularities. The identification of these regularities depends on having the right sort of background experience, the sort of experience that allows one to pick out the Hollywood gait as something novel and distinct. If Mauss had been raised in a society where the Hollywood gait was standard, where it did not stand out as novel and distinct, then the practice would not be individuated and isolated in the same way. Turner writes:

⁷⁴ See Mauss 2006 [1935], pp. 78-80 for his original discussion of the case. See Turner 1994, pp. 19-24 for Turner's presentation.

⁷⁵ Specifically, I have in mind Turner's reading.

He [Mauss] does not tell us how this process of arrival worked, but we may suppose that it worked something like this: impressionable girls unconsciously imitated the demeanor of American actresses in the films and thus altered their gait, and the change became habitual. Perhaps it was then unconsciously imitated by others⁷⁶.

Turner assumes that Mauss slides into a culturally relative causal account of the transmission of certain bodily techniques. In fact, I will argue that this is not what Mauss is doing, though I will return to this point in Chapter 2.3. What is significant for the second horn of Turner's dilemma is that the appeal to practices and the very set of regularities to be explained are local, relative to the position in which Mauss finds himself.

Turner objects to Mauss on the grounds that this positing of a practice, the Hollywood gait, as the causal origin of the gait of the Parisian nurses depends on the cultural position of the scientific investigator. The investigator must be familiar with the local cultural environment of the nurses in order to individuate the walking practice and separate it from the broader causal world or nexus. But there is a further cultural dependence at work. Mauss's cultural position plays a role not only in his individuation of the walk from his background expectations of how one walks, but also in his isolation of the difference in walking as a *significant* or *interesting* difference. There are a variety of ways in which one might differ in one's walking, many of them related to physical anomalies or injuries. Mauss used his cultural background to pick out this particular anomaly as a significant issue.

⁷⁶ Turner 1994, p. 21.

Turner demonstrates the dependence on local cultural environment through a thought experiment⁷⁷. Suppose someone outside the local cultural environment, Turner suggests an intelligent Martian, were to witness the same events. The observer who lacks Mauss's cultural background would be unable to isolate the practice from surrounding forces in the world as a causally efficacious object. Any causal story given by the observer would be a standard naturalistic story that would not appeal to practices as explanatorily helpful or useful. The trouble with this state of affairs is that the practice theorist who takes Mauss's route posits practices as things that are not a part of the natural world, as we saw earlier. Instead, she uses 'practices' as a part of a description of significant doings from within a cultural environment. It follows that something else must be in place to secure the identification of practices. The observer is simply unable to isolate practices as special, constructed objects that are distinct from the natural world and are causally efficacious. Without local cultural knowledge, they can provide only a naturalistic explanation in terms of physical causes.

The First Horn

One who takes the first horn of Turner's dilemma develops a metaphysical theory of practices, where practices are substantial, causal objects or properties that are located in individuals or communities and are causally transmitted to different individuals or communities. Turner classifies two ways to take this route, a causal theory of practices and a presuppositions theory of practices. The idea behind a causal theory is that practices are persistent causal objects that produce observable doings. People share practices or participate in the same practice in virtue of their doings being the product of

⁷⁷ See Turner 1994, p. 21.

the same causal object. A presuppositions theory of practices posits practices as collections of psychological states, typically the tacit premises or tacit presuppositions required to render our doings intelligible or rational.

Causal Theories

Posited as a substantial metaphysical thesis, a causal theory of practices must contain both individual components and a historical component relating the individual components. Turner takes it that the individual part is unproblematic, consisting in no more than the habits or doings of the individual. The notion of habits is familiar to philosophers and social theorists from the Humean tradition. Causal theories of practices typically posit that practices are embodied within the cultural performances of human beings. The historical part causes problems for the practice theorist because it is the part that is shared across individuals and relates seemingly disparate individual doings. The practice theorist is tasked with the development of a metaphysical theory of the historical component, an account of where these practices are located and how they are transmitted from person to person and from community to person (and perhaps from person to community).

Turner argues that causal theories run into serious epistemological and metaphysical problems. Epistemologically, causal theories face the problems of relativism and underdetermination. The relativism problem is the problem described above, the problem that Turner located in Mauss's description of the Hollywood gait. We must appeal to local knowledge when describing the persistent causal objects, local knowledge not accessible to someone outside the local cultural environment. Applied specifically to causal theories, where shared objects are embodied by public doings and

social regularities, cases like the Mauss case show that one needs local cultural knowledge to distinguish and isolate embodied practices from disparate mental causes.

The underdetermination worry comes from the inference required to do the practice theorist's explanatory work. Turner takes the practice theorist to be engaged in a project of explaining the sameness of doings, making an inferential move from similarities in visible doings to the existence of hidden, persistent causes. However, the same doings in two human beings, even complex doings, could very well have been produced by distinct causal mechanisms or processes. Turner writes:

Finding rules that can continue a series differently is a game, and an easy one. Acquiring the habit of continuing the series as others do and going on in ways that they recognize as correct is a different matter. Inventing ways of going on that others can themselves learn by emulation and so replace their earlier habits is yet another... Nothing in the situation described here requires an appeal to 'system' or mathematical reality in the sense of a hidden collective object transmitted socially. There is in general no way to make a distinction between 'having habits that enable public proficiency' and 'possessing some shared thing on the basis of which proficiency is possible'⁷⁸.

There is no principled reason why the cause has to be the same and that it has to be a shared object or property.

The seriousness of the underdetermination worry depends on the sort of underdetermination at issue in the practice theorist's inference from doings to shared practices. Provisionally, we might distinguish between holistic underdetermination and contrastive underdetermination, as well as various degrees of seriousness within these two types. Holistic underdetermination occurs at the level of general theories when those theories handle failed predictions or hypotheses. Given that theories consist in interlocking systems of beliefs and hypotheses that often depend upon one another, in the

⁷⁸ Turner 1994, pp. 110-111.

sense that other beliefs and hypotheses are treated as control groups during their testing or confirmation, we might not know precisely which beliefs to modify or reject when a prediction fails. Contrastive underdetermination is not about the confirmation of particular beliefs or hypothesis within a theory, but rather comparisons among different theories. It arises when we begin from a body of facts or evidence that is consistent with more than one theory⁷⁹. The underdetermination worry Turner raises for the practice theorist is a case of contrastive underdetermination, where a body of evidence, namely sets of doings or regularities, supports more than one underlying theory. They can support the theories of practices Turner rejects, but they also support the individualistic notion of habit without a historical component, where doings are individual and produced by a variety of causes.

The underdetermination worry is quite similar to the argument Wittgenstein employed in the *Philosophical Investigations* in the case of the thought experiment involving teacher and learner, as Joseph Rouse points out⁸⁰. Robert Brandom points out a similar worry with causal theories, theories that Rouse and Brandom label ‘regularity theories’. Brandom calls his worry the ‘gerrymandering problem,’ a problem he grounds in Wittgenstein’s thought experiment⁸¹. The idea behind these related worries is that our evidentiary base for a causal theory of practices consists in mere regularities in doings. We infer from the sameness in these doings a sameness in cause, where the cause is a

⁷⁹ See also Stanford 2009 for a discussion of these two types of underdetermination and the paradigmatic defenses and rejections of them, as well as Duhem 1954 [1914] for central motivating examples of these types of underdetermination at work.

⁸⁰ See Rouse 2007a and 2007b.

⁸¹ See Brandom 1994, pp. 28-29, 208-212.

persistent object sufficient for the production of the doings. Such a theory is susceptible to the objection that there is a conceptual possibility that two different inner causal objects, A and B, produce the same performance P in two different people⁸². Such a worry is salient because the practice theorist has not provided a substantial reason that either only one inner causal object is able to produce P or a substantial reason to think that the causal object is the same in particular instances or cases.

One issue we might raise, and one that appears to support Turner at first glance, is that the contrastive underdetermination to which Turner appeals is of a much stronger and more plausible variety than the contrastive underdetermination issues raised by philosophers like Wittgenstein and Nelson Goodman. There are no *prima facie* reasons to adjudicate between appeals to individual habits and to social practices. By contrast, we have strong *prima facie* reasons to suppose that 1002, and not 1004, comes after 1000 when adding two. The strength of Turner's appeal to underdetermination lies in the apparent empirical equivalence between theories of individual habits and theories of social practices⁸³.

⁸² Brandom, as well as Saul Kripke in Kripke 1982, considers the possibility that a regularity theorist might shift the topic from doings to individual dispositions to do. They reject this move on the grounds that dispositions are only local and immediate. Dispositions do not cover the sort of extreme cases raised in these thought experiments.

⁸³ The idea of empirical equivalence finds its origins in the work of Bas van Fraassen. See van Fraassen 1980. When two theories are empirically equivalent, they make identical empirical predictions. Van Fraassen argues that it follows from this that theories are contrastively underdetermined by all possible evidence. Laudan and Leplin, in Laudan and Leplin 1991, argue that responsiveness to new evidence means that apparently empirically equivalent theories might not actually be so. Though quite salient in many cases, I find the Laudan and Leplin worry far-fetched when applied to our present case. The study and experience of everyday human doings is rich in cases and examples when compared to the study of the sort of paradigm cases from physics that Laudan and Leplin have in mind.

But the underdetermination worry threatens to do *too much* work on Turner's behalf, as Theodore Schatzki points out⁸⁴. Turner takes it as unproblematic that we can appeal to individual habits as the starting point of an explanation and ontology of our doings, but it would seem that even the positing of habits is susceptible to the objection that the individuation and isolation of habits depends on one's location in a cultural environment. Schatzki writes that:

...it is important to remember that identification of actions, too, are tied to culture and experience. Turner's reasoning thus implies that the agreements, disagreements, and similarities in action that he takes as givens – and which are that vis-à-vis the explanation of which theories that (culture-conditionally) invoke shared mental object-causes are denigrated as inferior – are in fact not givens, but just as tied to, and “tainted” by, culture as shared mental causes are. Indeed, Turner's logic can be used to argue that all human descriptions whatsoever are “tainted” thusly, thus problematizing the propitiousness of the censure (cf. 104)⁸⁵.

The thought here is that if we are to develop a positive theory, there is no more reason to begin with individual habits as there is with social practices, as the worries over contrastive underdetermination run both ways.

Schatzki's generalization of the contrastive underdetermination worry, though, looks to be a stretch. Claiming that all descriptions are fraught with contrastive underdetermination might very well be correct in a general and technical sense, but the degree of concern we ought to show is not the same in all cases. Some descriptions will be more appropriate in some circumstances and other descriptions will be more appropriate in other circumstances, depending on local conditions. As noted earlier, both above and in Chapter 1, the conceptual possibility of an alternative does not constitute a viable or plausible alternative. The relevant issue is whether Schatzki's point saliently

⁸⁴ See Schatzki 1996, pp. 106-110.

⁸⁵ Schatzki 1996, p. 108. Schatzki is using ‘actions’ in a very loose and general way, similar to how I am using ‘habits’.

applies to Turner's privileging of habits over practices. I think it does and that Schatzki is somewhat vindicated, as Turner himself seems to admit in his very formulation of the worry over contrastive underdetermination. This does not necessarily undercut Turner's appeal to underdetermination, though it does complicate any attempt he may make to formulate an alternative to a theory of practices.

In addition to these epistemological worries, causal theories of practices face metaphysical problems. One feature of a theory of practices on Turner's formulation, as noted above, is that the theory must contain both an individual or private component and a collective, historical component that links together individual doings. The two components of a practice theory face the metaphysical problems of location and transmission. Where and how are practices situated, and how are practices passed from person to person and community to person? If the appeal to practices explains similarity in doings across social groups, practices must be objectively identifiable regularities. They must have a location and must be transmitted to others in order to ensure they are the *same* practice. Turner evaluates three possible solutions to the location and transmission problems, focusing in particular on the need to locate the historical component, as it is the component that seems more problematic⁸⁶. Turner claims that while we find it unproblematic that there are individual habits or doings, it is unclear how these doings are causally related. The solutions Turner considers are: a dualistic solution, a collective-object solution, and a private solution. After evaluating these views, I will examine a range of alternative, normative theories of practices in Chapter 2.2 that may offer a way out of Turner's dilemma.

⁸⁶ Of course, the issues raised above with regard to Turner's appeal to underdetermination also render problematic the individual component.

Dualistic solutions posit that practices are unified objects with both an individual aspect and a collective aspect. The individual aspect accounts for individual doings while the collective aspect accounts for sameness within and across social groups. The key feature of dualistic solutions, and what accounts for their intuitive appeal, is that they conceive of the two aspects as located in the same place. This place is typically the individual mind. This solution solves the worry over how different people have or engage in the same practice. Along the contours of a dualistic solution, people do so by having the same social or collective aspect. Turner reads Emile Durkheim and Tonnies, as well as those involved in the ethnomethodological tradition⁸⁷, as paradigmatic examples of theorists who offer dualistic solutions⁸⁸. For the Durkheimian, practices or norms reside in both an individual and a collective consciousness, where the collective part exerts causal force and transmits shared practices to individuals. However, dualistic solutions founder when trying to theorize about the causal transmission from the collective component to the individual component. The notion of a causally efficacious social force or collective consciousness is unclear, and Durkheimians have not been able to use it effectively beyond Durkheim's groundbreaking work on suicide⁸⁹.

⁸⁷ I suspect the motivation behind Turner's classification of the ethnomethodological tradition as 'dualistic' comes from the attempts of ethnomethodologists to locate social order within the structure of the very basic things people do. Garfinkel 1991 [1967], for example, cites social order as something located in individuals, a kind of 'thisness' or 'haeccity', and reflexively accountable to those individuals. See Berard 2005 for a helpful treatment of the ethnomethodological tradition's location in broader social theory. I find that ethnomethodology, unlike the work of Durkheim and Tonnies, is best considered within the framework of presuppositions theories of practices. Arminen 2008 appropriately captures this by summarizing ethnomethodology as trying to "lay bare the reservoir of tacit everyday knowledge normally taken for granted by the social sciences" (Arminen 2008, p. 168).

⁸⁸ See Turner 1994, pp. 50-53.

⁸⁹ See Durkheim 1997 [1897].

Collective-object solutions locate practices not in individual or collective consciousnesses, as with dualistic solutions, but rather in a novel causal object. An exemplary example is a public object accessible to all members of the community, such as a text or a public language⁹⁰. The sense in which people share the public object is a tacit or analogical version of common public language, using concepts like ‘ideology’ or ‘convention’⁹¹.’ The trouble, however, again comes when accounting for transmission. While public objects such as texts or languages are relatively clear and easy to postulate, offering an immediate advantage over dualistic solutions, it is not clear how these objects cause people’s doings. Furthermore, it is not clear how rather open-ended objects such as texts or languages, things that can be variously interpreted, could ever be causally sufficient for *specific* doings, let alone how one could ever infer from specific doings to these objects. The worry is especially salient when one considers that these are not even explicitly formulated conventions, but rather tacit or analogical ones. If an explicit text or language can be variously interpreted, there would appear to be little hope for concreteness from a tacit or analogical one.

Private solutions, the sort of ‘solution’ Turner prefers, is an explicit and intentional non-solution to the worries over location and transmission. These ‘solutions’ locate practices in individual habits, leaving out entirely the historical component linking together social regularities. As an opponent of practice theory, Turner is, of course,

⁹⁰ See Turner 1994, pp. 56-57.

⁹¹ Turner cites Poster 1991 as one example of a collective-object solution. Another exemplary case is the social theory presented by Clifford Geertz in Geertz 1973, where society or culture is treated as a system of symbols acting as expressions of shared concepts or frameworks. The symbols act as the shared objects with which we engage. Geertzian anthropology contains elements of both causal and presuppositions theories.

satisfied with the non-solution solution. A solution ignoring the historical component thus fails to guarantee the sameness of shared practices, and thus fails to reach the practice theorist's explanatory goals. It remains possible on a private solution that external doings, the individual component, could be the same but realized in different reasoning processes or inner mental causes. Ensuring sameness requires the historical component that private solutions leave out. These problems occur even before we consider the epistemological problems with contrastive underdetermination presented above, problems that cast doubt on the identification of habits independently from local culture.

Turner also considers two special solutions to the problem of transmission, noting that they are often paired with the three solutions to the problem of location. These solutions are imitation and habitualization. Turner thinks these solutions are problematic due to the split between external doings and inner causes. Imitation and habitualization can operate only on external doings, but this is the explanandum. The explanans, inner mental causes, cannot be imitated. If practices are inner mental objects with causal powers or tacit ideologies or presuppositions, they are *not* the sorts of things that can be transmitted through imitation or habitualization. If the practice theorist offers an account where practices are located in the mind and out of sight, she cannot appeal to these things as a transmission mechanism.

Presuppositions Theories

Practice theorists who develop a presuppositions theory of practices treat human doings on the model of a deductive argument, where the doing is the conclusion and practices are the premises required to derive the conclusion. Turner groups within the

category ‘presuppositions theories’ any theory that posits things like tacit knowledge, paradigms, world-views, cultural mores, or forms or life as things that human doings within a culture share in order to explain the sameness in their doings⁹². Presuppositions theories incorporate standard forms of folk psychological reasoning, reasoning that posits belief-desire sets as premises from which people derives intentions and doings.

Presuppositions theories involve two steps of reasoning. The first step is one from human doings to tacit premises or presuppositions and the second step is one from individual premises to shared premises across ranges of individuals. This second step is the historical component ensuring that the practices are shared. However, Turner points out that presuppositions theories suffer from some of the same problems of underdetermination and relativism as causal theories. The underdetermination worry follows from the fact that the same conclusion of an argument can be produced by a variety of different premises. It is simply not the case that we can look at the conclusion of most deductive arguments and infer that one particular set of premises was used in its derivation. This is problematic at both steps of a presuppositions theory, because the worry applies both to inferring the tacit presuppositions employed by particular individuals and to inferring that the tacit presuppositions of different individuals are the same. The problem of local knowledge enters in an analogous way to the Mauss case and the case of causal theories of practices. We would need to have local knowledge of a particular cultural environment to infer the tacit presuppositions held by specific people, particularly when explaining doings that are specific to the cultural environment in

⁹² Two prominent examples of tacit presuppositions are the ‘paradigms’ posited by Thomas Kuhn in Kuhn 1970 [1962] and the ‘common knowledge’ posited by David Lewis in Lewis 1969. Kuhn posits ‘paradigms’ in service of his views about shared scientific world-views and Lewis posits ‘common knowledge’ in order to give sense to the notion of conventions without conveners.

question. Turner argues that this leaves us in a position of only being able to give instrumental, rational reconstructions of the tacit presuppositions of the human beings in question. This state of affairs is inadequate for the explanatory goals Turner attributes to practice theorists.

Joseph Rouse and other normativists point out that presuppositions theories have problems that might run even deeper than this, particularly since those theories fail to solve some of the Wittgensteinian worries that causal theorists solved by positing practices as embodied in the doings of human beings. By drawing upon the Davidsonian separation of doings and ways of interpreting doings, presuppositions theories run into the first Dreyfusian regress argument examined in Chapter 1. The presuppositions theorist thinks about human doings on the model of rules, where the rules amount to the premise-conclusion structure of a deductive argument. These rules require conditions for application because those conditions are not provided by the rules themselves. This situation arises because the presuppositions theorist rejects the view that the conditions for application come embodied in the doings themselves.

The actual division between causal theories and presuppositions theories is muddied in the literature, separated out by Turner for reasons of completeness and clarity. The central issue is whether a presuppositions theorist posits that tacit premises or presuppositions are themselves causes of the doings in question. If so, then presuppositions theories are susceptible to the very same set of objections as causal theories. If not, their primary problems are those identified by the normativists. Either way, presuppositions theories fall well short of the mark Turner sets for them.

A large part of the answer to Turner's dilemma, and specifically the solving of the problems of location and transmission, must involve rejecting a few of the original moves Turner attributes to the practice theorist. I will take up the issue of the practice theorist's explanatory goals in Chapter 2.3, but for now we can attend to the split between inner mental causes and external doings. Surely a starting point for an adequate account of practices is to reject the need to infer to inner mental causes or psychological states. This can be done by locating practices externally or by positing that they are *expressed* through external doings rather than the *cause* of those doings. The alternatives I will examine in Chapter 2.2 are one way of doing this, while I will propose another way in Chapter 3.

2.3 Normativist Theories of Practices

Normativism

In this section I will examine a range of alternative practice theoretical approaches taken in light of Turner's dilemma and the various Wittgensteinian and Heideggerian issues. I will look at normativist theories of practices, theories that take practices not to be causally efficacious mental objects but rather to be the normative standards situated and embodied in everyday ways of doing things. I will look at two types of normative theories, the discursive theories proposed by Robert Brandom and Joseph Rouse and the non-discursive theories proposed by Hubert Dreyfus and Theodore Schatzki. I will evaluate these theories and argue, beginning in this chapter and finishing in the next, that each theory falls short in important areas, relying on inadequate conceptions of normativity.

Normativist theories of practices answer the Turner dilemma by bypassing it, taking neither horn. One who takes the first horn of Turner's dilemma treats practices as causal regularities while one who takes the second horn treats them as instrumental or culturally relative units. Normativists argue convincingly that using 'practices' to pick out substantive, causal objects is not the only way to do interesting explanatory work with 'practices'. Normativists propose a new conception of normativity, one grounded in the Wittgensteinian and Heideggerian attention to primitive or background elements of human doings. This approach avoids the appeal to causal regularities and Kantian appeal to explicit rules or principles that proves problematic to many of the approaches criticized by Turner.

Robert Brandom and Joseph Rouse take the two views Turner criticizes, causal accounts and presuppositions accounts, to be exemplary versions of the accounts of normativity criticized by Wittgenstein and Heidegger. Brandom names these two views *regularist accounts* and *regulist accounts*, respectively. The trouble with causal, or regularist, accounts is that they run into critical epistemological and metaphysical problems involving underdetermination, location, and transmission. Brandom raises a further problem with such views that he calls the *gerrymandering problem*, a problem he finds in the very sections of Wittgenstein's *Philosophical Investigations* I treated in Chapter 1. All we have on a causal account of practices, argues Brandom, is a disparate set of regularities of performance⁹³. There always remains the conceptual possibility of alternative causes of the same performances, and there always remains the conceptual possibility that prior regularities serve as no guarantee of future regularities in

⁹³ 'Performance' is Brandom's term for 'doing', a normatively loaded term for Brandom as we will see shortly.

performance. We cannot infer causal principles from mere regularities, and attempting to do so is akin to gerrymandering the proper result.

Presuppositions accounts, according to Brandom and Rouse, run into the first Dreyfusian regress of rules argument. When I examined the Dreyfusian arguments, I raised the issue that the regress argument might be ineffective because we do not separate rules and their conditions of application in everyday experience. This concern arises only after accepting a more plausible phenomenology of everyday situatedness and embodiment. However, the problem with presuppositions accounts, accounts labeled by Brandom and Rouse as ‘regulist’ accounts, is that they *do* accept a division between rules, conceived as explicit normative rules or principles, and their conditions of application, namely the things we do in daily life. These accounts ignore the relevant phenomenological investigation. With such a division accepted, the regulist merely falls prey to the first Dreyfusian argument.

Discursive Theories: Brandom

Brandom incorporates these two problems, the gerrymandering problem and the first regress of rules argument, into an argument for the existence of implicit norms that are expressed discursively⁹⁴. Brandom begins with the fact that there are explicit norms expressed discursively through *rules* and *principles* and argues transcendently for the existence of implicit norms expressed discursively through *practices*. Practices on Brandom’s account are normative doings. Using the regress of rules argument, Brandom shows that these explicit rules and principles stand in need of conditions for application. He supports this claim by raising the gerrymandering problem, showing that the

⁹⁴ See Brandom 1994, pp. 62-64.

conditions for application for explicit rules and principles cannot be mere behavioral regularities. Instead, they must be rules or principles in the Sellarsian space of reasons, providing reasons for why a way of proceeding is correct or incorrect. Thus, there must be something beyond discursively expressed explicit norms and this something must be normative and discursively formulated rather than a mere set of causal regularities. From these considerations he concludes that there must be a set of implicit rules or principles expressed through the things people do. These allow us to have the explicit rules and principles that we in fact do have.

Brandom makes the further claim that practices express implicit norms through their assessment under normative language and terms, such as correctness or incorrectness and appropriateness or inappropriateness. These normative assessments need not be explicitly stated, as Brandom's view would then fall prey to the regress of rules argument he is countering. Rather, these assessments are themselves implicit, embodied in the ways in which people reward or punish people for the things they do.

Brandom writes:

What counts as a reward or punishment might be construed naturalistically, for instance as any response that positively or negatively reinforces the behavior responded to. Or it might be construed normatively, for instance in terms of the granting of special rights or the assignment of special obligations⁹⁵.

Thus, we have explicit norms that presuppose implicit norms expressed through the implicitly normative judgments we make in the course of going about our business in daily life. These norms have both a naturalistic and an implicitly normative component.

Brandom's account has one *prima facie* advantage over the standard model of a presuppositions theory examined in the previous section. It is open to a naturalistic

⁹⁵ Brandom 1994, p. 63.

presentation of implicit norms, where such norms are expressed through the things one does. This appears to avoid the mysterious character of practices on presuppositions accounts. Brandom renders them visible, as implicitly normative doings. But one key problem with Brandom's account is that he still formulates practices in the language of rules and representations. Brandom does this by taking implicit norms to be tacit versions of explicit norms. He claims that we commit ourselves to norms inferentially by undertaking or participating in practices that are implicit versions of them. I will return to this issue when discussing normative force and authority, but if we still reject the Davidsonian views examined in Chapter 1, then Brandom's appeal to implicit norms drops out as unnecessary. The implicit norms of Brandom's argument are not needed because the conditions for application for explicit norms are already expressed in the things one does. There is not a fundamental division in everyday doings between an explicit norm and a way of applying the norm.

Discursive Theories: Rouse

Rouse, though greatly influenced by Brandom, is not unaware of these problems. He differentiates his own view from Brandom's by avoiding its representationalist elements. On Brandom's view, we begin from a basic representationalist framework, a person's representation of her situation and her practices, and then build up a network of inferential commitments. On a Rousean view, we begin from a material situation where normativity is already set out. A situation, for Rouse, presents one with a range of correct or incorrect, appropriate or inappropriate doings. We do not need to first represent our environment and then establish normative commitments inferentially, but are rather socialized directly into normative commitments in virtue of interacting with our

environment. Rouse is able to maintain the discursive elements of Brandom's view by leveling the Dreyfusian distinction between different forms of coping⁹⁶ and locating each form in a basic discursive framework. On a Rousean view, all forms of coping, even those that are transparent and non-representational, are linguistically mediated. In our linguistic doings, we express implicit norms. Rather than taking these implicit norms to be a tacit version of explicit norms, as Brandom does, Rouse takes our more explicitly articulated and theoretically inclined doings to be mere extensions of our everyday, transparent coping.

Rouse presents his normative theory of practices as a component of a broader reconceptualization of normativity. He claims that traditional conceptions of normativity are framed in terms of necessity, whether the socio-historical necessity offered by the appeal to tacit presuppositions, paradigms, or forms of life, or the logical necessity offered by the appeal to formal systems of rules. He claims that traditional accounts of normativity in the analytic and Continental traditions are grounded in the work of Frege and Husserl, who believed that the normativity of thought and meaning are grounded in the necessary structures of language or consciousness⁹⁷. As an alternative, Rouse wants to break down the divide between understanding and nature, a split accepted by this broad range of views, and attend to our practices as a part of the world, intra-acting with things in their surroundings. The Rousean alternative is to prioritize normativity over necessity, subordinating *a posteriori* causal necessity to normativity. We begin,

⁹⁶ See the introductory material to Chapter 1 above for an introduction to Dreyfus's work on the types of coping.

⁹⁷ See especially Rouse 2002, pp. 69-76, for a discussion of the contrasts between Fregean and Husserlian approaches on the one hand and the Neurathian and Heideggerian criticisms of those approaches on the other.

according to Rouse, with what is at stake for us in everyday experience. What is at stake for us is determined through our practices, which amount to our accountability to the situation in which we find ourselves. The situation in which we find ourselves, rather than some set of socio-historical paradigms or systems of formal rules, determine what is appropriate or inappropriate and correct or incorrect for us to do. Practices are thus always already normative and hence they are central to getting at the things we do. Any causal element or trace, the sort of position into which Turner pushes the practice theorist, is merely derivative.

One large issue Rouse takes up with Brandom's account is the issue of normative force or authority, a key motivator for Brandom's account. I mentioned this issue in Chapter 1 through the discussion of Stanley Cavell. Cavell raised troubling issues through the prism of a regress of justification or reasons-giving, where it seems from Wittgenstein's text that we stop our reasons-giving by pointing out a causal regularity in performances, stating that 'this is what I do' or 'this is what we do'⁹⁸. Cavell points out, correctly, that what I do or what we do might not be the right thing to do or it might be something we should revisit or deliberate upon. It might be proper to appeal to what we do in some cases, such as mathematics, but wholly inappropriate in others, such as when we are asking questions about the proper functioning of social institutions or fundamental questions about human beings. What we do might be haphazard or inappropriate.

Brandom explains normative authority as something that results from the commitments one makes through practices, specifically discursive practices. The things one does express implicit norms. These set a range of appropriate and inappropriate

⁹⁸ The Wittgenstein text in question is from Wittgenstein 2009 [1953], remark 217b: "Once I have exhausted the justifications, I have reached bedrock, and my spade is turned. Then I am inclined to say: 'This is simply what I do'."

doings. Inferentially, this opens one up to other practices and commits one to a further range of appropriate or inappropriate doings and sayings. Brandom thus separates a non-normative realm from a normative realm and argues that there is a transition from the former to the latter. One moves from representational semantic content, the sort one acquires by representing one's environment and situation, to semantic content based on the normative utterance of phrases in language that commit or bind one to normative rules. Rouse sees this as a problematic remnant of representationalism, where one represents one's situation and commits oneself to inferred norms. In addition to being an infelicitous description of how people actually do things, he thinks it inappropriately relativizes normativity to one's own intentional states and commitments. Rouse moves from the claim that one is always already involved in situations, projects, and ways of being, to the view that one's primitive involvement is always already normative and authoritative merely in virtue of being directed at certain projects and embodying an ontology. He thinks that if normative authority were not already built into a situation, it would be subordinated to the commitments or desires of subjects, namely the people carrying out those commitments. Rouse finds it unproblematic to move directly from involved, normative accountability to the authority and force of the normativity involved. It is not just that the situation provides for appropriate and inappropriate acting, but that what the situation provides is *binding* upon the people involved.

Both Rouse and Cavell appeal to the same text of Wittgenstein, where Wittgenstein points out that justification and reasons-giving end with an assertion, 'this is what I do.' The phrase, however, is systematically ambiguous between normative and non-normative readings. One might be asserting facts about what one actually does or

one might be asserting facts about what one is *supposed* to do. Rouse and Cavell appeal to the relation between the parent or teacher and the child at the site of instruction, but they do so in different ways. Rouse points to the sort of case where the parent scolds the child, a rather clear case, but Cavell points out that even facts about what one ought to do are not necessarily binding or beyond reproach. I will take up this issue again after presenting my own account in the following chapter, but for now I think we can begin to make Cavell's insight more explicit. The mere fact that we find normativity expressed in reactions to what people do does not establish this normativity as legitimate or binding. The things people do often allow for a broad range of possible judgments.

Rouse, Dreyfus, and Coping

We are ready to get at the key feature of the Rousean account that separates it from Brandom on the one hand and Dreyfus and Schatzki, who we will examine soon, on the other. By locating normativity in coping, in relations with others and material objects, Rouse does two things. First, he sets aside the representationalist elements of Brandom's views, elements that left us with the basic problem of normative force and authority. Second, he makes discursiveness central to coping, leveling the types of coping and placing discursiveness at the center of all of them. For Rouse, discursiveness is at the heart of normativity because it is through discursive practices that one expresses what is appropriate or inappropriate and correct or incorrect about how one is accountable to a situation. Discursive practices are always embodied in a material situation, but it is the discursive element that is primary. The sort of causation important to Rousean practice theory is a matter of interaction within a situation, a sort of causation that is subordinated to normativity rather than explanatorily central to it.

As Rouse presents Dreyfus, Dreyfus takes practical or transparent coping to be pre-intentional, while deliberate coping, theoretical articulation, and social normativity are all intentional contrasts to practical coping. Practical coping, as examined earlier, has a mixture of paradigmatically intentional and non-intentional features. It is directed at a situation constituted by how one comports oneself toward it and what the comportment is for. It also has an individual normative component in the sense that it can succeed or fail. But there are no psychological or semantic intermediaries. It is a direct relation between the body and the situation⁹⁹. Rouse presents Dreyfus as distinguishing between practical coping and deliberate coping on the basis of propositional contentfulness. Sometimes practical coping is interrupted and one notices some feature of the environment, predicating something of it. This is when one forms representations of one's environment and forms mental states, the stuff of BDI psychology. Theoretical articulation is using language, with these representations and mental states already in place, to make things occurrent and de-contextualize them.

Rouse attempts to level the distinction between practical coping and deliberate coping by claiming that the linguistic means through which one engages in deliberate coping, whether at the level of rethinking our surroundings or asserting things about them, is itself a case of practical coping. Language permeates coping, as one uses language even while engaged in practical coping. Rouse supports this by claiming that assertions within deliberate coping refer not only to their own truth-conditions, but also to their entire situation or context¹⁰⁰. He performs a similar move to level the distinction between practical or transparent coping and theoretical articulation or social normativity.

⁹⁹ See Rouse 2000, p. 14.

¹⁰⁰ Ibid., pp. 19-23.

He points out that theories, even when they involve referring to things that are presently unavailable, are proposed and learned in tandem with various ways of applying those theories. He points in particular to the ways in which theories are articulated in science, typically through the use of various maps and models. The theory and its application to the world are learned together and are mutually reinforcing. He takes issue with the Dreyfusian presentation of theoretical articulation, which presents people as performing a sort of disengaged wondering at the world. We have already seen the Rousean view on normativity above, but his thought is that the sort of linguistically mediated practical coping that permeates all types of coping is also one that forms the basis of social normativity.

I think the Rousean leveling of these distinctions fails. The motivation for leveling the distinction between practical and deliberate coping comes from denying a certain special role for language, the role of engaging in extreme or total de-contextualization, and instead seeing de-contextualization as yet another practical activity. Rouse uses this move to point out that propositional contentfulness is nothing particularly special. It, like practical coping, is mediated through the practical use of language. Rouse can maintain this position only by denying the Dreyfusian account of theoretical articulation, but his argument against the Dreyfusian view appears to be a red herring. Rouse identifies theoretical articulation with the work of scientists, and points to the practical nature of scientific activity. I have no objection to the basic Rousean account of science, and it is quite true that scientists often make models and that science often involves taking theory and application as all a part of the same activity. But this does not refute the idea that the kind of disengaged theoretical wondering touted pointed

out by Dreyfus actually occurs. It merely restricts the sorts of examples Dreyfus can use. Dreyfus had already pushed too far the use of science as an example.

Dreyfus attempts to maintain his various distinctions by pointing out that in deliberate coping, one uses language in multiple ways. While Rouse correctly points out that language is sometimes involved at each level of coping, he makes no convincing argument to show that these ways of using language are relevantly similar. In deliberate coping, not only does one use language as a practical skill while immersed in a situation, but one also uses it to discuss remedies on the basis of mental states with propositional content. I may say, for example, ‘this hammer is too heavy’ and suggest a remedy, perhaps ‘I need a different hammer.’ People use language in a distinct way during deliberate coping, by using it to make use of the broader world beyond the present situation¹⁰¹.

Dreyfus also attempts to carve out a realm of social skills that do not involve ‘full normativity,’ in the sense that they do not involve moral responsibility or any sort of distinction between appropriateness and inappropriateness. If done successfully, this would re-open the distinction between practical coping and social normativity. Dreyfus adopts distance-standing as an example where ‘full normativity’ is not in play. What he seems to have in mind is that distance-standing is not normative in Rouse’s notion of accountability to a situation. Rather, it is normative in the sense that one is socialized into it and one experiences oneself as in sync or out of sync with one’s situation when doing it. There is no broader assessment of distance-standing in everyday activity. One can, of

¹⁰¹ See Dreyfus 2000, pp. 317-320. See also Dreyfus 2007 for the Dreyfusian take on realism and natural kinds. Dreyfus argues that during certain sorts of coping, sometimes deliberate coping but particularly theoretical articulation, we are able to separate ourselves from our immediate surroundings and investigate nature in itself.

course, go out of one's way to theorize about it and give it a sense of correctness or incorrectness, but such assessments are not a part of the everyday activity and experience of distance-standing.

If Dreyfus is able to maintain the distinction between these different forms of coping through reserving a special role for language outside of practical activity, then Rouse's attempt to present practices as expressing a discursive form of normativity fails. It fails in the sense that its claim to generality fails, a claim that is inapplicable to the types of activities that are non-discursive and stands in need of modification to handle the various ways in which people use language, those ways that are not merely a practical activity. This suggests a need for a normativist response to Turner that does not treat all practices as discursive. I'll develop an alternative account of normative force in the following chapter, one that I take to improve upon the unclear Dreyfusian distinction between 'full normativity' and some kind of normativity that is less than full. This alternative account will be a part of the phenomenological account of practices developed there, where practices will amount to pre-normative, intelligible doings. Rather than accountability to a situation, practices amount to doings intelligible in a situation. This leaves normative force and authority more open-ended and dependent upon the deliberation of practitioners.

Non-Discursive Theories: Schatzki

A second route to a normativist theory of practices is based around a de-centering of language in favor of bodily comportment to a local environment. Theodore Schatzki, one philosopher who takes this route, bases his view not on a broader conception of normativity, but rather a broader conception of mind and mentality within which

practices play a central role. On Schatzki's view, mind is a matter of how things stand for people as expressed through the things those people do¹⁰². He contrasts this to the view inherited from the Kantian tradition, a major influence on Brandom, that the mind or structure of consciousness is a precondition for how things appear to people.

Practices, on Schatzki's view, are the embodied determinants of how mind and mentality are expressed through human doings and sayings.

Schatzki describes practices as spatially-dispersed and temporally unfolding doings and sayings and the enactment of these doings and sayings. Practices are themselves linked through understandings, explicit rules, and what Schatzki calls 'teleoaffective structures,' or hierarchies of ends, means, and goals. Understandings link practices through our embodied abilities to enact doings and sayings in daily life.

Suppose people have the practice of describing something, perhaps describing a painting at a museum. The practice of describing is linked through understandings found in the embodied abilities of the describer to carry out the description, the ability of those around her to identify and attribute the practice of describing to the practitioner, and the ability of those around her to prompt or respond to the carrying out of the description¹⁰³.

Teleoaffective structures are collections of possible things one can do under certain goals or aims. The goal is an object of intentional states and the teleoaffective structures structure the range of possibilities, or a hierarchy of ends and projects.

Schatzki describes teleoaffective structures as inherently normative. He means that they are normative in two senses. First, they have what we might call 'oughtness' or

¹⁰² See especially Schatzki 1996, p. 22.

¹⁰³ See Schatzki 1996, pp. 91, 98-100. By 'explicit rules,' Schatzki simply has in mind propositional rules, principles, or instructions that specify particular doings in particular situations.

‘rightness’ by specifying how doings and sayings ought to be carried out and specifying which ends within a broader project ought to be pursued. Second, even if particular doings and sayings are not the correct one, teleoaffective structures specify the range of acceptable or appropriate doings for the present project. Teleoaffective structures are also responsive to real-time change. If one makes a wrong move, drawing one away from the project or goal, teleoaffective structures work somewhat like a GPS device used by a motorist, plotting a new acceptable route¹⁰⁴.

Schatzki distinguishes between what he calls ‘dispersed practices’ and what he calls ‘integrative practices.’ Dispersed practices are very basic things people do that are widely dispersed throughout human societies. They include things like describing, ordering, explaining, rule following, examining, and imagining. They are generally things that one can do either by oneself or in a group. Dispersed practices are linked by understandings, such as the embodied ability to carry out the activity, the ability to identify and attribute the activity to oneself and to others, and the ability to respond to the activity. What distinguishes dispersed practices is their widespread dispersion across different human communities and the fact that they do not require rules and teleoaffective structures. They are linked primarily through understandings. Wittgenstein focuses in the *Philosophical Investigations* primarily on these sorts of examples.

Schatzki claims that individual acts of doing something, individual X-ings, presuppose the dispersed practice of X-ing. The idea is that doings and sayings constitute X-ings in virtue of the context in which they are performed and against the background of the understanding of X-ing. Since the dispersed practice of X-ing is a set of doings and

¹⁰⁴ See Schatzki 1996, pp. 100-101.

sayings linked by the understanding of X-ing, the dispersed practice is what carries the understanding needed for the individual act of X-ing¹⁰⁵. Take an individual dispersed practice, such as Matt's describing his apartment. The individual X-ing (the description in the present case) is a set of doings and sayings that constitute a doing in virtue of the understanding carried by the dispersed practice of describing within the local environment in which Matt finds himself. It counts as a case of describing in virtue of the ways in which individuals can respond to, prompt, attribute, and carry out the description¹⁰⁶.

Integrative practices are organized systems of practices, things like cooking practices, artistic practices, or sexual practices. They are things that many people do, often in groups, and they have aims and recognized ways of going about reaching those aims. These larger bodies of practices are linked primarily by teleoaffective structures, and the practices are inherently normative. Schatzki sees integrative practices as normative in the sense that the teleoaffective structures specify a right or correct way to perform the practices and specify the correctives used to push a practitioner onto the correct path. These teleoaffective structures also specify a range of acceptable doings in a given situation¹⁰⁷. For farming practices, for example, certain actions on the farm are

¹⁰⁵ Ibid., pp. 92-93.

¹⁰⁶ One way of reading Schatzki's claim here leads Schatzki to a regress, on the grounds that a 'first do-er' might be required. But I think Schatzki is not particularly susceptible to this sort of objection. Schatzki would not object that sometimes people do something that looks like X-ing before the dispersed practice of X-ing is in place. What Schatzki would say is that it would not have been appropriate to call it X-ing at that time, as the understandings that link X-ing together were not in place until the dispersed practice of X-ing was in place.

¹⁰⁷ Schatzki 1996, p. 102.

acceptable and others are unacceptable, and there is a range of acceptable ways to go about reaching particular aims.

Initially one might suppose that dispersed practices are a separate class of non-normative practices that are brought together to make up normative integrative practices, essentially the move of baking a normative cake from non-normative ingredients¹⁰⁸. But this is not what Schatzki has in mind. Integrative practices are not mere collections of dispersed practices. They are sometimes of a completely different type, and they can transform and change dispersed practices through the workings of their teleoaffective structures. An integrative practice might modify a dispersed practice or perform it in new ways.

There is at least some reason to doubt that dispersed practices and integrative practices can truly count as separate types or classes of practices. This is because it looks as though dispersed practices are merely practices for which the description of the situation is impoverished. Suppose we look at a case of a dispersed practice, such as a professor explaining a concept to a student. Schatzki would call this a dispersed practice of explaining. But surely an initial reaction to the case would be to ask questions about the broader situation at work: What concept did the professor explain? How did she explain it? What equipment, whether physical props or thought experiments and examples, did she use while doing the explaining? Why did she explain the term and for what purpose was the explanation offered? One might argue that once the broader situation or context of the dispersed practice is specified, the dispersed practice is actually an integrative practice. Dispersed practices, then, might be understood as the things we

¹⁰⁸ This expression finds its origins in the work of Fred Dretske. An exemplary case can be found in Dretske 1991.

do in the undertaking of integrative practices, things that can be done in a variety of different ways and are open to transformation by teleoaffective structures¹⁰⁹.

Schatzki goes around Turner's dilemma by separating understandings, rules, and teleoaffective structures on the one hand from causation on the other. These are two different ways in which human doings can be linked and connected. Turner posits that some sort of causal structure is needed in order to link human doings in such a way as to ensure the proper transmission of the same practice. Schatzki subordinates causation to these alternative ways of linking human doings, giving causation a role only if the causation results from understandings, rules, or teleoaffective structures. In defense of such a separation, Schatzki points out that there are often causal connections among doings that are a part of different practices, as well as non-causal connections among doings that are a part of the same practices, resulting instead from a deliberative process on the part of the practitioner or from the practitioner's practical coping in the situation. Schatzki reserves causal vocabulary for traditional social ontology, the language of social institutions, social groups, or social systems.

This route gives Schatzki an effective way to handle Turner's epistemological and metaphysical concerns. Turner was concerned about how to ensure that different human doings were a part of the same practice, leading to worries about how to identify practices and how to ensure their location and transmission. Schatzki responds to these concerns by pointing out that the worries over epistemological relativism apply not only to practices, but to all human doings, even Turner's individualized 'habits.' It is not clear, for example, how to individuate or isolate habits if they are taken to be metaphysical

¹⁰⁹ I consider this an open issue, and I'll return to it briefly in the following chapter. Schatzki is fond of claiming that all practices are essentially normative. The suggestion in this paragraph is, I take it, a plausible way Schatzki might go about rounding out that claim.

primitives disconnected from a broader social system. Schatzki locates sameness in mutual intelligibility. Different people engage in the same practice when they can understand and respond to one another. This eliminates any concern over individuation by relativizing sameness to cultural location in a different way.

One difficulty for Schatzki's view is the notion of normativity he appeals to in his description of teleoaffective structures. The normativity of teleoaffective structures links together the doings of integrative practices. For Schatzki's view to work, human beings must always have an intentional object when they are doing things. The reason is that teleoaffective structures work by laying out a range of possible or acceptable doings that feed into human intentionality. But it is not clear that we always have an intentional object when we are engaged in doings, particularly when engaged in more basic or primitive doings such as the Dreyfusian example of distance-standing¹¹⁰.

It seems to me that a better way of reading Schatzki's results, an alternative that arises most clearly when Schatzki distinguishes dispersed practices from integrative practices, is to subordinate normativity, expressed through teleoaffective structures, to intelligibility, expressed through understandings. Schatzki argues convincingly that X-ing presupposes the dispersed practice of X-ing. Teleoaffective structures and integrative practices presuppose understandings and dispersed practices for the same reasons. Teleoaffective structures and integrative practices are a modification of understandings and dispersed practices. Understandings, though, are not themselves normative, as Schatzki claims. They involve a more basic sort of intelligibility, a type of intelligibility I will present in the following chapter.

¹¹⁰ I also discussed some of the motivations for rejecting this sort of view in the introductory material at the beginning of this work. See also Dreyfus 2000 and Schatzki 2000 for an exchange between Dreyfus and Schatzki on this issue.

2.4 Explanation and Relativism

Practices and Explanation

Normativists present theories of practices they derive from broader conceptions of normativity. Normativist theories come in two different types, ones proposing that norms are embodied in the ways in which one implicitly takes doings to be correct or incorrect, appropriate or inappropriate, and ones proposing that norms are embodied and arise ecologically from the situations in which one find oneself. Brandom and Rouse hold versions of the former view while Schatzki and Dreyfus hold versions of the latter. Both types of theories stand in stark contrast to both Kantian ideas of normativity, found in the presuppositions views catalogued by Turner and the regulist views catalogued by Brandom and Rouse, and empirical ideas of normativity, found in the causal views catalogued by Turner and the regularity views catalogued by Brandom and Rouse.

The key difference between these two alternative conceptions of normativity lies in the respective role they give to language. For Brandom and Rouse, all practices are linguistically mediated and permeated. For Schatzki and Dreyfus, bodily comportment and coping with one's environment is the most primitive phenomenon. I think both groups of theories err in the way they treat normativity and I will present my alternative in the next chapter. There I will present a view in which practices are fundamentally non-normative or pre-normative, but not merely a set of disparate regularities. My view is rather similar to Schatzki's view, as practices will be linked by their intelligibility, but this intelligibility does not require an appeal to norms, explicit or implicit.

Turner objected to theories of social practices by setting up a dilemma.

Normativists attempted to escape Turner's dilemma by giving an account of practices that

does useful work, but through presenting practices as normative rather than as causal regularities, inner mental objects, or collections of psychological states. In this section I will formulate a set of objections to both the Turner dilemma and the normativist responses to Turner's dilemma. These objections point to a new, phenomenological account of practices that ought to handle the concerns of both Turner and the normativists. I find three key weaknesses in Turner's arguments against practice theorists, weaknesses centering around the explanatory approach Turner attributes to the practice theorist.

The first two weaknesses are closely interrelated. Turner's approach to practice theory treats it as a social scientific theory, a third-person explanatory project for human doings. I examined some of the difficulties with third person approaches in 1.3, but the main difficulty is that first-person phenomenology reveals important distinctions in the types of things one does that are closed or inscrutable to third-person approaches. In particular, third-person approaches are not sensitive to the distinctions in ways of coping with the environment and with others, as well as the subtle differences between non-deliberate and deliberate forms of coping. Third-person approaches inappropriately objectify or reify what is done in a local environment, blind to practical or transparent coping. The emphasis on third-person approaches led Turner to attribute to the practice theorist implausible theoretical entities and underdetermined scientific claims.

The third-person approach Turner attributes to the practice theorist is closely tied to a complex and ambitious set of explanatory goals. The attribution of these explanatory goals to the practice theorist is the second key weakness in Turner's argument. Turner tasks the practice theorist with providing a ground-level explanation of human doings.

Such a project would involve giving a traditional third-person, scientific explanation of human action. If practice theorists were to engage in such a project, they would provide a practice theoretical model essentially along the lines of previous scientific explanatory models or action-theoretical models¹¹¹. The two types of theories Turner presents as choices for the practice theorist fit nicely with particular explanatory models in the sciences, traditional models adaptable to a social scientific framework. Causal theories of practices fit nicely either with a Deductive-Nomological model or one of its modified descendents, or the Causal Mechanical model, a model that attempts to place events into a broader causal nexus. Presuppositions theories of practices fit nicely within folk psychological explanatory models, particularly those that treat action as the result of practical syllogistic reasoning.

The basic idea behind the D-N model is to derive the explanandum from the explanans by way of a sound deductive argument. The explanans consists in sentences describing the current state of affairs and at least one law of nature. Applied to a third-person explanatory practice theory, the practice theorist taking such an approach would explain practices, the explanandum, through a deductive argument whose premises, the explanans, consist in sentences describing the doings of the relevant human beings, the material or environmental situation in which the human beings find themselves, and regularities describing the relation between the situation, prior doings, and future doings. Applying the model to practice theory would be hopelessly flawed, and largely for the reasons Turner gives against accepting a causal theory of practices. The nomological part

¹¹¹ It is quite probable that some practice theorists are guilty of engaging in this sort of explanatory project, but the project ought not be attributed to all practice theoretic views. Insofar as practice theory finds key influences in the work of Wittgenstein and Heidegger, two philosophers who certainly rejected the project, it would be bizarre to attribute the project to practice theorists.

of the D-N model, the sentences stating lawful relations between behavior and environmental situation, cannot be formulated in such a way as to lack exceptions¹¹².

A second option, the C-M model, fails to be successfully applicable to practice theory for similar reasons. The basic idea behind the C-M model is that an event is explained by fitting it into a causal nexus. This is done by describing the causal processes and interactions leading to particular event, as well as the causal processes and interactions that compose an event¹¹³. Such a model would be more intuitively applied to practice theory than the D-N model because the C-M model does appear to solve some of the basic predictive worries with the application of the D-N model. The positing of a causal nexus provides us with principled reasons for why and how exceptions occur, and thus some idea of when to expect them. However, it is not clear how the C-M model would distinguish relevant from irrelevant causal processes and interactions in the environment, in particular for the purpose of determining which processes and interactions are relevant for the doings being explained¹¹⁴.

¹¹² The nomological component of the D-N model suffers from the same worry more generally, such that it is difficult in many cases to distinguish between genuine laws and accidental regularities. This comes in addition to some of the classical worries raised by critics of the D-N model, such as the problem of overdetermination. The problem of distinguishing general laws from accidental regularities, though, is particularly severe in the sorts of things Turner takes a practice theorist to be explaining. See Hempel 1994 [1965] for an explanation of this basic debate. Hempel does not arrive at a conclusive way to distinguish regularities from laws, though he does work through a number of possibilities. See also Follesdal 1994a [1979] for an exploration of similar problems with applying the hypothetico-deductive model to traditional topics in the humanities and social sciences.

¹¹³ The original proponent of the C-M model was Salmon (Salmon 1984). See also Woodward 2009 for a basic overview of the model and the ways in which it has been modified since Salmon's initial exposition.

¹¹⁴ Woodward 2009 discusses this worry, though Woodward does so from within the framework of natural scientific explanation. There, the issue can be framed in terms of causal processes and interactions involving physical objects and structures. The problem is even more severe in the social sciences, as the causal process and interactions to be determined as relevant may not obey laws in the same way. See Schatzki 1996, p. 89, for a way of handling these worries by jettisoning the appeal to causation altogether.

Explanatory models that best pair with presuppositions theories of practices are folk psychological models that assume human beings are rational¹¹⁵. The idea is to assume that human beings engage in rational action and attribute to the human beings rational beliefs and desires. The rational action can then be explained through the application of a folk psychological model, perhaps a model of folk psychological reasoning where action follows from practical syllogistic reasoning. The rough idea, realized in the literature in a variety of ways¹¹⁶, is that a human being derives an intention to act from a deductive argument with premises consisting in a belief-desire pair and an assumption, generally framed as a rationality assumption, that a human being forms an intention to do X when she desires Y and believes that X is the best way to achieve Y. Folk psychological explanations fit nicely with presuppositions theories because the stuff in which presuppositions theorists trade, stuff such as tacit beliefs, tacit knowledge, or tacit premises or presuppositions, can be identified with the belief-desire pairs within the folk psychological model.

When we move to a first-person, phenomenological account of the things people do, the explanatory project Turner attributes to the practice theorist drops out of the picture. We are looking for a description of how people do things by coping with their

¹¹⁵ The rationality assumption is not without its own controversies. Rationality is itself a complex family resemblance of ideas that has been manifested in a variety of ways. See Follesdal 1994b [1981] for a notion of logical consistency in beliefs. Other potential candidates are a much stronger notion of the well-foundedness of beliefs and a close connection between beliefs and action assumed by some decision theorists. Rationality assumptions are regarded by some (see, for example, Hempel 1961) as empirical theses not to be taken for granted and by others (see, for example, Donagan 1964) as straightforwardly unwarranted.

¹¹⁶ One of the key differences in the various realizations of this model is the question of whether belief-desire sets *cause* action or instead form premises in a reasoning process. For reasons explained above, I have chosen the latter to use in presenting models best fitting with presuppositions theories. See Elster 1994 for a causal variation on the model. See Winch 2007 [1957] for yet another variation where beliefs and desires constitute *reasons* for action that are not causal, but are not rational either.

material and human surroundings. The reason is that the first-person account is a prerequisite to any of the third-person explanations Turner demands of the practice theorist. This shifts the emphasis from individual causes, such as psychological states or inner mental objects, to the shared ways in which people understand the things others do because these shared ways of understanding must themselves be assumed for a third-person explanatory account to work.

Practices and Relativism

The third key weakness in Turner's argument lies in his objection to what he calls 'relativism' or 'postmodernism.' When we move from a third-person explanatory approach to a first-person, phenomenological approach, we find that the relativism rejected by Turner becomes quite critical to getting at the things people do. Some form of relativism is simply a matter of laying out an accurate description of the ways in which people do things and understand the things other people do. Turner raises the issue of relativism when discussing the Mauss case, the case of the dependence on local cultural knowledge when identifying practices and distinguishing them as relevant objects of study. The case from Mauss introduced earlier was an exemplary choice for a case study, and for several reasons. Mauss presented his case at a critical juncture for the field of sociology, at a time when sociologists began incorporating, or re-incorporating, psychological work into their field. This was done in the wake of a sharp break from psychology introduced a few decades earlier by Emile Durkheim as a part of the process of demarcating sociology as an independent field of study. Mauss attempted to carve out a space for sociological investigation not by creating a special domain of social scientific study, the Durkheimian realm of the social fact that was supposed to constitute a full

break from psychology, but instead by describing the ways in which common psychological structure gives rise to culturally local patterns of habits, what Mauss (and later Pierre Bourdieu) called ‘habitus.’ The Maussian focus was not on demarcating the social sciences by carving out an independent object or domain of study, but on studying the interactions between two closely related phenomena, psychological structure and social structure.

Mauss is quite explicit that he is not performing the project of the causal or presuppositions theorist, writing shortly after presenting the case of the Hollywood gait:

Hence I have had this notion of the social nature of the ‘*habitus*’ for many years...It does not designate those metaphysical *habitudes*, that mysterious ‘memory’, the subjects of volumes or short and famous theses. These ‘habits’ do not just vary with individuals and their imitations, they vary especially between societies, educations, proprieties and fashions, prestige. In them we should see the techniques and work of collective and individual practical reason rather than, in the ordinary way, merely the soul and its repetitive faculties¹¹⁷.

Turner, of course, is not unaware of this. He argues that the abandonment of a metaphysical thesis entails a slide into a problematic form of relativism. However, when we adopt a first-person, phenomenological framework, it becomes clear that some sense of ‘relativism’ is required in order to respect the cultural differences in the things people do, the differences Mauss was getting at.

As pointed out by Chris Swoyer¹¹⁸, a wide variety of views can be picked out by the term ‘relativism.’ I will be treating relativism as minimally the claim that something, X, is relative to something else, Y. In order to determine the nature of the relativism with which we are dealing, it is helpful to distinguish between descriptive and normative varieties of relativism. Descriptive relativism amounts to an empirical claim or set of

¹¹⁷ Mauss 2006 [1935], p. 80.

¹¹⁸ See Swoyer 2003.

empirical claims to the effect that different groups or cultures possess different conceptual schemes or modes of thought, while normative relativism amounts to the view that correctness is relativism to a conceptual scheme or mode of thought. One who holds a version of descriptive relativism claims only that there are substantial cultures or groups and that these groups collectively possess some kind of conceptual scheme varying across groups. There is no implied claim about correctness, either within frameworks or independent of frameworks. A normative relativist holds the further claim that we can make sense of correctness or incorrectness only relative to such schemes, and that there is no framework independent sense to correctness and incorrectness. The descriptive relativist need not hold any normative claims about the frameworks with which she deals.

We might apply these varieties of relativism to practice theoretical work. A descriptive practice-relativist is one who holds that cultural practices themselves are doings and sayings relative to some broader mode of classification or evaluation. The descriptive practice-relativist would take a doing, such as a person's using a hammer or a person's going to church, and claim that these doings are relative to the broader classifications or judgments of the culture at large, perhaps an established practice of going to church or using hammers to do certain things. The descriptive practice-relativist need not make any claim about whether the doings in question are correct or incorrect or can be evaluated as correct or incorrect, whether within a cultural framework or in a framework-independent sense. The descriptive practice-relativist only points out that these cultural frameworks vary across different groups and that doings are multiply realizable in a variety of different frameworks or schemes. The same doing, such as

swinging the hammer, might have one established use in one culture and a different established use in a different culture. Normative considerations are set aside.

A normative practice-relativist makes two claims, both of which must be in place for a view to count as a normative practice-relativist view. The first is that there are no culture- or framework-independent facts of the matter about whether particular human doings are correct or incorrect, appropriate or inappropriate in the situation at hand. The second is that particular human doings are correct or incorrect, appropriate or inappropriate relative to a framework or conceptual scheme. This moves beyond descriptive practice-relativism in the sense that it incorporates claims about the correctness or incorrectness of particular actions. The normative practice-relativist holds that not only is there a variety of different cultural frameworks, but that these cultural frameworks determine which of our doings are correct or incorrect.

The relativism Turner finds objectionable is a type of normative practice-relativism. This is clear in the way Turner presents the practice theorist's project, worth quoting at length:

In postfoundationalist writing in the humanities, the diversity of human practices has become a place-holder or filler in the slot formerly occupied by the traditional 'foundationalist' notions of truth, validity, and interpretive correctness. Truth, validity and correctness are held to be *practice-relative* rather than *practice-justifying* notions. Where we used to say that our practices, for example in science, were justified by the fact that they led us to truth, now we can see that truth is only that which our practices of representation enable us to construct as true. The radical results of postmodernism flow from this reversal. If practices are diverse and therefore 'local', then truth and validity are themselves local, and only local, because they are always relative to practices that are themselves local. If 'local' means something like 'shared within a network or group of people who have some personal contacts with one another' we can say 'social' instead of 'local'. The truths we can construct within our practices are thus 'socially

constructed' – constructed by relying on practices that are themselves shared within a particular social group or network¹¹⁹.

Turner presents 'practices' as the *independent* variable in the equation 'X is relative to Y.' He saddles the practice theorist with the claim that norms of correctness or incorrectness and appropriateness or inappropriateness are relative to practices. This, of course, gives rise to key explanatory problems if the practice theorist cannot provide an adequate account of practices.

Turner's argument against normative practice-relativism began with the assumption that practices must be some sort of causal regularity, whether inner mental causes or psychological states and processes. They cannot provide a ground-level explanation for, or justification of, actions because they run into serious metaphysical and epistemological problems. The normativist objections to Turner examined in the previous section are particularly ingenious objections because they constitute objections to the Turner dilemma by finding a less problematic version of normative practice-relativism. Rouse and Schatzki move around the dilemma by positing that practices are not causal regularities, but are rather mutual accountabilities or teleoaffectivities.

The ingenuity of the Rouse and Schatzki responses to Turner is that the responses solve a key discontinuity or tension Turner finds in practice theory. As we saw earlier in this chapter, Turner presents 'practices' as picking out inner objects with causal powers or embodied causal regularities that are proposed in the service of a normative justificatory and explanatory project. Rouse and Schatzki are unimpressed by Turner's arguments because they propose that practices themselves are always already normative.

¹¹⁹ Turner 1994, p. 9. The italics are found in the original.

Thus, they have no problem deriving the normative from the non-normative because the alleged ‘non-normative’ is always already normative.

Rouse and Schatzki accept normative practice-relativism, but not the sort Turner finds problematic. Turner treats ‘practices’ as an independent variable and finds that it cannot be adequately explained. Rouse and Schatzki treat ‘practices’ not as an independent variable but as a *dependent* variable. Their formulation of normative practice-relativism treats practices as always already normative because practices are relative to the always already normative situations in which one finds oneself. The situation presents us with the normativity Turner takes the practice theorist to be explaining. Through this reformulation of normative practice-relativism, Rouse and Schatzki short-circuit Turner’s dilemma.

This leaves Turner in a much more difficult position. If he wants to defend his dilemma against Rouse and Schatzki, he must either construct a general argument against all forms of normative practice-relativism, thus covering Rouse’s version as one instance of the general argument, or he must find fault with Rouse’s specific version of normative practice-relativism. The latter route is difficult for Turner because Rouse judiciously avoids precisely the language – tacit presuppositions, conceptual schemes, frameworks – that Turner finds so metaphysically and epistemologically problematic¹²⁰. What would be required would be the giving of some reason to believe that practices and situations are not always already normative, thus undercutting the specific grounding of normativity in situations. I presented some of the groundwork for this move in my discussion of

¹²⁰ This is to say that when Rouse holds that practices are relative, they are relative not to frameworks or beliefs or mental states, but to certain features of the world. There is disagreement over whether this sort of view counts as one that posits ‘frameworks’ or ‘reference frames.’ I hold with Michael Krauz (Krausz 2010, pp. 18-20) that it does not.

Heidegger in Chapter I, and will finish this work in the following chapter. But this does not fully rectify Turner's position, for Turner is still left with the first two weaknesses in his argument, those weaknesses centering on the very need to provide the sort of explanation he demands.

CHAPTER 3

A PHENOMENOLOGICAL ACCOUNT OF PRACTICES

3.1 Introduction

In the previous chapter I reviewed the central problems with prior theories of practices, presenting the criticisms provided by Stephen Turner as a way to point out very broad, systematic problems with prior theories. I also reviewed two versions of a promising normativist response to Turner, one version developed by Robert Brandom and Joseph Rouse and another by Theodore Schatzki. While I pointed out that these normativist responses are promising, I raised doubts about the role that normativity plays in practices and doubts about the form of relativism to which Rouse and Schatzki appeal. In this chapter I will offer an alternative, phenomenological account of practices. After presenting this account in the first section, I will again take up the issues of normativity and relativism before moving on in the final chapter to consider the ways in which the identification and naming of practices interact with the practices that are identified and named.

3.2 A Phenomenological Account of Practices

Two Cases

Suppose a group of male philosophers is standing around the department office, discussing the role of women in their workplace and broader profession. The men do not engage in any self-aware or overt forms of discrimination. They do not openly claim that women are not naturally suited to do philosophical work, nor do they profess that they will never support the hiring of a woman in their department. But their conversation betrays an acceptance and propagation of certain stereotypes about women as well as less

explicit forms of discrimination and bias. One member of the group casually claims without evidential support that women enjoy advantages on the academic job market and men face discrimination, due perhaps to programs and initiatives designed to advance the prospects of disadvantaged groups in philosophy. The others nod in agreement, while one relates a validating story he heard from a friend. Furthermore, we can suppose that there is ample information available that disconfirms the allegation in question¹²¹.

There is a great deal at work in even a simple example like this one. Much of what is at work occurs at a level prior to one where the individuals involved form occurrent beliefs or desires, or have an explicit understanding of what they are saying and doing¹²². The folks involved in the discussion are engaged in involved, real-time responses where they rely to a large degree upon their local environment to provide for the ways one gets along. They are familiar with their environment in virtue of their past experience with other philosophers and similar conversations. The conversants engage in

¹²¹ I chose this example because it's a very common misconception that has no serious support beyond a few anecdotal stories, and a flood of both anecdotal and concrete evidence suggesting that it's nonsense. See the studies collected in Haslanger 2008, which document the under-representation of women at top U.S. Philosophy PhD programs. See also the 2009 studies compiled by the National Center for Educational Statistics (<http://nces.ed.gov/programs/digest/d09/>, table 256), which shows under-representation in the broader profession. See also Zach 2011 for a breakdown of NCES data by tenure status, which shows that women are not only under-represented in the profession as a whole, but disproportionately relegated to undesirable non-tenure track appointments. This means that they are even more severely under-represented in tenure lines than in the profession as a whole.

¹²² It is standard to distinguish between occurrent and dispositional beliefs, and occurrent and standing desires, on the basis of the role that the beliefs and desires play in one's consciousness. See Schwitzgebel 2010 for an exposition of the former distinction and Schroeder 2009 for an exposition of the latter. The idea behind this distinction is that occurrent beliefs and desires are at the forefront of the psyche or consciousness of the person, while dispositional beliefs and standing desires are not. The distinction I am drawing is a different one more closely associated with the phenomenological tradition. See, for example, Dreyfus 1991, Gallagher 2001, and Hutto 2007. The idea here is that occurrent beliefs and desires are mental states we have when thematically attending to some phenomenon in the world. They are typically at issues when we are deliberately engaged with our environment. What is commonly called a 'dispositional belief' or a 'standing desire' is not a mental state at all, but rather a theoretical construct proposed as an aid to philosophical explanation. Depending on the details of the particular case, I would either jettison talk of 'dispositional beliefs' and 'standing desires' or I would reconfigure them as non-deliberate, non-propositional, embodied skills. This, of course, is a recap of the broader treatment of these issues found in the Introduction to Chapter 1.

a variety of doings, including verbal expressions, nods of agreement with one another, affirmative and validating responses, and the showing of approval with facial expressions. There are ways of understanding these doings within a local environment that are realized through embodied responses.

There's an issue here, first presented in Chapter 1 in the discussion of Wittgenstein on rule following, about just what the folks in these sorts of examples are expressing, whether they are expressing tacit beliefs or dispositions on the one hand or something about the local environment on the other. Based on the phenomenological approach introduced in the Introduction and Chapter 1 and the failure of metaphysical approaches to the study of practices examined in Chapter 2, I will approach these sorts of cases from the perspective that what the validating responses and facial expressions express is something about the material and social environment in which they are located rather than something about the conversants themselves, whether it be their beliefs, desires, or dispositions. I will return to this point after a second case.

Claudia strolls down the street in San Francisco with her three children, one of whom is in a stroller pushed by Claudia. Claudia is a member of San Francisco's lesbian community and lives in a lesbian-friendly neighborhood where she feels welcome. But she takes the children on a trip to a different neighborhood, a mixture of heterosexual households and a commercial district featuring businesses frequented predominantly by heterosexuals. She notices that the people in this neighborhood treat her differently. They act deferentially and chivalrously, beginning conversations about topics one might call 'motherly,' about baking and children's activities and events at local churches. The people in her own neighborhood would not have taken a woman pushing a stroller as

someone available for these sorts of responses. They would have been more likely to treat her not as a heterosexual mother but as a lesbian mother, engaging her in conversation about meetings for lesbian parents or a local bar or food co-operative, with these latter responses ones that treat her not specifically as a mother but as a member of the broader community. Claudia's walking down the street with children shows up in different ways in different neighborhoods. De-contextualized, it appears to be the same doing in each case, but the doing opens up distinct sorts of expressions and responses in the two neighborhoods. It has a different home in the respective locations¹²³.

The activities that unfolded in these cases were not the product of an all-encompassing environmental determinism that is causally sufficient for X's doing A at T. In each of the cases above, the local environment plays a much more subtle role, presenting the people involved with a range of things they can do that make sense in that environment or 'fit' in that environment. The male philosophers could have responded with uncomfortable silence or more collegial and diplomatic forms of disagreement. The people in the heterosexual neighborhood could have behaved standoffishly or engaged the lesbian mother on different topics. What is common to these two stories is that an array of doings takes place in a social site or setting. Isolated or considered on their own, as individual doings or as the doings of individuals, the doings are either mundane or entirely insignificant or unintelligible in the way they are intelligible at specific sites. What makes the doings significant is the place they have within a material and social

¹²³ The story about Claudia is loosely based on a story about the experience of lesbian motherhood told by Bonnie Mann in Mann 2007. Mann's point in telling her own story was one about human institutions. She claims that the ways in which lesbian parenting shows up and makes sense to the broader (heterosexual) community is one of assimilation and normalization. The lesbian mother is treated as normal and reinforces the heterosexual community's demarcation of normal from abnormal types of homosexual relationships.

environment. The gestures and nods made by the male philosophers at a particular site, as well as their verbal expressions, show up to the other conversants in a familiar way and they invite a particular range of responses. Furthermore, the expressions and responses are connected to particular environments. The existence of a group of *male* philosophers in a *philosophy* department invites a common interest, namely philosophy, and a common in-group of males in which such doings show up as available for response. The same doings, the spreading of stereotypes and the de-valuing of female philosophers, would (sometimes) be less likely to show up as the standard expression or response in an environment where female philosophers or students are present.

The story of Claudia points in particular to the importance of a material environment to the ways in which doings show up and make available particular sorts of responses. Claudia's doings show up to the people in the heterosexual neighborhood as an invitation for certain types of responses, chivalrous responses and motherly conversation, because the doings occur in a certain type of neighborhood where these responses are the typical ones. They occur in what one might call a 'family neighborhood.' Claudia is surrounded by stores that invite patronage from heterosexual mothers and clothing stores targeting heterosexual, married, middle-class white women. The people in the neighborhood fit the profile of those targeted by its commercial establishments and they take Claudia to be one of their own as a matter of course, engaging her in a way they would engage a friend or acquaintance who does a similar thing. In her own neighborhood the environment is not filled with commercial establishments inviting patronage from the same groups of people. Claudia's own neighborhood is largely residential and one in which lesbians with children is a common

and expected occurrence. The different environments invite different ways of responding to the things people do.

Practices

On the phenomenological account of practices I propose here, practices are intelligible doings. They are a unity of two components, namely a doing and ways of understanding the doing. ‘Ways of understanding’ refers to how doings show up or make themselves known within a particular environment or situation, accessible or available to people in the environment in their everyday or typical ways of going about. When one encounters doings in one’s daily life, one is presented with various possibilities of acting or responding. The metaphysical accounts criticized by Turner ignore ways of understanding in favor of the development of a metaphysical account of only the doings. But when one is going about one’s business, engaged in practical or transparent coping, one does not abstract the thing that is done from the way it is presented and what the situation affords one to do in response.

Doings make themselves known to people in two ways. They present people with possibilities for reaction or response, and they present people with the possibility of identifying and reifying them, transforming them into objects for articulation. We can see examples of these two types of understanding at work in the cases above. The material and social environment presented the male philosophers with a common topic of interest or concern. The verbal expressions to the effect that women have an easier time on the job market were intelligible to the other members in the sense that the topics were familiar to them and it presented them with a typical or standard response. Claudia’s doings were intelligible to those in her environment by presenting them with the standard

response of chivalry and motherly topics of conversation. In addition to understanding doings through standard responses, doings also present people with the possibility of identification and articulation. In the first case the doings could be labeled ‘sexist practice,’ ‘practices of bias,’ or perhaps just old-fashioned affected ignorance about the value and experience of an unfamiliar group. In the second case Claudia’s doings would be subject to a variety of labels, perhaps ‘shopping practices,’ but perhaps ‘exploring practices or ‘homonormative practices’¹²⁴,’ depending on the perspective one takes on the doings and the context in which they are being identified and articulated.

These two examples present a variety of interlocking practices. The expressions, nods, and gestures in which the male philosophers engage are things that show up to one another in particular ways and come with particular ways of understanding, inviting further articulation and response. Similarly, the story of Claudia presents a variety of doings that open up to those in the surrounding material and social environment various means of response and articulation. If the various things done in these cases were done in different ways, combined in different ways, done in a different sort of social environment, or done in a different material location, the ways in which they are intelligible to people in the local environment, the ways in which they invite response and articulation, would also differ.

Thus, my phenomenological account of practices stresses not the status of a practice as a specific sort of action or event, but rather the ways in which something

¹²⁴ The idea behind the term ‘homonormativity’ is simply that there is a tendency among some homosexual people to imitate standard and widely accepted heterosexual behavior in order to (explicitly or implicitly) gain broader acceptance from the heterosexual community. Some folks within the gay community would interpret the having of children and the frequenting of heterosexual neighborhoods by someone like Claudia in this sort of light. See Bryant 2008 for not the first presentation of ‘homonormativity,’ but a particularly clear presentation and history of the term.

someone does shows up in a local environment, the ways in which folks experience as a matter of course what people do. What is interesting about Claudia's pushing of a stroller down the street is not that it is a particular type of action or the issue of whether or not Claudia formed an intention to act in the specific case. What I am taking to be critical about it is the fact that what Claudia does has a home in the location where she does it and that people have typical and expected ways of responding to it.

These cases share important similarities with the Wittgensteinian thought experiment examined in Chapter 1. In Wittgenstein's thought experiment the modes of expression, or intelligible doings of adding two, were experienced together with certain modes of judgment, the articulation of the learner's doings and holding him accountable for carrying out the doings in the way one does. The modes of expression embody modes of judgment in such a way that they are not separable in the experiences of the people involved in the doings and encountering the doings. The doings of the learner embody the wrong way of going about. The doings of the male philosophers embody discrimination against women and the de-valuing of the contributions of women to philosophy¹²⁵. We need not suppose that the male philosophers in the example explicitly or implicitly believe that the contributions of women are not valuable or that they explicitly rank women as less impressive philosophers than men. They might not. I only

¹²⁵ There is a tendency among certain philosophers influenced by J. L. Austin to take this sort of embodying relationship as one that constitutes an independent 'act' analogous to what Austin called a 'speech act.' See, for example, Langton 1993 for the initial account of pornography along these lines and Langton 2009 for a collection of essays on the topic. Langton applies Austinian speech act theory to the case of pornography, interpreting pornography's embodiment of negative judgments about women as an illocutionary act of subordination and silencing. I think this sort of move is an example of some of the problematic metaphysical approaches criticized in the previous chapter, an approach that takes pornography to be some kind of independent speech act when the site or setting within which it occurs is the much more important issue. We may speak of speech acts in the much more explicit or obvious case, but such an analysis does not get at the usually implicit ways in which these values enter our lives. I will cover the Langton case explicitly in the next chapter, where I will also identify and discuss a new form of non-cognitive bias.

need the claim that what they do invites responses that show up in this way. The doings of those who encountered Claudia embody middle-class, heterosexual values. They embody values that are experienced in local environments as those values associated with such groups. I will argue in 3.2 that these two components are separable *in principle*, despite the fact that people do not separate them in everyday experience. We can separate them when encountering the environment in a certain way.

These two examples also help make clear just what it is that modes of expression express. In skillful engagement with our environment, modes of expression express what one does in the particular situation within which one finds oneself. They express not the beliefs or desires of an agent, mental states with propositional content that themselves presuppose the prior development of an intelligible situation, but rather they express that intelligible situation itself. Depending on the situation within which one finds oneself, what modes of expression express can be very simple, as in the case from Chapter 1 of the teacher and learner, or complex and multi-faceted, as in the cases at the beginning of this chapter. An adequate phenomenological account of practices needs to account for the multi-faceted nature of all but the most simplistic of real-world cases.

Background Practices and Normative Practices

We can draw a basic distinction between two types of practices, types that closely track a historical distinction between the terms ‘practices’ in the plural and ‘practice’ in the singular. The term ‘practices’ generally refers to doings that share common features and are distributed across a wide range of people or cultures. The term ‘practice’ generally refers to a narrow subset of practices, namely those doings organized around a particular goal or governed by a set of rules and norms. The latter term ‘practice’ is

expressed when one says things like ‘she learned the language by practice’ or ‘practice makes perfect.’ It is often used when talking about doings like baseball playing or chess playing, doings governed by constitutive and regulative rules. The former term ‘practices’ is much more loose and open-ended. It captures not only highly organized, rule-governed and goal-structured activity, but also the very basic things people do that other people understand and respond to. It is often used to capture an unarticulated background to commonplace activity¹²⁶.

We can draw an intuitive distinction between two types of practices, types we encounter and enact in different ways. People often act in an environment as a matter of course, acting in the way that best fits with the situation in which they find themselves. I will call these practices ‘background practices’ because they often remain unnoticed and taken for granted. People often perform them habitually or routinely, or in such a way that they are a part of the assumed background of the broader project in which they are engaged. People also often do things that are much more complex and often done in groups, things like playing chess, engaging in activism, community gardening, or building a house. These practices are much more likely to be named, classified, and studied. I will call these practices ‘normative practices’ in order to draw attention to the importance that a sense of the appropriateness or inappropriateness of their enactment has in coming to understand them. We can evaluate normative practices by comparing their

¹²⁶ The distinction is confusing, and the basis for confusion is the issue of the site of rules and norms. See Turner 1994, p. 8 for a helpful treatment of these issues. For the Kantian, rules and norms are located at the highly theoretical level – practice – and are applied through judgments. Beginning with the Marxist tradition, attempts have been made to site or situate norms at the level of more basic activities – practices. See also Rouse 2007a, pp. 499-501 for a helpful discussion of the Kantian origins of this issue and Stern 2003, especially p. 186, for an elaboration of the diversity of approaches at issue.

enactments to the rules, goals, and norms that structure the way one encounters them, and we can evaluate the felicity and appropriateness of these goals, rules, and norms.

The key component of practices, the part that holds them together, is their intelligibility. Intelligibility consists in the ways practices are understood and significant to one in a *particular way*, namely the way of the site or location within which they occur. Background practices and normative practices are intelligible in different senses, as intelligibility can be either implicit or explicit. In both the implicit and the explicit cases, intelligibility consists not in cognitive states, such as thoughts, intentional states, or dispositions, but in embodied ways of responding to doings. Implicit intelligibility is manifested through the ways in which one responds to practices in one's activities, the ways in which the practices have a home in one's activities. Explicit intelligibility is manifested through one's identification or naming of a doing, or through the rules and norms for the correct or appropriate carrying out of the practices.

It's important to note that I have adopted a narrow understanding of the term 'intelligibility,' in the following sense. Philosophers often say that doings are intelligible in the very broad sense that there is *some way* in which a person might come to understand the doings under a description. The description for the same doings may vary from community to community or culture to culture. This is usually considered in terms of either implicit or explicit cognitive frameworks one applies to the doings, frameworks that take a description of the doings as their propositional content. My understanding of the term 'intelligibility' is narrow in the sense that I am referring not to cognitive frameworks but rather embodied responses, and not *any* embodied response but rather those embodied responses available at a particular site or environment.

Explicit intelligibility is at issue when one is engaged with one's environment in a particular way, when one forms occurrent mental states that pick out features of the environment and goals with conditions of satisfaction. This mental activity has a home in one's language and activities that is more restricted and limited, but also more sharpened, than that seen in implicit intelligibility. Doings significant or meaningful through implicit intelligibility are a far more common sort of experience than the explicit case. Implicit intelligibility works through skillful attunement, embodied in the ways one acts toward doings. The examples at the outset of this chapter provide us with cases of practices involving implicit intelligibility, cases that do not involve reflective engagement with the surrounding environment or the formation of mental states. There are no rules or norms before reflective engagement, but rather the people involved skillfully respond to what is going on in the ways available to them as a matter of course. They engage skillfully with their environment in a way that shows they understand the doings, that the doings are intelligible to them in the typical way.

One thing that should be clear is that the implicit case is far more basic and ubiquitous than the explicit case. All practices involve ways of understanding in the sense of responding to the environment through practical, engaged coping. There is a great deal going on in a maneuver as simple as walking a few blocks down a crowded street. In these sorts of cases, one skillfully engages with many of these practices without articulating them and without the mediation of rules and norms, participating in them, ignoring them, and using them to shape what one does. One does not articulate practices unless something unusual happens that requires deliberate engagement with one's environment. In the case of walking a few blocks down a crowded street, one would

probably engage in reflection and articulation if one were mugged or if one became interested in some unusual event, such as a car crash, parade or streaker. But even in unusual cases most of one's engagement with the environment is done through implicit intelligibility. One's ability to understand even the mugging or the car crash depends on a prior familiarity with the doings and circumstances involved, things such as money, guns or knives, cars, and roads. One important consequence is that it makes no sense to think about background practices in the traditional terminology of metaphysics, as individuated objects with properties or features or as universals that are instantiated in particular cases. Background practices are not individuated until they are isolated through deliberate coping, by focusing one's attention on the role they are playing so that they can be classified and given a structure of rules and norms.

I take the implicit case to be conceptually prior to the explicit case in the sense that fully spelling out the explicit case involves presupposing and making use of implicit cases. Suppose two people set out to engage in a normative practice, setting out to play catch. The very ability to explicitly articulate practices in this way depends on the more basic ways in which all the involved doings are familiar to the people doing the articulating. One does not explicitly understand the notion of 'playing catch' without the familiarity and handiness of things like gloves, baseballs, and bodily movements like throwing and catching, movements that themselves presuppose the having of a body and knowing what to do with it¹²⁷. A more general way to make this point is to note that the explicit understanding of human doings as X presupposes a prior familiarity with X, where 'familiarity' is understood as the person's having encountered ways in which X is

¹²⁷ This is not to say that a person missing two arms cannot gain an explicit understanding of playing catch. Rather, it is to say that people in the catch-playing community must have the right sort of body to develop the background practices that are identified and articulated as playing catch.

typically manifested or realized through other human doings. This occurs in two ways. The first is that being able to merely understand and apply the concept of X to the case at hand presupposes that one has *some* prior familiarity with what makes up the situation at hand. The second is that when spelling out just what X means and how it applies to the present case, one often makes use of implicit ways of understanding.

Scope of 'Background Practices'

'Background practices' picks out a broad range of things and I have allowed the term to take a broad scope for two primary reasons. First, the term is meant to capture a very broad ranging and fundamental sense in which a kind of agreement in what one does in a situation is required for people to make sense of the situation in question. The second is that it provides the opportunity to sketch the boundary between the sorts of doings that are interesting or significant to the social philosopher and social scientist from those that are not.

In the cases at the outset of this chapter, one key point is that a doing is a practice only when there is some established, typical way of understanding it in a local environment. This requirement is meant to capture the sense in which one begins by doing what one does in a situation, by understanding how the situation provides a fit or way of doing things, and then one either goes with or reacts against this default position. This is particularly clear in cases where something problematic or inappropriate shows up for one as the easiest or most natural way to go about. The male philosopher who encounters the group of male philosophers denigrating women encounters a situation where denigrating women or validating his colleagues is the easiest thing to do, the way to respond as a matter of course. If the male philosopher were to act differently, he

would begin from what is typical or expected and react against it, pulling back and encountering the doings in his environment as things to be named or identified, encountered through a structure of rules and norms that provides a target for resistance.

This link to responding to a local environment has two practical consequences that are important to take into account. First, a particular doing can show up in a variety of different ways, depending on the details in the local environment. We saw a clear case of this with Claudia's pushing of the stroller. Her doings were intelligible in different ways, depending on whether they were carried out in her own neighborhood or in the heterosexual neighborhood. Consider also the case of a man walking down the street with a red handkerchief in the back pocket of his jeans. The doing is intelligible in different ways, depending on whether it is done in a gay bar or neighborhood¹²⁸, a construction site in the rural Midwest, or the streets of Compton, California¹²⁹. This practical consequence will affect the ways in which one identifies and labels the practices at issue. If one chooses to identify and articulate the doings in one's environment, one would do so differently across different environments, even when one has what looks like the same doing. The wearing of the red handkerchief and its associated ways of understanding would be classified as 'sexual practices' or 'cruising practices' in a gay bar or a gay neighborhood, 'workplace practices' or 'working-class practices' in the rural Midwest, and 'gang practices' in Compton. The doings amount to different practices in these different environments and require a distinct terminology to reflect this.

¹²⁸ See Stryker and van Buskirk 1996. A red handkerchief in the back pocket has had a variety of meanings within the gay communities and the BDSM communities of major cities.

¹²⁹ Red is the color of the Bloods, a street gang with origins in Compton.

The second reason for broadening the scope of the term ‘background practices’ is to sketch the boundaries between doings that are and are not significant to the social philosopher and the social scientist. Some doings do not have associated ways of understanding at all, even though all doings might carry the potential to have them. It seems perfectly plausible to imagine that a person engages in a novel doing totally unfamiliar to those around her. Such a novel doing would not have an associated way of understanding because the people in the surrounding environment are not already familiar with the doing. Yet surely such a way of understanding might be developed if the doing were repeated and discussed. The complex system of hand-signals given by a third base coach in baseball, for example, would have been unintelligible and bizarre only a few decades ago. If one had performed them in public in 1930, or even at a baseball game, one would have been taken for a promising candidate for a diagnosis of a mental illness or a physical tic. However, the clear and detailed formulation of such signals in the game of baseball provided a way of understanding these particular collections of doings¹³⁰.

Initial Conclusions

A phenomenological account of practices, specifically the distinction between background practices and normative practices, presents us with three immediate results. First, we can see that background practices are organized primarily by implicit ways of understanding while the subset normative practices are organized in large part by explicit ways of understanding. Our very basic intelligible doings, like open-ended conversations

¹³⁰ There are also many doings that simply are not interesting enough to provide for them a way of understanding, or are simply automatic behaviors not under the control of the people engaging in them. It would be highly unusual to apply talk of practices to things like uncontrolled coughing or sneezing, things not under the control of the person. But this is ultimately a pragmatic issue that will depend on the context in which the things are done and the aims of the investigator. There are medical and psychiatric contexts, for example, where talk of practices may apply here.

with friends or colleagues in a familiar setting, need not involve rules, norms, and goals, but rather involve using the immediacy of the situation at hand to respond in the typical or standard way provided by the situation. More developed normative practices, on the other hand, like practicing for a baseball game or before a conference presentation, do involve rules, norms, and goals.

Second, we can see that a normative practice is often composed of a number of interlocking and related background practices. Consider the case of an organized protest, perhaps a march against the state government in Madison, Wisconsin. The normative practice of protesting involves a number of people coming together to talk about what they will do, using the state of local political sentiment and broader protests and popular organizations as guides. The organization and execution of a protest involves bringing together a number of background practices, such as synchronized marching and chanting as well as engagement with surrounding people and passersby. These background practices involve practical engagement with one's environment to do what one does in a situation.

Third, background practices are available to be collected and transformed into normative practices through a particular operation, namely that of identifying and naming the background practices while engaged in deliberate coping with one's environment. When engaged in various background practices, or when observing others engaged in background practices, one can notice what is going on and step back, identifying and naming the practices, explicitly articulating rules, norms, and goals for them. Through this sort of operation one can organize these particular background practices into normative practices, further structuring and developing the practices.

3.3 Normativity and Relativism

In the previous section I presented a phenomenological account of practices, treating practices as doings intelligible in a local environment. I distinguished between two types of practices, background practices and normative practices, and presented normative practices as a small subset of the large and ubiquitous group of background practices one encounters in a local environment. People encounter normative practices as more articulated, often identified by name and structured by rules, norms, and goals. In this section I will do two things. First, I will more fully address the issue of whether background practices, the larger and more ubiquitous group of practices, are normative. I will argue that background practices are encountered as only constitutively normative, a kind of normativity that amounts to conditions for pragmatic success at rendering some aspect of the world intelligible through doing what one does in the situation at hand. Second, I will return to the issue of practices and relativism first introduced in Chapter 2.2, arguing in favor of a view I have called descriptive practice-relativism.

Two Types of Normativity

People often encounter and experience the doings in their surroundings, and the doings in which they participate, as having a broader significance beyond that merely required to render the doings intelligible in a local environment. I presented the intelligibility of a doing in the previous chapter in terms of a typical or standard response to the doing in a local environment. We also often experience doings as available for more intellectual judgments or reasoning. But one experiences these two things together in daily life, what I called modes of expression and modes of judgment in Chapter 1. Consider the following case. Last fall as I sat at my desk in my living room, I looked out

the window and saw two people walking down the sidewalk. They stumbled into an intersection and were struck by a car, sustaining serious injuries. They were doing rather basic things, but in this simple case a number of intelligible doings were at work. The two people were crossing an intersection, likely while intoxicated. The driver was driving down the street, perhaps on her way home from work. The driver struck the two people with her vehicle. Each doing, except perhaps the striking with a car, expressed a typical or standard way of doing things in a situation, things like walking on sidewalks and driving on roads to reach one's destination¹³¹. As with the cases from the previous section, the doings are subject to an array of articulations and evaluations.

But everyday experiences of these doings do not end here. These expressions embody judgments, judgments closely tied to the surrounding material and social environment. These judgments can be stated in normative language, the correctness or incorrectness and the appropriateness or inappropriateness of the things people are doing, normative aspects people experience as part of the situation within which the doings occur. The intersection at which the accident occurred is poorly lit and lacks visible pedestrian crosswalks. It is one block removed from a busy intersection, leading cars to accelerate when approaching it. The cross street is a two-lane, one-way street, presenting drivers with an environment encouraging them to drive in excess of the very low and poorly enforced speed limit. Furthermore, the street is often used by people wishing to drive *through* Iowa City rather than within it, as the street is the local portion of a highway that crosses a large area of the state of Iowa. These aspects of the broader

¹³¹ See Bruce 2010 and Bruce and Lane 2010 for media coverage of the accident. The toxicology reports for the two pedestrians were withheld on the grounds of medical privacy law, so the claim that the two pedestrians were intoxicated is speculative. Based on my own eyewitness report, I would be highly surprised to find out they were not intoxicated. Neither pedestrian was fatally injured.

situation were experienced as part of the accident by many witnesses and commentators, leading to a variety of judgments about who was to blame.

The broader situation and the aspects of the situation that show up to various people affect how those people evaluate the accident and assign blame. Some people used the facts above to cast blame on the city government for not creating an appropriate environment for pedestrian safety or the driver for not following reasonable precaution in the face of a situation that ought to have showed up as a dangerous one. For example, Donald Baxter, a local cycling advocate, alternated blame between the driver and the city government. He claimed that while the local government failed in its responsibility to protect pedestrians by posting adequate signage, the driver also failed in her responsibility to exercise heightened caution in areas heavily trafficked by pedestrians and cyclists¹³². But Baxter's experience was not shared by everyone. The people who were walking down the sidewalk were swaying and stumbling, walking in a manner common to people who are intoxicated. Furthermore, the walkers were stumbling through a neighborhood populated by college students, people stereotyped as heavy drinkers. They were walking on a Friday evening and surrounded by large parties, a situation that often involves heavy drinking. The two walkers were college students themselves. Baxter's perspective was likely driven by his own history as a cycling activist and his own experience with the police¹³³. Some people who experienced the doings as embodying college student rowdiness or drinking culture rather than driver

¹³² Baxter's thoughts can be found in the comment section of the two newspaper articles cited above, comments he posted under his own name. Baxter is a local member of a national cycling activist group called Critical Mass.

¹³³ Baxter was arrested in 2007 for allegedly assaulting a driver for exceeding the speed limit. See Deeth 2007.

carelessness or government incompetence blamed the walkers themselves. They took the students to have imbibed themselves into a stupor, stumbling into an intersection and receiving what one should expect when crossing the path of a moving car¹³⁴.

The accident occurred during the unfolding of a heated political debate in Iowa City, in the midst of a debate over whether to re-lower the bar entry age from 21 to 19. Of those who commented publicly on the accident, advocates of lowering the age tended to experience the doings as embodying a negative evaluation of the city council's support for 21-only. They took accidents such as this one to be a negative effect of the city council's policy. As they saw it, this policy was one of moving underage drinking from the safe environment of the well-lit, proper establishment to the wild and uncontrolled environment of the house party where responsible barman are not present and where drinkers might stumble out the front door and into traffic¹³⁵. Proponents of the city council's policy tended to experience the accident as embodying a negative judgment against the sort of uncontrolled drinking culture that the council's policy was designed to address, taking it as yet another reason in favor of the policy.

When one experiences modes of expression and modes of judgment together, with the expressions embodying judgments, one lies prone to a kind of normative drift or conflation. The conflation is between two separate types of normativity, often experienced together in daily life but in principle distinct. When one is coping with the environment in daily life, things show up as handy and ready to use. Doings show up in

¹³⁴ This perspective is well represented in the comment section of the above articles, and is perhaps the majority sentiment, though no one taking this perspective chose to waive their anonymity.

¹³⁵ This is admittedly a bit of a caricature. Another concern from this perspective is that certain groups, particularly women, are more vulnerable to sexual assault at house parties than at bars. One writer from the Women's Resource and Action Center at the University of Iowa took this line.

the same way. People are, of course, more complicated and multi-faceted than everyday dry goods, but they still show up in terms of how one might react or respond¹³⁶. Like walking into a room and finding a lamp that shows up as something to use for light while reading or entertaining guests, a friend or the activities of another person show up in terms of what one typically does in response. As intelligible doings, the practices in which people engage need only incorporate the sorts of normativity directly involved in their intelligibility. The only normativity that must be present in practices is the normativity involved in making sense of them in their environment. This is a matter of having a typical or standard way of responding to the doings. Thus, the only normativity that must be present in background practices is that expressed through the typical or standard way of responding to the doings. This is the sort of normativity I called ‘constitutive normativity’ in the discussion of Heidegger in Chapter 1.

Constitutive normativity is merely the fit or the link that one has to the situation in which one finds oneself, a fit or link enabling one to render the situation intelligible in the specific manner in which it is intelligible in the local environment. It is found in people’s non-deliberate, practical activity, where they relate to their situation through material or bodily intentionality. The things one does while engaged in non-deliberate, practical coping are judged only in terms of whether they successfully engage the environment by being intelligible in that environment. The normative language discussed by normativists like Rouse and Schatzki enters the picture only as a further step beyond the matter of rendering the world intelligible. Background practices are practices in virtue of their

¹³⁶ See Schatzki 2000 for one attempt to extend the Dreyfusian account of skilled coping to coping with other people. Schatzki’s focus is on coping with the folk psychology and mental states of others, though Schatzki’s route is to combine mentality and action into a single, unitary phenomenon.

success in terms of constitutive normativity, part of what is presupposed in Rouse and Schatzki's respective normativist accounts.

Constitutive normativity is distinct from both the sort of normativity typically addressed by philosophers, as well as from the sort of normativity that Rouse and Schatzki claim is an essential feature of practices¹³⁷. Philosophers who concern themselves with normativity as a philosophical issue take constitutive normativity for granted when building their accounts, in the sense that they assume that what has been done is intelligible in a local environment. In a philosophical context, perhaps a lecture or a paper on issues in metaethics or normative ethics, one asks not whether the doing is a typical or standard one in a situation but rather general questions about what it means for a doing to be appropriate or correct or good, or what it means for an agent to have a duty or an obligation to do something. There are also, of course, related questions about the source of normative force or authority and the best account of right action or conduct. These accounts assume that the actions going on in the environment are intelligible, and focus instead on specific philosophical questions about intelligible action.

Rouse and Schatzki avoid many of the traditional philosophical issues and approaches to normativity by locating normativity in the natural world, claiming that

¹³⁷ This may appear to be a contentious claim, but I do not think it should be taken as such. What I have in mind is that philosophers typically treat normativity and normative issues in a much different way than are at issue in Rouse and Schatzki's respective accounts and in what I have called 'constitutive normativity.' Normative ethicists broadly treat issues such as the rules or standards for the possession of moral properties and more specifically the rules or standards regulating action. Rouse pulls back from this type of study and treats issues involving appropriateness and correctness broadly construed and in a way that is not tied to the project of philosophical programs like virtue ethics, deontology, or consequentialism, projects of providing a criterion for moral action. Rouse thinks that the sorts of metaphysical issues and models for right action discussed by normative ethicists depend on normatively-charged situations, a position he takes Heidegger to hold. Thus, he takes it that philosophers typically enter the conversation at too abstract a level, ignoring the need to attend to the normativity already found in the world. A project discussing constitutive normativity is yet a further step removed from these concerns, considering only the issue of pragmatic success at rendering the world intelligible in the typical or standard way in a local environment.

normativity is an essential component of the things one does and the situations in which one finds oneself. But the discussion of constitutive normativity above raises problems for this move, particularly the problem that there is no clear or obvious link between the rather deflationary sort of normativity involved in typical or standard responses or doings and the more robust idea of ‘normative accountability’ that Rouse finds in our practices. Rouse and Schatzki need to either collapse together constitutive normativity and a more robust sense of normativity, or they must argue that the two types of normativity are conceptually or phenomenologically indistinct from one another¹³⁸.

Normativity and Normativism

The normativist responses to Turner’s criticism of practice theory we examined in the previous chapter, the routes of Rouse and Schatzki, are susceptible to critiques focusing on their normativistic and relativistic aspects. These critiques point to my own phenomenological account of practices as the most plausible response to Turner and the most plausible considered view. I will present and defend a critique of the normativistic aspects of such theories followed by a critique of the relativistic aspect of such theories. The normativistic aspect of Rouse’s theory runs into difficulties with what could be termed a ‘transition problem,’ a two-part problem for Rouse matching with his two-part normative theory of practices. I introduced the first problematic transition in the previous sub-section, a problematic transition from constitutive normativity to the more philosophically interesting sort of normativity involved in normative accountability to a

¹³⁸ Turner 2010 raises similar issues in his own critique of normativists, what he calls the ‘transition problem.’ This is one of a laundry list of objections Turner raises to normativist views. I’ll be making use of a transition problem of my own in the following sub-section. See Turner 2010, pp. 18-20 for a discussion of his version of the problem. Turner’s transition problem, though, is about the transition from the natural world of objects and facts to the non-natural world of obligation and duty. He applies his critique to Rouse, though it seems to miss the mark. Rouse considers himself a naturalist of a different sort from Turner and would certainly object to a ‘non-natural’ world of obligation and duty.

situation. The second is the transition from normative accountability to considerations of appropriateness or inappropriateness and correctness or incorrectness *simpliciter*, apart from ongoing coping with the situation at hand.

This latter transition problem arises from Rouse's claim in his theory of practices that normativity enters at two levels. The first level is an accountability to the immediate situation one finds oneself in. The second level is when one asks whether it is appropriate or correct to hold the doings accountable to the situation in the first place. We have both a level at which practices are normative in the sense of appropriateness to the situation and a judgment about whether it is appropriate to hold the doings accountable to the situation. One might ask how Rouse transitions from one level to the other without appealing to a distinction between the two very different ways of encountering the world that seem to be involved at these two levels. The second level of Rouse's theory involves engaging with one's environment deliberately, when one forms mental states that pick out things in the environment. This is a phenomenologically distinct state of affairs from ongoing, practical coping.

Rouse's chosen route toward these transitions is to ground normativity in what he calls a naturalistic manner, though Rouse's naturalism is not the naturalism of the reductionist or eliminativist. Rouse locates each level or type of normativity in the local situation in which a person finds herself, leveling completely the distinction between modes of expression and modes of judgment and, hence, the distinct types of normativity associated with them. Rouse's vision of the natural world is a robust one based around an always already normative, natural situation. Making the transition requires Rouse to attempt to level the distinction between ongoing, engaged coping and deliberate coping,

allowing him to claim that we encounter each level or type of normativity in the situation in the same way. Thus, on Rouse's view, normativity comes from the situation in which we find ourselves and we encounter it in our ongoing, engaged coping.

If done successfully, Rouse's move works perfectly well against Turner's challenge, whose basic metaphysical and epistemological issues with 'social practices' are solved by avoiding the appeal to problematic causal objects or entities. It also works perfectly well against my account because my account depends on distinguishing between different types of normativity and different types of coping. But as we saw in the previous chapter, Rouse was unsuccessful in his attempt to level these distinctions. This undermines Rouse's moves of collapsing modes of expression and modes of judgment and claiming that normative accountability is an essential feature of practices. Without successfully collapsing transparent coping and deliberate coping, Rouse is unable to ground all normativity in the situation in which one finds oneself and hence we are still able to tease out the different types of normativity and posit practices without the more robust sort of normativity Rouse wishes to include.

Schatzki, like Rouse, claims that all practices are normative. But Schatzki's version of this claim runs into difficulties left over from our discussion in the previous chapter. Schatzki restricts normativity, in the form of rules and teleoaffective structures, to a special group of practices called integrative practices. Thus, though he does not make this claim, Schatzki presumably means to take dispersed practices, which can be non-normative, to be subordinate to integrative practices or a separate and less critical type of practices. This, of course, avoids contradiction. One way of going about making this claim is to say that dispersed practices exist only as a part of integrative practices that

define and govern them¹³⁹. If dispersed practices really constitute a distinct type of practices, then Schatzki would need to abandon the claim that all practices are normative. This modification to Schatzki's view, the taking of dispersed practices as things that exist only as a part of integrative practices, is not without its difficulties. The trouble is that it prioritizes what I called explicit ways of understanding in the previous section. The things that make up Schatzki's integrative practices and constitute their normative components, teleoaffective structures and rules, are prime examples of explicit ways of understanding. Dispersed practices do not share these features, which is the reason Schatzki treated them separately in his account. Yet Schatzki rightly wishes to maintain that they are still practices in the important sense that they depend on our links with a local environment through which we negotiate and navigate them.

Of course, Schatzki's account is not greatly different from my own. What if we reverted back to Schatzki's literal text and took dispersed practices to *really* constitute a distinct class or type of practices? We would have to abandon Schatzki's claim that practices are essentially normative. I think one difference between my account and Schatzki's remains. I take it that the distinction between integrative practices and dispersed practices is an ontological and structural distinction for Schatzki, a distinction between sites where things happen¹⁴⁰. I treat practices not ontologically, but phenomenologically in terms of how people encounter and experience doings. Schatzki's ontological distinction misses a few of the subtle differences in how the different types of

¹³⁹ Todd May takes this route, claiming that what Schatzki called dispersed practices are nothing above and beyond collections of habits or skills. See May 2002, pp. 16-21. One worry with May's strategy is that it places great emphasis on the individual nature of dispersed practices, something Schatzki may find undesirable.

¹⁴⁰ See Schatzki 2003 for Schatzki's explicit manner of tying this to issues in social ontology.

practices he classifies show up. I take it that the sorts of things Schatzki calls dispersed practices may show up as either background practices or normative practices, depending on the details of how they are being used and in what situation they are being used. Things like describing and explaining, central examples of dispersed practices on Schatzki's account, can be done in a variety of ways, some of which are structured by rules and norms and some of which are organized only by what one does in a local environment. Schatzki's integrative practices, on the other hand, do seem to constitute examples of normative practices. He might have difficulty handling certain rare cases of open-ended normative practices that do not seem to be rule-guided or goal-structured, but this is a minor disagreement. On the whole, we are picking out rather similar things with 'integrative practices' and 'normative practices.'

Normative Authority and the Scene of Instruction

Many of the cases I have presented, from Wittgenstein's thought experiment about the teacher and learner to Claudia's stroll down the streets of San Francisco to the mistreatment of female philosophers, involve a tension between two things. On the one hand we have intelligible doings in a local environment where there is a range of typical, standard things for one to do. On the other hand there's something deeply problematic about the situations and the things going on in them. It seems as though one *ought not* do the things one does in these situations. What has transpired in the examples exhibits an incorrect move, a lack of understanding of a person or a debasing or de-valuing of a person and her status as an autonomous human being with worth or dignity. But the mistake does not appear to be a lapse in competent performance in the situation in which one finds oneself. The child in Wittgenstein's thought experiment did not merely goof or

exploit a conceptually possible alternative available to him. He was neither that inept nor that sophisticated. The people Claudia met did not fail to see some obvious sign of what was important to her. The male philosophers did not fail to account for some aspect of their situation that invited a showing of dignity or respect, because these aspects were simply missing from the situation. All of the people who did something that appears to be wrong seemed to be acting, in some way, in *accordance* with the situation in which they found themselves. They were acting as one does, in the sense that they were acting intelligibly in the circumstances in which they found themselves. The cases reveal a gap between what the situation affords and proper considerations about what one ought to do in the situation.

It is quite open to the ethical theorist to argue, on the basis of a broader ethical theory, that the people in these examples are *morally blameworthy* for their failures to recognize the autonomy of the person or the correct action one ought to perform. Indeed, this is the point of much of the philosophical literature on affected ignorance¹⁴¹. Perhaps the male philosophers *should* have understood that what they were doing was inappropriate. But the wrongness or the inappropriateness did not originate in the situation they encountered and participated in. These normative judgments originate from a different source, from broader experience, moral education, or reflection on people and their status as autonomous persons with worth and dignity. This sort of recognition comes from *stepping back* from the situation and carefully evaluating it. The phenomenology of these normative judgments is one of interrupting one's ongoing

¹⁴¹ See, for example, Moody-Adams 1994. Moody-Adams argues that even in cases of apparently far-reaching cultural ignorance, one still has to exert positive effort of some sort to fail to know that what one is doing is wrong.

coping with the environment and taking aspects of that situation as intentional objects for evaluation and judgment.

One interesting fact about the discussion of examples like these in the relevant literature is that the discussion often focuses on children at the site or scene of instruction rather than mature adults speaking from a (hopefully) more enlightened perspective. The examples do not involve the sort of paradigm cases one might find in the work of meta-ethicists or normative ethicists, cases where a rational adult is placed into an unusual situation. Rather, it's exactly the opposite. Non-adults are placed into rather ordinary situations, offering a fresh perspective on ground we might take as well worn or unproblematic. Wittgenstein's examples often involve children in either our own or imaginary tribes and the discussion of Wittgenstein's examples by philosophers as diverse as Kripke, Cavell, and Rouse makes great philosophical hay out of the fact that children are central to these thought experiments. As Cavell points out in the material I quoted in Chapter 1, the case of the child is easier in certain respects. While one may take a certain sympathetic attitude toward a child, patience with her and the desire to see her learn, the child is easy to dismiss at a more serious, intellectual level. One may respond to the child by laying out rules or norms for how one does things, dismissing as naïve or primitive what the child is doing. These norms are pulled from the situation at hand. When the child acts differently, or does as one does not do, we correct her, specifying what one does in the form of rules and orders. Many have no hesitation in correcting or bossing the child, allegedly for her own good.

Wittgenstein's earlier presentations of these sorts of thought experiments in his work in the 1930s gets at this special relationship we have with the child and its effects on our philosophical theorizing. He writes:

A certain tribe has a language...The children of the tribe learn the numerals in this way: They are taught the sign from 1 to 20...and to count rows of beads of no more than 20 on being ordered, "Count these". When in counting the pupil arrives at the numeral 20, one makes a gesture suggestive of "Go on", upon which the child says (in most cases at any rate) "21"...If a child does not respond to the suggestive gesture, it is separated from the others and treated as a lunatic¹⁴².

It's likely that no society takes up this project *literally*, banishing the child from its sight at the first sign of misunderstanding or difference. But I take it that the point of such a passage is to point to a difference between the case of the child and the case of adults.

Treating the child with disdain or scorn, assuming that what she has done is wrong, forming rules and orders for her to follow, these are all things that are widely considered to be acceptable when they play a particular role. They are taken as acceptable when they serve the greater good of education or teaching the child manners. Furthermore, dealing with children is something that can be done more flexibly. We recognize that the child's concerns are often ill formed or half-baked, leaving us with a space to clean them up or modify them in a more fruitful direction from a perspective of more experience or greater reflective abilities. This is similar to how one treats the questions raised by undergraduates in a philosophy course, for example. But the ways in which one treats the child are often not transferable to adults. We cannot take it upon ourselves to give orders and set out rules for adults and expect them to be followed without explicit consent. Though we might treat people inappropriately, as in the cases of Claudia and the male philosophers, these behaviors are not justifiable upon reflection and questioning.

¹⁴² Wittgenstein 1965 [1958].

The ways in which Rouse and Cavell discuss cases at the scene of instruction are indicative, I think, of two different approaches to practices and normativity. Cavell treats the case of the child as an opportunity to re-examine the source of what we take to be our normative commitments, to see that our modes of judgment were never inevitable.

Cavell writes:

*What I take as a matter of course is not itself a matter of course. It is a matter of history, a matter of what arrives at and departs from a present human interest. I cannot *decide* what I take as a matter of course, any more than I can decide what interests me; I have to find out¹⁴³.*

The significance of using the child is to dislodge the reader from the common tendency to confuse her own judgments and the judgments of her culture for something that is naturally or inevitably present in the environment. Using the child for these purposes is best because she is innocent, not yet fully a part of the cultural environment within which one acts. Modes of judgment arise from experience and carry with them an air of inevitability or immutability, but this is simply not accurate. The child is a useful tool for realizing this.

Rouse focuses on the case of the child at the scene of instruction as exemplar rather than as an unsettling though experiment, as a clear-cut case of how practices involve an accountability to a situation and of how one draws upon the situation to appropriately hold a person accountable to the situation. He writes that “a performance belongs to a practice if it is appropriate to hold it accountable as a correct or incorrect performance of that practice¹⁴⁴.” He sees the case of the child as one where it *is* appropriate to hold someone accountable, comparing it to a case where “a person tells a

¹⁴³ Cavell 1996 [1979], pp. 42-43.

¹⁴⁴ Rouse 2007b, p. 48.

child, ‘We don’t hit other children, do we?’¹⁴⁵.’ He sees the case not as an opportunity to question the source of our judgments, but rather one to elaborate on how those judgments are grounded in the local environment. Dealing with a child is a matter of educating her, introducing her to how things are and how one does things.

The point Rouse is getting at is that the ultimate source of normative force or authority is the situation itself, because one’s participation in the situation is already a normative activity. Through doing things, through interacting with one’s environment in an intelligible way, one engages with the world in a way that picks up existing normative force and creates new normative force and obligation. Furthermore, this normative force is not entirely up to us. It is public, insofar as one’s basic ways of relating to and understanding the world are themselves public, creating obligation and duty through public practices or public ways of understanding. Rouse writes¹⁴⁶:

Both have shown that the intelligibility of projects, and with them the identities of agents, depend upon responsive interaction with other agents and their shared surroundings. Agents are vulnerable to one another’s resistance and the world’s recalcitrance, which (in Brandom’s terms) can remove any entitlement to intend certain actions to be a particular (kind of) person. Not everything is possible (intelligible) for us¹⁴⁷.

He continues by claiming that:

...*all* significant practices similarly constitute something authoritative over our sayings and doings, such that the intelligibility of these practices is “empirically” vulnerable...[and] what is authoritative over such practices is not the *modally* robust objective “natures” of things, but the *normatively* irreducible stakes that emerge in intra-active practical configurations of the world¹⁴⁸.

¹⁴⁵ Ibid., p. 49.

¹⁴⁶ In the quote below, ‘both’ refers to Robert Brandom and John Haugeland.

¹⁴⁷ Rouse 2002, p. 256.

¹⁴⁸ Ibid., p. 261.

Through participating in the world, people place themselves into normatively-charged situations and take upon themselves normative commitments. These commitments are embodied in their situation.

These represent two different positions, the Cavellian position one where people have space to reconfigure and rework normativity and the Rousean position one where normativity comes directly from the situation within which people find themselves. But one might argue that the Rousean view is not so rigid. Both Cavell and Rouse acknowledge that people can sometimes re-evaluate normative commitments. It is obvious enough that Cavell holds this view, but Rouse claims to agree on the point. Rouse holds that normativity is involved in practices in two ways, the latter of which consists in evaluating whether or not it is appropriate to hold a doing accountable to the situation within which it is performed. He allows for open-endedness in the normativity of practices, incorporating re-evaluation and questioning into part of what is at issue in a practice. The thought is that when people encounter cases like those I have raised, the cases where something is wrong about the broader situation itself, they can use their own uneasiness, their reservation, to make the judgments themselves an issue, to make their normative status part of what is at stake for them. Furthermore, as a part of his commitment to philosophical naturalism, Rouse holds that this uneasiness or reservation is a part of an ongoing or unfolding situation. If one walks into a situation where a person is being disrespected or mistreated, the reservation one feels at the ill-treatment is itself a part of what is happening, or the situation at hand. To adopt the Heideggerian perspective shared by Rouse and his interlocutors, feeling uneasiness or reservation is yet another thing that one does, a part of one's ongoing coping.

There's something right about what Rouse has to say about this. But Rouse's failed attempt to collapse the Dreyfusian distinction between different types of coping derails his phenomenological treatment of these sorts of cases. The normative authority or force does not come directly from the situation itself. It comes from one's stepping back and making judgments an issue in a particular way of encountering the world. This is not practical or transparent coping, an immersion into what one does, but deliberate coping or theoretical articulation, where one steps back and considers the judgments in the local environment as objectively present. The expressions and their embodied judgments produce a feeling of uncertainty or discomfort, interrupting one's ongoing coping and triggering a more explicit and deliberate response, a response where one takes judgments as present and available for change, modification, or elimination.

Relativism and Practices

In his critique of the philosophical appeal to practices, Turner raises the specter of relativism, linking practice theory to postmodernism and the broad post-foundationalist tradition in philosophy and the humanities. We saw in the previous chapter that Turner effectively criticizes one variety of a view I called normative practice-relativism. Turner criticizes this view by taking practices to be an independent variable in the equation 'X is relative to Y', conceptual schemes or frameworks to which people's doings are relative. On Turner's presentation of practice theory, 'practices' is a theoretical term proposed as a key component of a metaphysical theory of action and society, a fundamental notion that replaces the foundations from traditional philosophical theories.

The debate between Turner and his practice theory opponents, particularly Rouse, has reached an impasse. Each side has claimed to have conclusively refuted the other and

debate no longer moves much beyond ‘but can’t you see...’. In his most recent contribution to the literature¹⁴⁹, Turner expresses incredulity at the recent normativist varieties of practice theory. The reason for the incredulity is that Turner sees this move as preserving the same problematic view with normativity simply replacing practices, a second bait-and-switch. Both the old view and the new view, on Turner’s reading, treats something problematic and unexplained as an independent variable in the equation ‘X is relative to Y’. In the old days, ‘practices’ was Y and now ‘normativity’ is Y. The latter is no easier to explain than the former.

For his own side of the story, Rouse is unconvinced by Turner’s new move because he believes Turner has not addressed his view. Rouse avoids these problematic versions of normative practice-relativism by developing a normative conception of practices where ‘practices’ is not an independent variable, picking out a set of frameworks or conceptual schemes, but rather is a dependent variable, picking out the normative accountabilities embodied in the things one does. Rouse thus develops a version of normative practice-relativism not susceptible to Turner’s objections because those objections depend on treating the appeal to practices or norms as an end-point of explanation, a post-foundationalist ‘foundation’. Practices and norms do not play this role for Rouse. The considerations in this chapter show that while the Rousean move does successfully avoid the problems Turner raises, the move succumbs to other problems. Thus, normative practice-relativism ought to be abandoned.

¹⁴⁹ See Turner 2010.

Play

The version of practice-relativism I defend is a variety of descriptive practice-relativism, a view that is neither touched by Turner's arguments nor susceptible to the difficulties faced by the Rousean view. At its most basic, descriptive practice-relativism is a view that makes no claims about the normative status of practices and treats 'practices' as a dependent variable. Practices are relative to the material and social environment in which they are found and enacted. This view recognizes that the material and social environment in which one is located produces a typical or standard way of doing things and responding to the doings of others. But it does so without imposing normative force or authority and it allows for the possibility of developing or unfolding the environment in distinct ways. It allows for one to do what one does, but also recognizes that over time what one does changes and that doing what one does might itself modify what one does. One can act differently and thereby open up the possibility of new ways of acting differently.

The version of relativism I defend involves a certain balancing act involving two key issues. One is the interplay between an underlying stability in what one does with the seemingly contingent nature of what one does, diversity within and across communities and the various ways in which people can rework and reconfigure the situations within which they find themselves. A second issue concerns how one stakes out new ground, encountering unfamiliar situations and exercising creative freedom within previously familiar situations. The Wittgensteinian notion of *Spiel* is critical to these issues, issues Wittgenstein took as significant throughout the *Philosophical Investigations* and his later work.

‘Spiel’ is typically translated into English as ‘game’, likely the closest rendering but one that appears to imply that *‘Spiel’* picks out activities that are rule-governed or rule-guided. Wittgenstein uses *‘Spiel’* in the context of a variety of thought experiments about different people performing nexuses of activities, *‘Sprachspiele’* or ‘language-games’. A game is often something governed by constitutive rules that determine who can play and in which positions, which moves count as acceptable ones within the game, and how the game is won or concluded. Games are also guided by regulative rules, strategies that do not define what counts as playing the game but act as guides for playing the game appropriately or successfully. We may think about games like baseball or chess, games that have constitutive rules for who counts as a player and what counts as a move as well as regulative rules for playing the game with an eye toward winning.

Thinking about the word *‘Spiel’* as picking out games with constitutive and regulative rules is rather limiting and leads one to a distorted and excessively static view about what human activity is like. It has led some readers of Wittgenstein to present a view where human activity is rule-like and divided into communities with differing or incommensurable rules¹⁵⁰. But *‘Spiel’*, while appropriately translated as ‘game’, is meant to pick out something much more broad and open-ended, perhaps something like the English word ‘play’¹⁵¹. Play is a much broader and general sort of activity, including rule-governed and rule-guided activity like baseball and chess, but also including activities that are creative, spontaneous, and not directed toward set ends or goals.

¹⁵⁰ In their own unique ways, Peter Winch (Winch 2007 [1957]) and Saul Kripke (Kripke 1982) enact versions of this approach, with Winch’s approach more directly applied to social scientific study. See Stern 2003 for an extended discussion of the Winch and Kripke approaches.

¹⁵¹ See Stern 2004, pp. 15-16 and 87-90 for an extended discussion of the background of *‘Spiel’* and Wittgenstein on games and language-games.

Wittgenstein introduces a bewildering variety of examples of play, examples that tend to increase in complexity and imaginativeness through the text of the *Philosophical Investigations* and Wittgenstein's later work. These examples are most often used to dislodge the reader from over-generalized or simplistic philosophical theories, pushing the reader to consider instead the wide variety of ways people do things and experience things. Early examples of language-games involve rather limited cases of children learning a language for the first time, such as Wittgenstein's use of Augustine at the outset of the *Investigations*¹⁵². This moves into more complicated procedures of ostensive naming and learning, first seen in the case of the builders¹⁵³. But Wittgenstein also uses language-games to "emphasize the fact that the *speaking* of language is part of an activity, or of a form of life¹⁵⁴". My interest here is the activity, its nature and organization. Wittgenstein has a broad notion of 'activity' in mind, citing:

Giving orders, and acting on them –
 Describing an object by its appearance, or by its measurements –
 Constructing an object from a description (a drawing) –
 Reporting an event –
 Speculating about the event –
 Forming and testing a hypothesis –
 Presenting the results of an experiment in tables and diagrams –
 Making up a story; and reading one –
 Acting in a play –
 Singing rounds –
 Guessing riddles –
 Cracking a joke; telling one –
 Solving a problem in applied arithmetic –
 Translating from one language into another –
 Requesting, thanking, cursing, greeting, praying –¹⁵⁵

¹⁵² PI 1.

¹⁵³ PI 2.

¹⁵⁴ PI 7.

¹⁵⁵ PI 23.

When Wittgenstein begins building complexity into his thought experiments, we find that ‘play’ picks out many activities that are available for open-ended development, but are also constrained in certain ways by the material and social environment. As can be seen in the examples at the end of the previous paragraph, play is something that need not be governed or guided by rules, though it can be. Play is a loosely organized nexus of activities allowing us to write or modify rules as we move along. Among other thought experiments, Wittgenstein imagines lions that speak¹⁵⁶, a stone with sensations¹⁵⁷, sentient teapots and a society that ascribes pain only to dolls¹⁵⁸. In each case, the sorts of play in which the members of the society can engage is broadly constrained by their background practices and normative practices, features of the material and social environment in which they find themselves. The teapots would likely have a developed sense of what one ought and ought not do with one’s spout. Humans do not carry the potential for this sort of thing because they do not have spouts. The lions would likely have a great deal to say about hunting. Pain amongst dolls would be associated with exposed threads and tears rather than blood or bones or tears. The ways in which the environment shows up as significant and the sorts of responses in which one can engage would be constrained by these things.

I am using ‘*Spiel*’ to get at this interplay between the underlying stability and open-endedness of our activities. Despite the fact that practices often express broader rules, goals, or values, they remain open-ended and can be modified in a number of ways.

¹⁵⁶ PPF 327.

¹⁵⁷ PI 284.

¹⁵⁸ PI 282.

While people are socialized into a variety of background practices, these practices do not form some kind of life-force that determines their behavior and the practices are not a source of normative force or authority. They are a starting point, perhaps imposing rather broad constraints on the things people do, but still very open to modification, particularly the sort of modification that comes from interrupting ongoing coping with the world and engaging reflectively with the things one is doing. People are able to do things in an open-ended way because they begin with something shared, a shared comportment or involvement. ‘*Spiel*’ captures the coming together of sameness, conformity, and novelty.

Relativism, Body Techniques, and Metaphysics

The main worries with relativism in general, encompassing both normative practice-relativist and descriptive practice-relativist views, were the metaphysical and epistemological worries raised by Turner, worries we reviewed in Chapter 2. Turner criticized practice theorists for failing to develop a conception of practices where practices are specifiable and locatable objects, properties of object, or regularities, things that can be specified and located in a way that is neither user- or practitioner-dependent nor dependent upon one’s location in a material and social environment. But that worry is not salient because it depends on taking a certain methodological stance. It depends on the adoption of a third-person, explanatory perspective rather than a first-person, phenomenological one. Once we begin doing phenomenology, we see that a certain type of relativism is just a basic fact about the ways practices are presented to people and the ways in which people encounter them. People encounter practices locally and contextually, in a way that depends on their prior familiarity with the features of their local environment. If this presents the sorts of explanatory challenges raised by Turner,

then those challenges are for the social scientist or metaphysician who hopes to develop a phenomenological account of practices into a metaphysical theory.

One *promising* feature of descriptive practice-relativism, one feature of the view that allows us to stay faithful to the results of the phenomenological investigation, is that the view is resistant to the very sorts of moves that Turner pushes the practice theorist toward. These are the moves of reifying or essentializing practices into objects of study. The view allows us to treat practices as they are experienced and carried out by the people involved with them. This, in turn, allows us to form a closer description of the things people do and the ways in which the things people do make sense to them and those around them. It also more appropriately accounts for the contingency and malleability of practices, features difficult to explain in a metaphysical theory of practices.

The issue of relativism originally arose for us in the context of Turner's examination of a famous case provided by Marcel Mauss¹⁵⁹. In Mauss's case, a case of what he calls a 'body technique', he identifies a particular walk he witnessed amongst New York nurses and Parisian women. He took this walk to have been transmitted to the women through their watching of Hollywood films. The body technique, taken as an object, is passed from the actresses in the films to the geographically distributed viewers of the films. Turner objected to the positing of such a body technique on the ground that the technique is only identifiable and can only be posited by one who shared something like Mauss's cultural background, a background enabling Mauss to isolate and individuate the walk as something interesting and worthy of scientific study. If a practice

¹⁵⁹ See Turner 1994, pp. 19-24. See also the discussion of Mauss above in Chapter 2.

is an object, a piece of furniture in the world, and that object is an object of study within the empirical science Mauss practices, sociology, then a shared cultural background ought not be a precondition for the existence of the object.

Paul Roth clarifies and builds upon Turner's objections¹⁶⁰. Roth objects to Mauss's move on the grounds that the body technique, the Hollywood walk, is itself *constituted* by the things that are supposed to explain it, namely the visible doings that count as motivation or evidence for it. This is a problematic move for Mauss because it conflates a piece of evidence with the broader theoretical entity the evidence is supposed to support or lead us to posit. This undercuts the inferential move in the practice theorist's argument. The practice theorist has begged the question on Roth's criticism, by arguing for the existence of a practice by pointing at something that cannot count as either motivation or evidence.

Roth's objection to Mauss is particularly prescient because Mauss *does* appear to reify or essentialize the evidence, the visible doings, into practices in just this sort of problematic way. In his own attempt to classify body techniques, Mauss appeals to societies and cultures as objects, objects of study or investigation. He appeals to them as the primary site or location within which practices are found. Mauss also classifies body techniques demographically, taking sex and age as objects of investigation, as relevant sites or locations within which body techniques are found and among which body techniques are shared. Mauss's mistake, as I think Roth correctly identifies, is to essentialize and individuate visible doings and cultures as objects with metaphysical reality or significance. The things people do are not *evidence* for the existence of some

¹⁶⁰ See Roth 2003.

object or *property*, but rather are a part of what one encounters and what makes sense.

Descriptive practice-relativism, on the other hand, leaves us free to treat practices without reifying or essentializing them, to free them from being relativized to a cultural framework and instead locating them within a material and social environment.

CHAPTER 4

**APPLICATIONS OF THE ACCOUNT: PRACTICES, INTERACTION,
PORNOGRAPHY, AND PSYCHIATRY**

4.1 Introduction

In the previous chapter I presented a phenomenological account of practices, stressing the importance of the ways in which the things one does show up in a local material and social environment. I contrasted two ways in which doings show up, through implicit and explicit ways of understanding, or showing up as available for expected or typical responses and showing up as directed toward goals and structured by rules and norms. I distinguished between background practices and normative practices, where background practices are the very broad and non-individuated ‘hurly burly’ of intelligible doings in a local environment and normative practices are individuated doings structured by rules and norms and often named and studied.

I will do two things in this chapter. I will draw upon Ian Hacking’s work on social scientific classification to present a model of how background practices and normative practices interact with one another¹⁶¹. I will also explore some of the practical implications of my phenomenological account of practices, applying the account to issues in social philosophy such as gay marriage, pornography, and sado-masochism. In 4.1 I will present a model of interaction between background practices and normative practices, using an analysis of arguments against gay marriage to illustrate a case of how these interactions work together in the experience of social life. In 4.2 I will use the

¹⁶¹ See also Drabek 2010 for an early version of some of this material, particularly a criticism of Hacking’s attempt to distinguish the natural sciences from the social sciences and an early version of the three-part model of interaction between social scientific ways of classifying and the objects of social scientific classification.

philosophical discussion of pornography to present some of the limits to an approach that considers only normative practices and to demonstrate how the identification and individuation of normative practices is often motivated by practical or ethical concerns. In 4.3 I will use the example of the classification of paraphilias in the psychiatric literature to show some of the problems that stem from the individuation and identification of practices in a professional, social scientific context.

4.2 Interaction and Practices

Interaction and Feedback Loops

There are many reasons why someone might be interested in her own activities and the activities of those around her. Perhaps she is curious about the role certain activities play in people's lives, puzzled about their importance or their efficacy upon people and their activities. Perhaps she desires to stop the activity, taking it to present an ethical challenge or to encourage other activities that do present challenges. The phenomenological account of practices developed in the previous chapter leaves open a space for accounting for the different motivations for individuating and naming practices. As I will argue in this chapter, the individuating and naming of practices *changes* them.

I will elaborate upon the work of Ian Hacking on social scientific classification to develop a model of the ways in which background practices interact with normative practices. Hacking focuses on one type of interaction, interaction involving the conscious self-ascription of social scientific classifications by the human beings the classifications pick out. I will build upon Hacking's account by adding two types of interaction. In his work, Hacking studies the ways in which social scientific ways of classifying objects interact with their objects of classification. He focuses on cases where the object of

classification is the human being and the ways of classifying are classifications of people into groups, cases where the person is able to consciously self-ascribe the classification in question¹⁶². ‘Ways of classifying’ picks out a diverse range of changing and evolving things. It picks out the activities of social scientists, their material and conceptual tools, and the evolving terms they use to talk about groups of people. Hacking notes that the conscious self-ascription of a social scientific classification often leads the human objects of classification to come to conform more closely to the classification and its accompanying features.

In an extended case study¹⁶³, Hacking considers the case of the patient who is classified as having multiple personality disorder. Hacking points to the fluid and evolving nature of the ways the mental health community has handled such patients. In particular, the evolving nature of the classifications and classificatory activities have changed the ways patients experience their own symptoms and how those symptoms show up in a clinical setting. The patient tends to take on those problems and symptoms that are a part of the classification as it *currently* exists in the medical literature and the practices of the care-provider. There is a mutual process of reinforcement of medical understanding and conformity of the patient to that understanding. Hacking points out that classifying people in the context of social scientific investigation sets into motion a type of feedback loop. He writes of the human objects of social scientific classification:

¹⁶² Hacking’s work is in the service of a broader project of distinguishing the natural sciences from the social sciences and getting clear about the sorts of objects social scientists study. Hacking’s considered view is that the objects of social scientific investigation are human beings that change in response to being studied, a view that leads him to distinguish ‘human kinds’ from ‘natural kinds’. See Cooper 2004 for a criticism of the view that human kinds are distinct from natural kinds.

¹⁶³ See Hacking 1995 for this case study. See Hacking 1998 for a more historical case study focusing on the relations between historical changes in classification and the appearance and self-reporting of symptoms in patients. See Murphy 2001 for a response to Hacking’s case studies that questions Hacking’s attempts to link together biological and sociological investigation.

They are moving targets because our investigations interact with them, and change them. And since they are changed, they are not quite the same kind of person as before. The target has moved. I call this the ‘looping effect’. Sometimes, our sciences create kinds of people that in a certain sense did not exist before. I call this ‘making up people’¹⁶⁴.

People can change in response to the ways in which they are taken by others around them, but of course, the same process of classification in the environment also contributes to the relative stability of the sort of person one is and is likely to become. An environment with established classifications and roles also limits the sorts of things one can do and the sorts of people one can become.

Hacking’s work on social scientific classification is importantly different from the work on socially sensitive doings I am getting at in the present work. Scientific classification is an enterprise sensitive to its own particular goals and aims, a complicated enterprise at a different level of inquiry from my own, as was recognized by the Edinburgh School and ensuing scholarship in the field of science studies¹⁶⁵. It carries its own complex institutional structure. Its work is performed through university departments, and government and non-government research institutes. It interacts with funding organizations as well as the general public and other public and private institutions. But Hacking’s studies do account for the fact that the way something is encountered in a local environment sets it into motion, both changing it over time and underwriting its apparent stability. There is a basic and simple way in which Hacking’s

¹⁶⁴ Hacking 1999b [1986], p. 161.

¹⁶⁵ See Bloor 1991 [1976] for a fundamental text outlining the basic four components of the Strong Program in the Sociology of Scientific Knowledge. See also Barnes, et. al. 1996 for an introduction to the Edinburgh School’s brand of sociology. See Latour 1988 and Pickering 1995 for influential and broad and systematic attempts to theorize about scientific classification and its relation to the broader material and social structure at work in scientific investigation. See also Zammito 2004 for a broader overview linking these developments in science to their broader philosophical, largely Quinean and Kuhnian, heritage.

cases are directly analogous to cases of interaction between background practices and normative practices. A normative practice is something one encounters as individuated and structured by rules and norms, something one can thereby grasp and consciously self-ascribe. The widespread self-ascription of a normative practice may alter the typical or standard responses to some of the doings in a local environment that show up as a part of the normative practice.

Consider the drink making practices of the barista, practices individuated and formalized by companies in the instructional manuals used for barista training. This formalization includes rules for proceeding as well as standards for the appropriate use of equipment and ingredients. The barista's training into these normative practices changes the ways in which the barista's environment shows up to her in everyday experience. This environment includes the equipment and ingredients with which she works and the doings of her fellow employees. Some of her background practices, the typical or standard responses to her environment, come to conform to the drink making practices into which she is trained. This is an explicit process for the barista at the training stage, one where she works with her body until it does the right things as a matter of course.

Hacking focuses on cases of interaction via conscious self-ascription and conformity. But when one consciously self-ascribes a classification, one might react *negatively* to the classification by rejecting its associated rules and norms. Rather than conform to a classification one explicitly self-ascribes, one might reject the classification and one's association with it. This, like Hacking's paradigm case, involves an interaction between social scientific ways of classifying and the human objects of social scientific classification. Consider the example of the classification 'American'. A political

scientist might employ this classification when discussing contrasts between different strains of political thought, such as American individualism and Scandinavian socialism, or when generalizing about the mores of American society. This classificatory term comes bundled with certain norms and expectations about the human objects of classification collected under its scope. Individual Americans can come to learn about the ways experts classify Americans, but they can react to this information in a variety of ways in addition to self-ascription and conformity. Perhaps an American reads an article about American individualism and reacts negatively to the piece, expressing the desire to develop more communitarian values. She responds to her new information by consciously cultivating these communitarian values, values that are at odds with the classification into which she self-ascribed. In cases like this, the objects of classification use the classificatory term to change what they do, and in turn they change the very nature of the classification originally under consideration by spurring the social scientist to do further work.

One might also react negatively to a normative practice, motivating oneself to change the ways in which certain doings show up in daily experience, the doings prescribed by the normative practice. We might return to the case of the male philosophers at the outset of the previous chapter. They had implicit ways of understanding the things their fellow philosophers were doing, embodied responses one wishes to say are highly problematic. Naming and individuating these background practices by calling them ‘sexist practices’, turning them into a normative practice, would be done not as a way to drive conformity to the newly identified normative practices. We do not point out and classify these background practices to *encourage* their cultivation,

but rather to *dissuade* one from enacting them. It would be done in the hope of provoking a change in the reader or listener, the development of new ways of looking at the world and behaving in it¹⁶⁶. The classification might be done in the context of telling a story to others in the hope that they might recognize when they are marginalizing people¹⁶⁷. It might be done in the context of speaking to the philosophers in the example themselves, urging them to develop the proper habits and skills they need to identify their behavior for what it is, namely a highly problematic, marginalizing sort¹⁶⁸.

This interactive process, both the positive case of conformity and the negative case of interaction, can be described using Hacking's terminology of looping effects. Hacking speaks of these interactions as two-way processes, where people not only change in response to being classified, but where the ways of classifying are themselves sensitive and responsive to the changes they provoke. In the case of the classification 'American', folks change in response to how they are classified. This is an interaction flowing in a direction from ways of classifying to classificatory objects. But once the classification 'American' has produced changes in its classificatory objects, the social scientists who proposed the classification exhibit a responsiveness to the changes, modifying their studies and their understanding of the classification to account for the changes. This is an interaction flowing in a direction from the classificatory object to the ways of classifying.

¹⁶⁶ In these particular sorts of cases, the project of understanding the normative practices at issue would be what Sally Haslanger calls an 'ameliorative process', or a process of getting clear about our aims and goals when individuating a particular practice. See Haslanger 2005 for a helpful distinction between three different types of investigative processes.

¹⁶⁷ See the excellent blog established by the Women in Philosophy Task Force (WiPTF 2010) called 'What is it like to be a woman in philosophy?'

¹⁶⁸ The Women in Philosophy Task Force has recently established a follow-up blog to the aforementioned one. See WiPTF 2011.

There is an analogous feedback loop in the case of interaction between background practices and normative practices. Consider the example of sexist practices. The naming and individuating of sexist practices may contribute to changes in the ways in which certain doings show up in a local environment. After sexist practices are named and individuated, some of the doings that previously showed up as available for collegial response show up as highly problematic examples of sexist practices¹⁶⁹. This is an interaction flowing in a direction from normative practices to background practices. But the changes in how certain doings show up, and the dialogue that results, may very well produce key changes and modifications in the things people do, particularly the doings of those with deep-seated sexist views and those in communities where sexist attitudes are common. The committed sexist, one who would not be impressed by having his doings challenged, may find new ways of enacting his sexism, necessitating the modification of our ways of accounting for what he does. This is an interaction flowing in a direction from background practices to normative practices.

Historically, this broad arc from classification to modified experience to the need for new classification has played out in examples of racism in the context of social institutions. The classification of certain racist practices and the resulting institutional efforts to fight those practices may have the unintended, negative consequence of motivating the racist to new sorts of doings that are not covered by the institutional action¹⁷⁰. Consider the case of the ending of institutionalized segregation in the United

¹⁶⁹ The articulation and classification of sexual harassment in the workplace is an example of this process at work.

¹⁷⁰ This does not mean, of course, that the negative consequences outweigh the positive ones in all or most cases.

States. The segregation of institutions by American authorities was banned on, broadly speaking, grounds that it was a racist practice and that these sorts of racist practices violated U.S. law. Though not the intended result of the court case¹⁷¹, a case that decided legal issues, one might hope that a result of the case would be to change the way that those who engage in racist practices encounter their environment. But the case also motivated the creative enactment of new ways of engaging in racist practices. Blocked from writing segregation into law or enforcing segregation with the full force of the State, segregationists accomplished some of the same goals through other means. More limited forms of segregation were accomplished through the establishment of gated, middle- and upper-middle class communities and less formal forms of housing discrimination¹⁷². It was accompanied through refusing to rent apartments to non-whites and through resisting the measures undertaken by federal authorities to end segregation. It was accomplished through the founding of private clubs and private and parochial schools that discriminated on the basis of race or income, and through physical and psychological intimidating of people who resisted.

Two Additional Forms of Interaction

Hacking convincingly describes his paradigm case of interaction between social scientific ways of classifying and the objects of social scientific classification, but actual cases of interaction go far beyond Hacking's paradigm case. Consider the case of autism, a case Hacking cites as an example of a social scientific interactive classification at work. In order to count autism as an example, Hacking must claim that the ways autism is classified interact with the people classified as autistic people. Furthermore, in order to

¹⁷¹ *Brown v. Board of Education* (1954).

¹⁷² See Loewen 2006 for a description of sundown towns, or towns that welcome only whites.

make this claim, they must interact in a specific manner. People classified as autistic must become aware of the way they are classified and they must modify what they do as a result of the conscious self-ascription of this classification. But the model does not work particularly well here, showing the need to account for different sorts of interaction. The relevant medical literature does not support the claim that people classified as autistic can become conceptually aware of the way they are classified and react to this classification¹⁷³. Many autistic patients do not have the sort of conceptual awareness required, and some autistic patients have little or no conceptual awareness of their surroundings at all. If ‘autism’ is an interactive classification, it interacts with many autistic patients in ways that are more subtle and are connected to broader social, political, and material forces. Perhaps those who care for autistic people, such as medical professionals or family and friends, react to the classification of autism by treating autistic people in different ways, leading to changes in autistic people. Autistic people might conform to the expectations set for them by their caretakers or they might chafe under ill treatment.

There are two types of interaction Hacking does not directly consider, types of interaction that are evident in both social scientific classification and normative practices. In the case of social scientific classification, the first type consists in the interactions between ways of classifying and the public or cultural practices that are picked out or prescribed by the classification. These interactions are sometimes mediated by the self-aware agent Hacking favors, but they often involve individuals who unreflectively conform or react to expected ways of doing things. The second type consists in

¹⁷³ See Martinez 2009 for a review of the relevant literature and a criticism of Hacking’s distinction between the natural sciences and social sciences. See also Tsou 2007 for a criticism of a confusion in Hacking’s terminology.

interactions within the scientific community, interactions between ways of classifying and other ways of classifying.

Two Models of Interaction

The interactions between social scientific ways of classifying and the objects of social scientific classification, as well as interaction between normative practices and background practices, are complex and multi-faceted. Hacking's paradigm case, combined with the additional forms of interactions outlined above, produce a three-part interactive model that serves as my framework for describing the interactions at issue. The first of these models, the one for ways of classifying and classificatory objects, is listed as follows:

1. There are interactions between social scientific ways of classifying people and human objects of classification who explicitly articulate these ways of classifying. This is Hacking's paradigm case. These interactions take the form of the looping effects Hacking describes in his work, a process where people consciously self-ascribe scientific classifications.
2. There are interactions between social scientific ways of classifying people and the broader practices within local environments. Social scientific classifications affect public norms and expectations of what people do and are supposed to do. These interactions are most common between a classification and human beings who unreflectively conform to or react against social norms. The practices at issue can be either normative practices or background practices, or, as is more often the case, both.

3. There are interactions between social scientific ways of classifying people and other social scientific ways of classifying people. One classification often creates a natural conceptual space for the articulation of other classifications. These interactions may take the form of one's involved, deliberate coping with the environment or they may be embodied and realized through unreflective conformity.

The scientific study of human sexuality presents us with a number of cases of interactions (2) and (3) at work, particularly in light of the fact that much of the terminology used in the study of human sexuality is less than a century old, or quite younger in some cases, and has spurred fast-paced development of scientific classifications and broader societal reactions to those classifications. The classification 'homosexual' is interactive in the senses of (2) and (3) because it interacts with broader social forces and other social scientific ways of classifying. Through associating certain cultural practices with folks classified as homosexual, we have come to affect classifications such as 'tolerant people' and 'intolerant people', 'gay pride marchers' and 'religious conservatives'. These interactions are cases of (3). The modern articulation of homosexuality, and its ascent from a cultural taboo to a widely accepted practice in many places, has led advocates of tolerance and opponents of discrimination to argue for the inclusion of sexuality as a protected class¹⁷⁴, along with more traditionally protected classes like race, social class, or national origin. The articulation of homosexuality has

¹⁷⁴ The legal aspect of this process in the United States has closely tracked some of the events occurring in American social institutions, such as the broad repeal of anti-sodomy in the U.S. Supreme Court's 2003 decision in *Lawrence v. Texas*, a decision that struck down sodomy legislation that distinguishes between heterosexual and homosexual sexual behavior.

also led to the formation of specifically homosexual institutions, such as the gay bar and the gay pride rally. These interactions are cases of (2).

Interactions of type (2) need not be mediated by the reflective agent who articulates a classification and comes to apply it to her own life. Of course, this sometimes occurs. The gay bar is a useful case because it demonstrates the role of both the reflective and unreflective person. In one particular place, the Greenwich Village neighborhood in Manhattan, the gay bar was a product of people of similar sexual orientation coming together in the same place as a result of increasing social openness about homosexuality in the 1950s and 1960s. This broader process of increasing social openness did not involve the explicit articulation of a new set of cultural practices or norms. Rather, the way a certain classification was taken by people in a material and social location created a space for the development of new practices. The process of the legalization of gay bars, however, *did* involve a close and deliberative engagement with the environment by reflective people. Specifically, once ‘gay bar’ was established as a term of public interest, authorities in Manhattan began suppressing gay bars by using police raids to shut them down and assault and arrest their patrons. This led to widespread panic and fear within the gay community and the dissolution of a number of gay bars, until the president of a local gay liberation organization successfully challenged the law. He quite literally set out to articulate his situation toward meeting the goal of changing certain normative practices¹⁷⁵. This latter case is a case of (2) where the normative practices in question come to interact with a classification through explicit articulation.

¹⁷⁵ The person in question was Dick Leitsch, president of the Mattachine Society of Manhattan. See Simon 2008 for an interview with Leitsch about his experience.

The original classification of homosexuality led to an explosion of classifications of human sexuality. As an immediate point of contrast, it led to the conceptualization of heterosexuality, previously taken as a kind of assumed norm of behavior¹⁷⁶.

Dissatisfaction with this dichotomy led to the classification of bisexuality in various forms¹⁷⁷, while dissatisfaction with this trichotomy led sexologists to develop a variety of alternative, sexuality spectrum approaches¹⁷⁸. These are examples of (3). The articulation of one classification may make evident the existence of a conceptual space for other classifications and provide a space for new classificatory work. This occurred in the aforementioned examples, as the continuing empirical study of human sexuality pointed to the very large diversity of human sexual activity.

Interaction (3), too, can be either a product of articulated, theoretical work or it can take place through embodied agents doing what one does. The examples above are of the former type. In those examples, the conceptual space for a new classification can

¹⁷⁶ This is a frequent theme of feminist authors who write about sexuality, some of whom would argue that heterosexuality is still taken as an assumed norm of behavior by the general public, if not the scientific community. The general approach taken by such feminists is to point out that public perception of sexual orientation is closely tied to gender identity. See Rich 1980 for a classical piece addressing the view that women are innately oriented to attraction toward both men and the raising of children. See Butler 1990 for the claim that gender identity is a critical component of what she calls the ‘heterosexual matrix’.

¹⁷⁷ Historically, the classification of bisexuality was closely tied to non-essentialist sexuality spectrum approaches, but the taking of ‘bisexual’ to pick out a fixed orientation where people are equally attracted to men and women has persisted in many social circles. This view of bisexuality is occasionally represented in the scientific literature. See, for example, Rieger, et al. 2005. This piece assumes the aforementioned understanding of bisexuality and attempts to find examples of it using a genital and self-reported sexual arousal study. Unsurprisingly to most sexologists, they were unsuccessful at finding examples of bisexuality of this sort. Their study relies on a small sample size and a particularly narrow understanding of ‘bisexual’ that sexologists have always reported in very low rates. Some argue that these sorts of studies are examples of ‘bisexual erasure’, or the ignoring or covering over of bisexuality. See, for example, Barker and Langdridge 2008.

¹⁷⁸ The original spectrum approaches can be found in Alfred Kinsey’s classical works on sexual behavior in the human male and human female. See Kinsey, et al. 1948 and 1953. See also Klein 1993 for an alternative, updated version of Kinsey’s spectrum approach. Klein updated Kinsey’s spectrum by including emotional preferences and social and lifestyle preferences, while Kinsey included only sexual history and sexual response in his own approach. Klein also added a temporal dimension to the spectrum, considering past and present sexuality, along with the person’s conception of an ideal future sexuality.

be divorced from the things people do and considered in terms of attempts by social scientists to reflect abstractly on the world. But consider the following sort of case. The term ‘marginal value’ is one used by economists. ‘Marginal value’ picks out a value that is true given a particular set of constraints or assumptions, as well as the change in a value associated with changes in particular values or variables. ‘Marginal value’ interacts with other classifications used by the economist, such as ‘consumer behavior’. If a laborer increases her income from \$20,000 per year to \$28,000, the marginal value of her new income would be \$8,000. Suppose that as a result of this value, she increases her bread purchases from fifty loaves per year to sixty loaves. This is a case where a pair of related classifications, ‘marginal value’ and ‘consumer behavior’, pick out things that interact with one another. As a result, the economist may find that she needs to say something new about the classifications in question. Of course, many folks do not articulate and theorize about marginal value. The things they do embody the classification.

The homosexual can become aware of the way she is classified and come to conform to or reject her classification, but the classification can also come to shape cultural practices in unarticulated ways. ‘Practices’ is to be understood here as normative practices. Concepts of human sexuality come bundled with expected ways of behaving, ways into which people are socialized, and one need not be an agent aware of the way she is classified in order to be influenced by these expectations. One thing that is evident is that the second type of interaction, interaction between social scientific ways of classifying and the broader cultural practices involved in the elaboration or reinforcement of these ways of classifying, comes into contact with the phenomenological account of

practices developed in the previous chapter. Classifications are enacted and reinforced through background and normative practices.

Normative practices and background practices also interact, and do so in ways roughly analogous to the interaction between ways of classifying and objects of classification. There are also three types of interaction between background practices and normative practices. These are listed as follows:

1. There are interactions between the rules and norms that structure normative practices and the implicit ways of understanding, or embodied responses, that structure background practices. These are the paradigm cases, explored in cases listed above, where a person thinks about the practices in which she and others engage and comes to change the ways in which doings in her environment show up to her. As with the earlier examples, this can be done through conformity to the identified and individuated normative practices in her environment or in opposition to them.
2. There are interactions between two or more background practices, or between embodied responses and other embodied responses. When doings show up to people as inviting particular responses to a situation or local environment, this can affect how other things in that environment show up and sometimes how things show up in a different environment. It can change the range and scope of the available responses.
3. There are interactions between the rules and norms that structure normative practices and the rules and norms that structure other normative practices. The identifying and individuating of normative practices may reveal a gap or an

opening for the articulation of other normative practices. People sometimes use the articulation of one normative practice to notice the need to identify and individuate another.

These three types of interaction also work together. Suppose one notices some problematic aspect or feature of what other people are doing, perhaps a case of discrimination or degradation going on in the local environment. In the process of identifying and individuating these doings, one may come to see *other* doings in a new light, offering yet new ways to identify and individuate doings and causing aspects of one's local environment to show up in a new light.

Gay Marriage

These two models come together at critical junctures, particularly when social scientific ways of classifying change embodied responses and open up new ways of identifying, individuating, and naming practices. The classification and phenomenology of human sexuality provide especially helpful cases where institutional social science and embodied responses in a local environment each play an important role. Let's take a look at select strains of thought within contemporary debates over gay marriage, one area of debate with interlocking scientific, institutional, and public components. The practical possibility of gay marriage, an institutional relation or arrangement between members of social groups, is dependent upon the scientific classification and sharpening of those groups in the previous century. The specific debate over gay marriage, especially the views of those who object to it, depend heavily on explicit and implicit claims about how gay people and gay relationships will show up in local environments.

The classification 'homosexual people' has had far-reaching effects, changing the ways in which people think about themselves and the things they do. The classification and its widespread dissemination and ascription opened up the possibility for new social institutions, programs, and protections. The contemporary gay liberation and gay rights movements, their fight against discrimination based on sexuality or gender and their positive visions of gay culture, were enabled by the classification. Once one is taken as a member of the group 'homosexual people' and has taken on or rejected the classification's associated rules and norms, doings in a local environment may show up in new ways. Once one uses these conceptual tools to identify and individuate doings in one's local environment, categorizing things like discriminatory practices or homophobic practices, one learns to see the doings of others in a new light. When a child says to another child, 'that's so *gay*', using the word 'gay' as a pejorative, one may transition from taking the utterance as inviting a response of passive indifference or laughter to taking the utterance as highly problematic, an example of homophobia or a homophobic practice. With time and habituation one learns to see the doing or utterance as problematic without stopping to explicitly articulate the utterance, learning to see it as problematic as a matter of course.

Objections to gay marriage, from perspectives both unsympathetic and sympathetic to homosexual people, involve speculation about the changing ways in which doings in a local environment will show up in a society in which gay marriage is legal and common. Many of those who support gay marriage will be surprised by this approach, because they most often situate their position in terms of equality or equal rights rather than in a phenomenology of practices. Chris Cuomo, for example, takes gay

marriage to be a moral requirement for a society on the grounds that there is a basic moral demand for reciprocity or equality in rights across social communities¹⁷⁹.

Nowhere in this type of argument is there room for appeal to the effects that legalization of gay marriage may have on the background practices of the broader community or appeal to the effects such legalization would have on ‘homosexual’ as a category of person, culture, or way of being. These things are irrelevant to Cuomo’s approach.

This sort of approach is hardly unique to Cuomo. Cuomo situates her argument in response to Richard Mohr, who argues that gay people ought to receive equal rights in virtue of *who they are* completely divorced from the issue of *what they do*¹⁸⁰. Cuomo observes, with a great deal of textual support, “that homophobes are quite obsessed with what queers¹⁸¹ do, and that our beings are cast as hateful because of our doings¹⁸²”.

Cuomo’s point is not isolated to homophobes, nor is it isolated to the doing taken as a static action or event, as I will show shortly. Once one takes this approach, one can only explain opposition to gay marriage by providing an error theory. Since gay marriage is a matter of equality or equal rights, and equality and equal rights are of extremely high moral value, an opponent of gay marriage is guilty either of denying the dignity of

¹⁷⁹ See Cuomo 2007.

¹⁸⁰ See Mohr 2005.

¹⁸¹ The word ‘queer’ is used in many different ways in the literature and in daily life. Cuomo is using the word as a broad category that picks out people who are not heterosexual. Third-wave feminist and postmodernist circles often use the word to pick out people who transcend or avoid entrenched categories like ‘gay’ and ‘straight’. My own preferred phenomenological use of the term is to pick out people who engage in activities that are non-normative in the local environment. On this use, people who are gay in a normative and accepted way in a particular community would be non-queer and straight people who engage in non-normative forms of relationships would be queer. This is a phenomenological way of cashing out the third-wave feminist use of the word. What is important in making people and relationships queer ones is not the nature of the person or the nature of the relationship, but the way the person or relationship are taken in the local environment. This issue will come up again in 4.3 in the discussion of the psychiatric literature.

¹⁸² Cuomo 2007, p. 81.

homosexual people or treating homosexuals unfairly due to a negative moral evaluation of the things they do and the ways they do them¹⁸³. Cuomo situates opposition to gay marriage in terms of homophobic panic and the imagining of lesbian or gay sexual activities¹⁸⁴. This route does not prove particularly useful to debate because it does not appropriately capture the way opposition to gay marriage is most commonly expressed, especially opposition from within the homosexual community itself, a type of opposition often ignored by defenders of gay marriage. Opponents of gay marriage generally do not explicitly deny the dignity of homosexuals as persons, though many do so tacitly or implicitly, and only the most poorly expressed and least plausible of arguments against gay marriage rely on a condemnation of the things homosexuals do. Opponents of gay marriage seem far more worried about the responses that the things gay people do open up in local environments.

Unsympathetic Arguments Against Gay Marriage

Let's take a look at two arguments against gay marriage from a heterosexual perspective that is unsympathetic to homosexual people. Neither argument is framed within the equality and equal rights framework preferred by many defenders of gay marriage. Rather, both work from within the sort of interactionist approach I have developed here. The first makes social-ontological claims about the status of 'homosexual people' as a category and raises worries about the expansion of marriage rights to those within an ontologically questionable group. Richard McDonough argues that gay marriage is not a matter of equality or equal rights because the legalization of

¹⁸³ Of course, this is typically framed in social-ontological terms through the denial of 'homosexual people' as a legitimate category or type of person, as we will see shortly.

¹⁸⁴ This route has also been taken by Martha Nussbaum, who explores the ways that disgust and shame have infiltrated the process of writing laws and deciding punishment. See Nussbaum 2004.

gay marriage would create a new right for *everyone*, not merely those who are members of a suppressed social group¹⁸⁵. He claims that everyone currently enjoys the right to enter into (heterosexual) marriage. These facts, according to McDonough, separate the fight for gay marriage from women's suffrage and civil rights movements because the latter movements are fights against a social group being denied a right that only the dominant group enjoys.

McDonough is motivated by the view that 'homosexual people' does not pick out a group of people in the way that 'women' or 'African-American' do. We'll set aside the issues in social ontology. McDonough is worried about the legitimizing effects of calling gay people 'married people' because he claims that performing this move changes how one thinks about gay people. It changes the responses to those people that are available in the community to one of respect or affirmation. McDonough's reasoning is highly suspect at best, particularly in light of the close connection between being and doing. A homosexual woman who wants to marry her female domestic partner would not be impressed by her right to enter into marriage with a man because she would take it that the sort of person she is stands in conflict with entering into heterosexual marriage. Furthermore, the sort of person she is stands in entangled relations with the things she does. Nevertheless, McDonough's approach shows something about the way opponents of gay marriage present their views. He is concerned about the effects gay marriage will have on the ways one thinks about and responds to people. He is concerned that gay marriage opens up to people the possibility of new forms of relationships with which

¹⁸⁵ See McDonough 2005.

many people may be uncomfortable, namely homosexual relationships directed toward possible marriage.

Anthony Giampietro concerns himself much more closely with the interaction between normative practices and background practices¹⁸⁶. He situates the very possibility of gay marriage within broader normative practices influencing how things show up to people and, in turn, the types of relationships that show up as possibilities or options. He argues that more traditionally, marriage has come bundled with a number of rules and norms. These norms include the expectation of raising children, the practice of exclusively monogamous sexual relationships aimed primarily at procreation, and the prominence of the nuclear family as the primary social unit¹⁸⁷. Giampietro sees certain features of contemporary society, such as the existence of birth control and the rejection by women of the traditional role of homemaker and primary caretaker of children, as leading to the breakdown of these norms. Gay marriage, on Giampietro's ideal form of traditional marriage, is completely off the table. It is not a possible action and does not even show up as something available to do. The thought is that the normative practices surrounding marriage in Western society, one's encountering of marriage as a system for the propagation of the species and the proper location for monogamous love and sex, is *supposed* to leave one in a state of not taking gay relationships seriously, as something not even available to enter into.

¹⁸⁶ See Giampietro 2007.

¹⁸⁷ I am not concerned here with the evaluation of these specific claims, none of which I find particularly plausible and some of which are demonstrably false, pending the scope of the culture Giampietro has in mind. There have always been subcultures in Western societies that reject one or more of the norms of marriage.

Giampietro argues that society's grounds for supporting marriage as a public good rests on the rules and norms he associates with traditional marriage. He opposes gay marriage on the grounds that it runs counter to those norms, conflicting with the established reasons for supporting marriage. He is concerned that gay marriage will lead to a chain of causal reactions that will destroy the normative practices associated with traditional marriage. Since gay marriage is not associated with a procreative role for sexual relations, these relations must be grounded in mutual sexual satisfaction alone. Sexual satisfaction, as one might well imagine, is not conceptually connected to monogamy. Giampietro is thereby concerned that gay marriage will dislodge these connections and change the ways in which certain types of relationships show up in embodied responses. Furthermore, and perhaps most crucial to Giampietro's argument, he is concerned that these new normative and background practices will prove *tempting* to heterosexuals. If something is available for everyone to do, then presumably a number of them will try it and some might be drawn in more permanently.

Sympathetic Arguments Against Gay Marriage

Objections to gay marriage are not exclusive to those who hold theologically grounded objections to homosexuality or to those who want to defend a largely conservative, traditionalist conception of human sexuality and relationships. Nor are they restricted to people who are uncomfortable with who gay people are or disgusted by what gay people do. There are objections to gay marriage motivated by concern for the personal welfare and safety of homosexual people as well as the ability of homosexual people to be free to live the sorts of lives they want to live. But the reservations toward gay marriage expressed from these more sympathetic perspectives are even further

removed from the equal rights approach taken by many in the pro-gay marriage camp. These perspectives are clearly grounded in concern for the development of fulfilling romantic and sexual relationships by all people.

Claudia Card, an early pioneer in lesbian philosophy, opposes gay marriage on the grounds that it will introduce into homosexual relationships the sorts of undesirable, oppressive practices enabled by the institutional aspects of heterosexual marriage¹⁸⁸. She reminds those in the debate that equal recognition of relationships is not the only issue in the debate, but that “what is at stake is *regulation* by the state, including the power to determine what counts as marriage¹⁸⁹”. Card is skeptical of both social pressure and the role played by the state, claiming that social expectations in favor of marriage and against divorce, along with the specific features of state regulation, enable spousal entrapment and abuse. She cites the fact that many jurisdictions require both parties to agree to a divorce to escape the marriage arrangement and that in the case of physical or emotional abuse one is often required to produce evidence to secure a divorce, a difficult and often life-threatening process of evidence collection. Moreover, Card sees these social expectations and flawed state regulatory entanglements as entrenched features of marriage, negative burdens that will be placed upon gay couples if marriage is expanded to include them. As a group of people already oppressed in other ways, Card thinks that gay couples, particularly lesbian couples, are less able to deal with the problematic features of marriage. Homosexual people, people much more likely to be rejected or shunned by the community, often lack the support networks more often available to abused heterosexual spouses.

¹⁸⁸ See Card 2007.

¹⁸⁹ Ibid., p. 24.

Other objections, particularly those from veterans of the gay liberation and lesbian separatist movements of the 1950s through 1970s, focus not on the interactions between classifications of people into groups and the people placed into groups, but rather those between the normative practices of gay people and the ways in which the local environment, particularly within gay culture and gay relationships, shows up to the people engaged in these normative practices. The changes in normative practices resulting from the legalization and normalization of gay marriage, on these sorts of concerns, may erase what was once distinct about gay relationships and bring about a kind of heterosexualization of gay life, sometimes referred to as a process of ‘homonormativity’. Local gay culture and gay people themselves will show up in terms of this new heterosexualized perspective.

Early figures in the gay liberation movement, such as those involved with the Mattachine Society of Manhattan in the 1960s, encountered a far different social and political landscape with respect to issues of sexual orientation than the landscape one encounters in the early 21st century United States. Homosexuality was in the process of moving from a suppressed taboo into a recognized minority lifestyle and gay men and women were struggling to articulate the nature of homosexuality and what it means to be gay. One way of doing this is to claim a distinct space for homosexuality as the rejection of certain heterosexual rules and norms. These rejected rules and norms include things like marriage and monogamous romantic and sexual relationships, traditional gender and social roles, and embarrassment about open expression of sexuality through pornography and sado-masochism. In place of these rules and norms, many homosexuals connected

homosexuality with things such as sexual freedom and happiness, as well as a sense of a supportive and understanding gay community.

The basic picture of homosexuality presented by the gay liberation movement is much different from the one accepted by the contemporary gay civil rights movement. The bulk of the contemporary movement sees sexuality as a collection of innate, structurally invariant features or properties of people, people who require a legitimate institutional outlet for the expression of their desire to follow the norms of society. Liberationists had no desire to follow the norms of society. The concerns of the contemporary civil rights movement are grounded in political liberalism rather than the leftist, both Marxist and anti-Marxist, perspectives taken by liberationists. The concerns of the gay liberation movement are easily reconciled with opposition to gay marriage because gay marriage represents a repudiation of what is distinct about their conception of homosexuality, what it was about homosexuality that held great meaning to the movement. Monogamous pairing and isolation from the gay community was undesirable and would push homosexuals closer to the undesired norms of heterosexuality and heterosexual relationships. The concern is that the gay community would no longer show up as a space for an alternative sort of community based on free association and a free sexuality.

The most intuitive response to this perspective is the move, standard perhaps for liberal theorists, of distinguishing between one's right to enter into gay marriage from the question of whether or not it is *right* to *voluntarily* do so. Perhaps gay liberationists could agree to the view that homosexuals should be allowed the right to enter into same-sex marriage while also attempting to make the case that they should not actually do so.

But I suspect this approach would not be satisfying to the liberationist, and the reasons for this stem from the nature of the concern over the ways in which normative practices interact with background practices. If gay marriage is legalized, new normative practices such as the maintenance of long-term, monogamous relationships and the building of a homonormative family structure will come to be ubiquitous in the gay community, taken as the way one forms families and relationships as a matter of course. This will, on this type of worry, cause gay people to drop the distinct sorts of relationships held as valuable by the liberationist.

4.3 Pornographic Subordination, Authority, and Interaction

A Speech Act Understanding of Pornography

One key benefit to a phenomenological account of practices is that it allows us to take into account the sense in which the local environment in which one finds oneself is not only *important* for understanding or explaining what people do, but also that immersion into an environment is a *precondition* for doing certain types of things or developing activities in certain sorts of way. One begins by doing what one does while the actual individuation of what one does, its structure of rules and norms, comes later. Recognizing this key feature of the things one does is critical for understanding the developed structure of the things people do, particularly those things one finds puzzling, problematic, or in need of change. Development and reconfiguration of activities, *change*, is an ongoing process of raising consciousness and working to modify problematic features of the environment in creative and positive directions. I'll demonstrate this through a consideration of the debate over pornography.

In an influential 1993 article, “Speech Acts and Unspeakable Acts¹⁹⁰,” Rae Langton attempts to provide a more plausible rendering of the claim made by a certain tendency within the feminist movement, particularly radical and Marxist feminists, that pornography subordinates women¹⁹¹. She does so in a decidedly non-Marxist way, drawing upon her own reading of J. L. Austin on speech acts presented in *How to Do Things with Words*¹⁹². After presenting Langton’s speech act theoretical reading of pornographic subordination, I will suggest that a phenomenology of practices is better equipped to describe pornographic subordination. It does so in terms of the ways in which pornography shows up in a local environment and is significant to the people in the environment. I’ll also suggest that a phenomenology of practices is a more effective tool for the development of a feminist and sex- and body-positive alternative to the sorts of pornographic works that are problematic in contemporary life.

Beginning with the claim that works of pornography subordinate women, Langton presents the view that works of pornography subordinate as *illocutionary acts*. This is a novel and bold claim because it goes beyond the far less contentious claim that pornography *causes* subordination, a claim that would amount to reading works of pornography as perlocutionary acts on an Austinian speech act model. It also goes well beyond reading works of pornography as locutionary acts on an Austinian speech act model, a reading that draws only upon the rather banal and obvious claim that works of

¹⁹⁰ See Langton 1993.

¹⁹¹ Langton cites Catharine MacKinnon as a key influence, particularly MacKinnon 1987 where MacKinnon reviews the case of the subordination and silencing of the main actress in the pornographic film *Deep Throat*. See MacKinnon 1982 for a broader situation of MacKinnon’s view within Marxist theory. MacKinnon’s work led to local anti-pornography ordinances in Minneapolis and Indianapolis, ordinances which were discredited on First Amendment grounds.

¹⁹² See Austin 1962.

pornography often *depict* subordination. Langton wants to claim that works of pornography *are* subordination. She claims that works of pornography subordinate through the authority they have amongst their audience, the authority to rank women as inferior sorts of people, depriving them of rights and legitimizing ill treatment of them.

One may have initial difficulties reading works of pornography as illocutionary acts given that the paradigmatic cases of illocutionary acts first presented by J. L. Austin involve utterances by individual speakers in particular contexts. Austin used examples such as the utterance by an official in a wedding ceremony or a ship-naming ceremony. These officials are individual human beings uttering words in a language within a broader background of institutional authority, authority granted by the state or by a civil organization. Works of pornography, of course, are not individual human beings who speak a language. The authority granted to works of pornography is not granted by the state or civil organizations in the form of laws or rules of conduct. Langton defends the use of speech act theory in the case of pornography by appealing to the much more expansive notion of speech in the American political and legal context, pointing out that liberal defenders of pornography appeal to freedom of speech to argue against the banning of pornography¹⁹³. Seen in this way, Langton believes she has positioned her opponents in such a way that they *must* agree that pornography is speech if they are to defend it.

Langton compares works of pornography to two particular sorts of Austinian speech acts, verdictives and exercitives. Verdictives and exercitives involve judgments

¹⁹³ Langton appeals to this First Amendment conception of speech at the outset of Langton 1993, and uses it again in Langton 2009a in her response to Leslie Green. In response to Green, she claims that the liberal who disagrees with her position that pornography is speech is forced to give up a free speech and First Amendment defense of pornography.

by a speaker from a position of authority, differing in terms of the direction-of-fit of the speaker's judgment¹⁹⁴. Verdictives are authoritative judgments about matters of fact in the world, such as a call made by a baseball umpire or other sports official. Exercitives are authoritative judgments about the way the world will be, judgments that change the world through pronouncements or the stripping away of rights or freedoms. The rulings of a judge in a courtroom in civil or criminal proceedings are paradigmatic cases.

Langton's idea is that works of pornography subordinate through authoritative judgments that women are inferior and through making it the case that women are treated as inferior.

Langton offers a pair of initial considerations in favor of the view that works of pornography subordinate as illocutionary acts. She claims that this is the most plausible explanation for the adequately demonstrated fact that subordination exists, and that subordination sometimes results from the production and viewing of pornography. Works of pornography are so effective at causing subordination that there must be a strong connection between pornography and subordination among the usual viewers of pornography. Furthermore, Langton notes that she does not need to establish that pornography is authoritative to *all* audiences, but only the most powerful and efficacious ones, the ones that drive the norms of a society. These relevant audiences are heterosexual males, primarily white and middle-class ones. These audiences, claims Langton, are the ones most shaped by depictions of the subordination of women.

Ethel and the Joneses

Jennifer Saul takes up Langton's speech act understanding of pornography, rightly pointing out that something is an illocutionary act only if it is an utterance in

¹⁹⁴ See Austin 1962, pp. 150-162 for Austin's account of verdictives and exercitives, and a useful comparison to other types of speech acts.

context¹⁹⁵. In the case of pornography, one might ask whether the production or the viewing of pornography is the relevant context in which works of pornography subordinate. Saul uses the metaphor of encoding and decoding to pick out the respective utterances, arguing that it is the *viewing* or *decoding* that is relevant to Langton's claims. Claudia Bianchi¹⁹⁶ and Mari Mikkola¹⁹⁷ agree with the basic outline of Saul's intervention, agreeing that something must be an utterance in context to be a speech act. But they disagree with one another over whether the relevant utterance is the decoding of works of pornography or their *intended* decoding.

Saul claims that only viewings of pornography can subordinate and she uses the thought experiment of Ethel's sign to support her claim. Ethel finds herself in an environment requiring the use of multi-purpose signs in order to communicate. She creates a sign saying 'I do' that she uses "to get married, to agree to return her books on time, and to confess to murder¹⁹⁸". Analogously, a work of pornography may be put to many different uses. It may sexually arouse, offend, or subordinate, depending on the ways in which it is decoded in particular context. The illocutionary act relevant to Langton's claim, the subordination, appears only in some of these decodings. Furthermore, the production of pornography does not guarantee or fix a context of viewing. Thus, it must be the decoding or viewing of pornography that is relevant for the claim that works of pornography subordinate, and the critic of pornography must adjudicate among these decodings to pick out the ones that are relevant.

¹⁹⁵ Saul 2006, p. 235.

¹⁹⁶ See Bianchi 2008.

¹⁹⁷ See Mikkola 2008.

¹⁹⁸ Saul 2006, p. 235.

Bianchi and Mikkola concur with Saul that the viewing of pornography is more relevant than its production. But they disagree on just how the viewing of pornography is relevant, using the thought experiment of Mr. Jones's note to express this disagreement. Bianchi takes the thought experiment to point toward the relevance of the *intended* context of decoding and Mikkola uses the experiment to defend Saul. In the thought experiment, Mr. Jones leaves a note on the table for his wife, a note that states: "as you can see, I'm not here now. Meeting me in two hours at Cipriani's¹⁹⁹". According to Bianchi, this shows that what is relevant to the illocutionary force of the note is Mr. Jones's intention that his wife view the note at a particular time. If Mr. Jones wishes to meet his wife at 7 p.m., then his intention for his wife to view the note at 5 p.m. is relevant to the illocutionary force of the note. The reason is that Mr. Jones is not performing an illocutionary act of inviting his wife to dinner two hours after simply *any old time* she may read the note. He is inviting her to dinner at a particular time. Bianchi's thought is that pornography is an illocutionary act of subordination in only those contexts directed by the intentions of the pornographer, much like the experiment involving Mr. Jones's note. Pornography, of course, can be viewed in many contexts, such as a seminar discussion on the ill effects of pornography or a careful academic study. But these cases are analogous to Mrs. Jones viewing the note at the wrong time. Bianchi thus sharpens the claim that pornography subordinates, claiming that pornography subordinates when it is viewed or decoded in the place and time intended by the producer and distributor of the pornographic work.

¹⁹⁹ Bianchi 2008, p. 312. Bianchi's example is borrowed from Predelli 1998.

Mikkola criticizes Bianchi's reading of the case by bringing the two thought experiments together. She points out that if Mr. Jones's note were a multi-purpose sign, like the Ethel case and more analogously to pornography, then the intended decoding would in fact *not* be the relevant point defining the illocutionary act at issue. When Mr. Jones was writing the note, he would hold the intention to use it in many different ways and thus would not have an intended decoding in mind that covers all or most cases. Mikkola's combination of the two thought experiments is apt because pornography is, as noted by Saul, something that is used in many different ways. It is implausible to claim that the producer of pornography intended to subordinate or intends for his or her work to appear in a particular context in which subordination occurs. Pornography is surely more complicated than the Bianchi reading allows²⁰⁰.

Pornography and Environment

One important aspect of any illocutionary act, but especially the verdictive and exercitive speech acts noted above, is that the performance of the act have the appropriate authority required to be a genuine instance of the act in question. To subordinate is to judge, to rank as inferior or oppress. This requires a certain critical mass of power and authority, illegitimate power and authority in the case of subordination. The discussion over whether pornography is authoritative in the appropriate way has formed a key component of the debate between Langton and her opponents²⁰¹. But one overlooked aspect of this debate is a formulation and defense of how this authority would work the

²⁰⁰ See McGowan 2003, p. 165 for a similar claim. McGowan claims that one who engages in an exercitive speech act must intend to do so, and that the speaker intention is absent in the case of pornography.

²⁰¹ See, among other examples, McGowan 2005, Green 1998, Butler 1997, and Langton 2009a and 2009b for pieces focuses primarily on arguments against the claim that pornography has the authority to subordinate and silence.

assumption that it is present. Much of the debate focuses instead on *whether* the authority is present. Let's assume that pornographic subordination is authoritative. What would an account of this authority look like? Such an account would involve an appeal to the ways in which works of pornography show up to other people in the local environment in which the viewing is done, as well as the ways in which the viewing is enacted and enforced through the community's institutions.

One issue worth pointing out is that what is critical is not merely the use or actual decoding of the work of pornography, but rather than typical or standard use of the work in a particular environment, the ways in which the work shows up and is available for response. To arrive at the claim that works of pornography subordinate, for it to be a substantial and interesting claim, it needs to be the case that pornography subordinates *broadly* and *effectively* in particular environments. This presents a difficulty for the speech act understanding of pornography, particularly the indexical analysis developed by Saul and Mikkola, because what is relevant is the broader significance that viewings have in the environments in which they occur. These considerations have the effect of refocusing the debate over pornography from the efficacy of individual acts at subordinating to the broader community or home in which the pornography appears. Specifically, one ought to focus on how it is that works of pornography are *capable* of subordinating. What needs to be in place for it to be successful?

There's little about pornography that is individual in nature, and many reasons to be skeptical about attempts to individuate works of pornography into speaker utterances. Pornography itself, and the subordination associated with it, involves the interactive practices of a broad range of people, people including actresses and actors, producers,

distributors, viewers, legislators, and various officials. Pornography is itself no monolithic enterprise. Some pornography is rather banal and uninteresting, while some is highly violent and graphic. Some pornography is aimed at teenage boys, while other pornography is aimed at the sexually repressed or lonely. Some pornography is produced by the businessman who aims at making money, while other pornography is produced by the dedicated fetishist trying to propagate or normalize his or her own sexual interests. There is a much broader collection of activity at work than in paradigmatic cases of speech acts.

What I would suggest is a reformulation and sharpening of the claim that pornography subordinates. Rather than formulating the claim, as do Saul and Mikkola, as a claim that works of pornography subordinate through actual contexts of viewing, I would suggest that the very ability of pornography to subordinate in this way presupposes a prior form of subordination. If individual viewings of pornography succeed at subordinating, they do so in virtue of showing up in an environment as something that subordinates, something that presents itself as available for the response of treating women as inferior, as a matter of course. Pornography often depicts subordination. To transition from the depiction of subordination to actual subordination, something about the depicted subordination must ring true, must cohere with what is going on in the community in which it is found. A formulation of the claim that works of pornography subordinate needs to account for the ways in which other folks encounter pornography.

This is somewhat in keeping with Langton's original formulation of the claim, where she places emphasis on the taking of pornography as authoritative²⁰².

The actual intentions of the pornographer, and the actual context in which the viewing of pornography occurs, are things that drop out when one considers the plausibility of the very broad and general claim that pornography subordinates. Let's return to the thought experiment of Mr. Jones's note. We might suppose that Mr. Jones uses the note in an unusual way in his local environment and that Mrs. Jones shares with him this unusual or private use. It might be the case that Mr. Jones performs an illocutionary act of inviting his wife to dinner, but that particular act would shed no light on the illocutionary acts of the community in which the Joneses find themselves. In the case of the very broad and general claim that pornography subordinates, the actual results of individual speech acts, their encoding, decoding or intended decoding, all drop out in favor of considerations of the role such speech acts play in the environment in which they are found.

This approach draws upon some of the disanalogies between the cases of Ethel and the Joneses on the one hand and the case of pornography on the other. The cases of Ethel and the Joneses present cases of ordinary activities dispersed widely across communities and societies, illocutionary acts like asking and inviting. The illocutionary acts in these examples are individual in nature and they are rather close to hand, in the sense that the practitioners sometimes form intentions to perform the illocutionary act and would be able to use standard, ubiquitous terminology to describe what they were doing if asked about it after the fact. The case of pornographic subordination is less ordinary

²⁰² See Langton 1993, pp. 307-308. Langton explains this point in terms of the asymmetrical nature of sexual violence, where women are far more often victims than men. Pornography, on Langton's understanding of the claim that pornography subordinates, legitimizes these broader patterns of behavior.

and less explicit. Ranking an entire class of people as inferior or legitimizing ill treatment against them is often done without an intention and is often done tacitly or covertly, in such a way that the person doing it might not be able to describe what was done, even when reflecting on it. Subordination is also far less individual in nature than widely dispersed activities like asking and telling. The subordinating likely involves the broader institutions or groups within a society.

The ordinariness of the sorts of widely dispersed illocutionary acts in the cases of Ethel and the Joneses, things like asking and inviting, is accompanied by the fact that the activities can be realized or put into use in a number of ways, problematic and unproblematic. The examples used by Bianchi and Mikkola were largely of the innocuous and unproblematic sort. Built into the concept of subordination is the idea that something has gone wrong, that a person or a large group of people is being treated unfairly. It appears to be a feature of the environment, and when it is enacted it is more likely to be hidden or covered over, not readily available for articulation and explanation without a systematic project for doing so.

In paradigmatic cases of illocutionary acts, the acts have immediate effects in the local environment, typically in virtue of an institutional structure that authorizes or prescribes how the act is an act. Langton's analysis of pornography was undertaken in the midst of a larger debate over whether we ought to ban pornography, whether pornography inappropriately prevents women from expressing themselves in the ways in which they would like. Such a 'silencing', as Langton terms it, is easy to see in paradigmatic cases of subordination. But the broader institutional structure is absent in

the case of pornography. If pornography shows up as something that subordinates, it does so as a part of the ways in which one encounters situations as a matter of course.

Responding to Pornography

Rather than debate whether we ought to ban pornography, I think the account in this chapter provides a basic method for *resisting* the ill effects of pornography. I also think it describes quite well some of the moves already taken in this direction by feminist and body-positive alternatives to the work of mainstream pornographers. The problematic ways of encountering pornography are quite engrained background practices, largely unarticulated forms of subordination. They stand in need of articulation through being identified, named, and combated. What is needed is not so much a change in the laws, laws that are at best orthogonally related to the subordination at issue, but rather a kind of consciousness-raising, a change in how one encounters problematic features in the local environment. These problematic features are not the product of viewing certain types of pornographic works, but rather the sorts of responses to those works that are available to people as a matter of course. This is not to say that certain types of pornography, particularly violent and humiliating pornography, do not cater to and attract specific sorts of audiences that will use them in inappropriate ways. It is also not to say that certain sorts of pornographic works do not serve to create their own audiences through an advertising-like mechanism, enticing people toward the sorts of sexual acts they depict. Rather, it is to say that when one draws explicit and reflective attention to these background practices, one puts oneself in a position to address the most important issues effectively.

One type of feminist response to pornography has taken this sort of lesson to heart, simultaneously criticizing the male-dominated and highly problematic pornography industry while developing an alternative, feminist pornography to cultivate both a new kind of person and a more positive female body image and sexuality. In the time since Langton's article and the initial discussion, several outlets have formed for female-owned and operated pornographic websites that present a more realistic and positive image of female and transgendered bodies as well as allow a space for more agency and control for the women depicted in the pornographic works. Much of the motivation behind this new approach is to change the ways in which consumers encounter pornography and the responses pornography opens up in lives and relationships.

The major change in the production, distribution, and viewing of pornography in the time since Langton's article is its move from the site of the brick-and-mortar adult bookstore and magazine shop to the internet, particularly amongst the adolescent male audiences that most concern Langton. The most basic work that feminist pornography can do is to provide depictions in literature, photos, and film that are not depictions of subordination through ranking or legitimization of ill treatment of women. Rather, they can depict more positive images of women and re-direct pornography toward positive ends. The internet has proven to be an effective outlet for this sort of work, an outlet that is often less expensive and not dependent upon the broader infrastructure associated with the traditional male-dominated pornography industry, particularly publishing houses and other means of production and distribution.

One route taken by feminist pornographers has been to eroticize aspects or features of the female or transgendered body often taken as gross or obscene by

mainstream pornographers. The websites Erotic Red²⁰³ and Furry Girl²⁰⁴ do this by presenting as erotic bodies that are more ‘natural’, in the sense that they do not follow social norms about how the body should be hidden or modified in polite society. Erotic Red eroticizes women during their time of menstruation, something taken by some communities to be dirty or not worthy of polite conversation. The owner of the site states that “in an industry where photos of women being throat-fucked and pissed on are commonplace portrayals of human sexuality, women enjoying themselves on their periods are viewed by most pornographers as horrifyingly obscene. Erotic Red is out to change that²⁰⁵”. Furry Girl eroticizes women with unshaven legs and armpits, attempting to counter social norms that declare that women should present themselves in a way that men enjoy rather than in a way that they themselves enjoy. VegPorn²⁰⁶ focuses on presenting transgendered people as agent in control of their own lives and sexuality, rather than in terms of common stereotypes about the sexual activities of transgendered people or as the objects of male fantasies.

Other feminist pornographers very directly integrate their work with the broader feminist aims the work serves. This is accomplished by pairing the pornography with sex-positive webzines, health information for teens, or body-positive and affirmative messages. This gives the viewer of the pornography a very direct way to connect what she or he is seeing to the issues the work raises. The website VegPorn, mentioned in the

²⁰³ <http://www.eroticrod.com>

²⁰⁴ <http://www.furrygirl.com>

²⁰⁵ The statement by the owner of Erotic Red is quoted at the website Feministe. See Feministe.

²⁰⁶ <http://www.vegporn.com>

previous paragraph, presents as models and actresses and actors only people who are vegetarians or vegans. This allows the website to present each person depicted with a space to talk about why they are vegetarian or vegan and why that fact is central to the sorts of people they are. Good Dyke Porn²⁰⁷ eroticizes safe sex practices among lesbians and transwomen, populations for whom information regarding safe sex practices is not widely available, even where sex education takes place.

Taking works of pornography as illocutionary acts may be quite helpful in tracing what individual works of pornography are doing in particular times and places. But the success of such a study suggests not that a speech act understanding of pornography is what is needed to explain pornography's success at subordinating, but rather that there is a prior subordination at work to explain pornography's success. How pornography shows up in local environments is key. This allows one to focus on changing how it shows up, by changing the nature of the pornography itself and by working to change those aspects of the environment relevant to the ways in which it has subordinated.

4.4 Feedback Bias in the Social Sciences: The Case of the Paraphilias

Feedback Bias and Interaction

One goal of a phenomenological account of practices is to make progress toward demarcating activity that is and is not significant to the social scientist. These boundary issues are thorny for a number of reasons, one of which is that the issues are entangled with issues about how social scientists interact with the people they study and those who care about them. The entanglement of empirical science with issues of public concern is not a new discovery. As I reviewed in the opening section of this chapter, work in the

²⁰⁷ <http://www.gooddykeporn.com>

Strong Program in the Sociology of Scientific Knowledge and successors and rivals in the field of science studies is particularly attentive to the ways in which sociological methods are applicable to scientific work and interaction between science and the public. In this section I want to look at one of the problematic types of interaction between social science and the public. I'll do this by looking at a form of bias embodied in the interactions between the background practices and normative practices of broader populations and also interactions between those normative practices and the work, particularly the classificatory work, of scientists who study and classify human beings.

Discussion of bias in the sciences often focuses on phenomena involving the relation between the selection of topics of study or the gathering of evidence and the sorts of presuppositions or cognitive frameworks that scientists bring to the table. I want to focus instead on a form of bias unique to the social sciences, a form of bias where negative social portrayals and ways of encountering particular groups come to be reinforced by the study and classification of the group in question. I'll call this form of bias 'feedback bias'. The idea behind 'feedback bias' is that the feedback loops between social scientific ways of classifying and the human objects of social scientific classification, the interactions presented in the opening section of this chapter, are sometimes problematic in particularly difficult and intractable ways. As a result of some of these social scientific ways of classifying and ensuing feedback loops, members of the classified populations are marginalized or trivialized, sometimes as a result of being treated in new and problematic ways as members of the newly classified group.

Bias, Positive and Negative

‘Social scientific bias’ is no simple term. It picks out a range of problems related however closely or loosely to problems in gaining a comprehensive picture or model of the social scientific phenomenon under investigation. Much of the recent work in this field has turned ethnographical in nature, involving the study of scientific communities and their normative practices at the site of investigation or analysis²⁰⁸. Others have studied the relation between the scientist and the object of investigation through models of subordination and domination²⁰⁹. Feminist scholarship that focuses on the individual researcher has been closely organized around the study of the implicit biases that serve to degrade or devalue the work done by women, people of color, and intersectional categories.

‘Bias’ also picks out scientific work and practices that are problematic in ways other than their direct implications for the accuracy of empirical theories and models, as can be seen in some of the work cited above. Bias is embodied in work that marginalizes individuals and groups of individuals by changing them in problematic ways or by assimilating them into categories that are problematic on their own or problematized by scientists, public officials, or communities. I am using the terms ‘bias’ and ‘feedback bias’ to pick out only the problematic forms of this. The reason, of course, is that some forms of marginalization are positive and beneficial to a free society. The classification

²⁰⁸ See, for example, Latour and Woolgar 1977.

²⁰⁹ See, for example, Keller 1985.

‘rapist’ and elaboration of that classification, while marginalizing rapists, is a positive move²¹⁰.

But these classifications can take on a life of their own, expanding well beyond their paradigm cases and coming to classify and marginalize people who engage in unproblematic behavior or behavior that is problematic in a different way than that indicated by the classification. These problematic drifts in classification are often entangled in broader institutional and social structures. Ian Hacking has written extensively about the classification ‘child abuser’²¹¹. One might also consider the classification ‘sex offender’, a classification used to pick out people convicted of sex offenses like rape and sexual assault. Over time, the group of people and offenses collected under its scope has expanded within local jurisdictions, including offenses such as statutory rape and various misdemeanors. As a result of this expansion of the classification and the establishment of sex offender registries, many people convicted of more minor offenses with short-term or no prison time are now listed in some jurisdictions alongside those who rape or maim²¹².

I have framed feedback bias in terms of the practices of social scientists and the broader populations they study precisely to avoid certain traditional approaches to bias and scientific bias, approaches that treat bias in terms of the application of inappropriate presuppositions and cognitive frameworks. Biased *beliefs* held explicitly or implicitly by

²¹⁰ See also Antony 1993, who convincingly argues that *some* sorts of biases are required for any progress whatsoever.

²¹¹ See Hacking 1991.

²¹² There’s a flip side to this, and it’s that expansions in classifications often perform a very valuable consciousness-raising service. Feminist work on the concept of rape, particularly the categorization of things like date rape, has been particularly valuable. See Jervis 2008 and Peterson 2008 for examples of this work. There is no systematic way to distinguish between the positive and negative cases, though clarity seems to be a frequent factor.

either social scientists or members of societies or communities are not at issue, though such beliefs might be present. The issue rather is about how people *encounter* certain classifications and practices in everyday experience. Feedback bias involves social scientific classifications that change how people encounter their doings and the doings of others in a negative or unhealthy way. Scientific classification can come to alter what one does as a matter of course in a given situation, how one interacts with a person who falls under a particular classification and how the things that person does presents one with opportunities to respond. The language of practices as embodied ways of understanding provides a way to get at how this works, by describing it in terms of the changing of the ways in which people may respond to the things people do, in accordance with the scientific work in question. But it is critical to keep in mind that social scientists who participate in feedback bias are probably *unaware* of the role their work plays in driving it. Furthermore, many have probably never had any folk psychological states, beliefs, desires, intentions, about the aspects of feedback bias most relevant and pertinent to its operation in their own case.

Feedback Bias and the DSM

Many cases of social scientific bias can be profitably examined by considering them in light of the interactions outlined in the opening section of this chapter. First, there are interactions between ways of classifying and the human objects of these classifications who self-ascribe them. A social scientist might develop a classification²¹³

²¹³ Taking the psychiatrist to be engaged in classificatory practice is not without its own set of difficulties, and I need not claim anything beyond the more modest claim that classification forms a part of what many psychiatrists do. See Phillips 2004 for a background discussion of understanding and explanation and psychiatry, and the role that classification plays in these goals. See Thornton 2004 for a discussion of the benefits and weaknesses of reductionist accounts of psychiatric disorders, a type of account that would involve the downplaying of many of the features of psychiatry I emphasize here. See also Haslam 2002 for

aimed at picking out a collection of people, a classification such as ‘unwed mothers’ or ‘unemployed people’. The person picked out by the classification may respond by consciously self-ascribing the classification and accepting or rejecting it. Second, there are interactions between ways of classifying and practices in a material and social environment. The introduction of a new classification by the social scientist may introduce changes in these practices through a variety of mechanisms such as socialization or habituation. Third, there are interactions between ways of classifying and other ways of classifying. The introduction of a new classification may serve the role of displacing or modifying an existing classification or drawing attention to other things in need of classification. One major point of contention in this work is that the interactions at issue have a Janus-like quality. They underwrite much of the similarity and stability within a material and social environment, yet they are also rather contingent and often lead to problematic effects. One case in the history of psychiatry, the classification of the various paraphilias in the Diagnostic and Statistical Manual (DSM) published by the American Psychiatric Association (APA) brings out many of these features.

The diagnostic criteria for the paraphilias, since the publication of the DSM-III, have included two parts, criterion A and criterion B. It is unclear from the DSM and discussion of the DSM just what status these criteria have. Critics of the DSM²¹⁴ often present the two criteria as picking out individually necessary and jointly sufficient conditions for diagnosis, setting up the debate so that the failure of a part of one of the criteria eliminates a necessary condition for diagnosis. Others, such as Bernard Gert and

an account of psychiatric categories as taking on multiple forms and multiple ontological statuses, from natural kinds to practical kinds and non-kinds.

²¹⁴ See, for example, Soble 2004.

Charles Culver²¹⁵, point out that particular aspects of the criteria, such as the appeal to clinical significance, suggest that psychiatric definitions and criteria, while designed to be strongly correlated with successful diagnosis, are not meant to pick out necessary and sufficient conditions. The present work does not depend on taking a stand on this particular issue, though psychiatry's contemporary concern with taking a strongly categorical approach to mental illness suggests that there's something right about approaches taking the diagnostic criteria to pick out individually necessary and jointly sufficient conditions²¹⁶.

In the DSM-IV, criterion A includes “recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's sexual partner, or 3) children or other nonconsenting persons, that occur over a period of at least 6 months²¹⁷”. Criterion B specifies that “the behavior, sexual urges, or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning²¹⁸”. In the DSM-IV-TR²¹⁹, criterion A is unchanged. However, for certain paraphilias including Sexual Sadism, certain types of enactment of sexual behavior are added to criterion B.

²¹⁵ See Gert and Culver 2004.

²¹⁶ Contemporary psychiatrists seem to be keen to avoid this particular debate, taking it to be unhelpful in their own work. See Kupfer, et al. 2002. Kupfer, et al. argue that while the DSM-V ought to take a categorical approach to psychiatry, uncritical adoption of DSM definitions on the part of practicing psychiatrists has not been helpful in the study of the etiology of mental illnesses.

²¹⁷ DSM-IV, pp. 522-523.

²¹⁸ DSM-IV, p. 523.

²¹⁹ ‘TR’ picks out a text revision. Given the large number of years between editions of the DSM, psychiatrists have found it necessary to make periodic changes to the text without a completely new edition.

These diagnostic criteria are a general set of criteria used as a framework for the specific paraphilias. Since my focus here will be on the specific paraphilias of Sexual Sadism and Sexual Masochism, the diagnostic criteria for these are laid out below. These criteria are specific ones added to the general criteria for the broad class of all paraphilias.

Sexual Sadism

DSM-IV²²⁰

A: Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person.

B: The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

DSM-IV-TR²²¹

A: Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person.

B: The person has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

DSM-V (Proposed Revision)²²²

²²⁰ DSM-IV, p. 530.

²²¹ DSM-IV-TR, 2000.

²²² <http://www.dsm5.org/ProposedRevisions/Pages/proposedrevision.aspx?rid=188>

A: Over a period of at least six months, recurring and intense sexual fantasies, sexual urges, or sexual behaviors involving the physical or psychological suffering of another person.

B: The person is stressed or impaired by these attractions or has sought sexual stimulation from behaviors involving the physical or psychological suffering of two or more nonconsenting persons on separate occasions.

Sexual Masochism

DSM-IV²²³

A: Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving the act (real, not simulated) of being humiliated, beaten, bound, or otherwise made to suffer.

B: The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

DSM-IV-TR²²⁴

A: Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving the act (real, not simulated) of being humiliated, beaten, bound, or otherwise made to suffer.

B: The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

DSM-V (Proposed Revision)²²⁵

²²³ DSM-IV, p. 530.

²²⁴ DSM-IV-TR, 2000.

²²⁵ <http://www.dsm5.org/ProposedRevisions/Pages/proposedrevision.aspx?rid=187>

A: Over a period of at least six months, recurrent and intense sexual fantasies, sexual urges, or sexual behaviors involving the act of being humiliated, beaten, bound, or otherwise made to suffer.

B: The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.

In the transition from the DSM-IV to the DSM-IV-TR, two major changes stand out. In the DSM-IV, there are two criteria for diagnosis. The first is either recurring fantasies aimed at unusual objects or behaviors associated with such fantasizing. The second is stress caused by at least one of the disjuncts in criterion A. The DSM-IV-TR takes a slightly modified version of the disjuncts in criterion A, namely a certain type of sexual behavior, and adds it as a disjunct to criterion B. The change is subtle, but important. The result is that engaging in certain sorts of sexual behavior may be sufficient for diagnosis when that behavior is enacted in particular ways, as it is one of the disjuncts in both criteria in the DSM-IV-TR.

One additional change does stand out in the specific case of Sexual Sadism, namely the adding of the word ‘nonconsenting’ to the behavioral aspect of the diagnostic criteria. It’s a change that has both positive and negative aspects. Positively, the change shifts the focus of the diagnostic criteria away from sexual behavior to the nonconsensual nature of that behavior. But negatively, it brings the psychiatric community into problematic relations with the BDSM²²⁶ community, a community that takes itself to be marginalized by these definitions. The BDSM community uses the terms ‘sadism’ and ‘masochism’ in a positive and affirmative way, a way that takes consent to be a core part

²²⁶ Bondage-Discipline; Domination-Submission; Sadism-Masochism.

of what they do. The DSM-IV-TR defines ‘sadism’ in terms of nonconsent²²⁷. This provides maximum opportunity for public and scientific confusion over BDSM community members and their practices.

The shifts in definitions from the DSM-IV to the DSM-IV-TR exhibit feedback bias through the second and third forms of interaction. It does so through changes in the classification ‘Sexual Sadist’, changes that both unfairly label people as participating in problematic norms and behaviors and gerrymander the way an established term picks people out. The redefinition of ‘sadism’ in terms of nonconsensual practices, a term that plays a positive role in the BDSM community where consent is essential to appropriate practice, marginalizes the BDSM community. The attribution of nonconsent to sadist practices carries one step further an already problematic classification that serves to reinforce social norms marginalizing the BDSM community. The BDSM community’s response has been understandably less than enthusiastic.

Ambiguities in the DSM

Feedback bias is often connected to ambiguities in the definitions of key terms, phrases, and examples in the various editions of the DSM. It is easy to slide between descriptive and normative senses in which one might provide and use these definitions. The definitions focus on the fantasy life and sexual practices of the patient. Recurring fantasies and urges directed toward certain objects or involving certain sexual behaviors are all contained in criterion A in the DSM-IV and in both criteria in the DSM-IV-TR. The particular sexual behaviors and fantasies that form the DSM’s focus are chosen

²²⁷ One additional problem with the addition of nonconsent is that it renders the psychiatric categories difficult to distinguish between criminal terms like ‘rape’ and ‘sexual assault’. This is a very important pragmatic issue for psychiatrists because psychiatrists are often called upon to evaluate people accused of crimes.

because they are unusual. They are not the sorts of behaviors or fantasies in which one normally engages. But the sense in which one's sexual behavior and the objects of one's fantasies and desires might be unusual is multiply ambiguous.

There are empirical and normative senses in which fantasies or behaviors might be unusual²²⁸. Something might be unusual in a variety of empirical senses. The fantasy, behavior, or object of desire might be something that not many people think about or do. It might be something that, even if commonly done, is not studied or spoken about in polite society. On the face of it, without a supporting argument, these empirical senses of 'unusual' provide no reason for diagnosis. Alan Soble effectively captures this point when he writes that the "DSM-IV asserts that being unusual (deviant) is necessary for sexual fantasies, urges, or behaviors to be paraphilic..." but that the "DSM-IV cannot get far with 'unusual', anyway. Consider a two-hour marathon of heterosexual fellatio²²⁹". The objection Soble raises is that such an event would be unusual in a merely empirical sense, in the sense that not many people do it. But this does not necessarily indicate a problem. If a fantasy or behavior is a problem, it is not because not many people do it or because it is not studied or discussed. The empirical sense of 'unusual' is useful for diagnostic purposes only if being empirically unusual is strongly correlated with being problematic, something that remains undemonstrated.

Soble's example does not cover all cases of empirical uses of 'unusual', particularly those cases where something is empirically unusual in merely a professional or scientific context. The classical example here is homosexual sex, something poorly

²²⁸ A similar point is raised in Moser and Kleinplatz 2006. Moser and Kleinplatz point to the importance of the object of desire in the definition. Their thought is that mention of 'children' and 'nonconsent' adds a normative dimension that holds regardless of empirical results.

²²⁹ Soble 2004, p. 56.

understood by social scientists before the work of modern sexology but still widely practiced by the general public. But I think Soble is on the right track in the sense that any empirical sense of ‘unusual’ will make for a poor diagnostic criterion that fails to get at the difference between fantasies and behaviors that are rare or poorly understood and those that indicate a disorder. We ought to conclude from this that the DSM is singling out unusual features and behaviors in not the empirical sense but rather the *normative* sense. The DSM-IV is asserting that one important diagnostic criterion is the violation of the community’s sense of appropriate or typical sexual fantasies, urges, or behaviors.

The normative sense of ‘unusual’ is not free from ambiguity, suffering from its own problems similar to those in criterion B that we will examine shortly. Many fantasies and behaviors that violate the community’s standards are enacted by BDSM practitioners in a positive and affirmative way. While the diagnostic criteria for Sexual Sadism and Sexual Masochism use terms like ‘suffering’ and ‘humiliation’, terms used in a negative sense to pick out activities that surely no one would want, these terms are used in a variety of ways. They pick out activities that are harmful and damaging, such as rape and sexual assault, but they also pick out activities that are consensual and enjoyable in the context of sado-masochistic practice, activities grounded in the consensual and safe use of power-play. By failing to distinguish between the positive and negative ways in which these activities are done, the DSM-IV’s criterion A is reduced to the norms or standards of the community with no regard for the consent and enjoyment of the people who are being diagnosed. Much of the language in the DSM-IV and the DSM-IV-TR suffers from the same problems as those arising from the use of the word ‘nonconsenting’ examined above. Social scientists, like anyone else, are influenced by the habitual

application of community or social norms. Once a practice is taken as unusual, in the normative sense, it is but a short move to label the practice itself as inherently problematic or disordered and but a short move to inappropriately diagnose someone who is engaging in consensual and safe activities.

Difficulties enter into criterion B over the appeal to patient distress. As the DSM acknowledges, ‘distress’ is a condition that may spring from various sources. The DSM clearly states that psychiatrists ought to diagnose a patient with a paraphilia only when the patient’s distress is endogenous, or motivated by the patient’s own attitude toward her condition. It excludes exogenous distress from the diagnostic criterion, or distress that originates in the community of the patient, in its customs or social norms. The psychiatric community holds an appropriate concern that there be something about the patient herself or himself that raises problems or issues. A patient suffering from exogenous distress suffers not from a mental disorder or illness, but rather a problem originating in the community or society. She’s a victim of social persecution rather than a person requiring treatment for her own issues. This is especially critical for the psychiatric community in light of the failure, examined above, to protect people from social norms in criterion A.

In light of the operation of feedback bias, it’s important to clarify what ‘endogenous’ and ‘exogenous’ mean in the psychiatric literature. ‘Endogenous distress’ means *only* that the distress at issue results from the patient’s own attitudes. The lineage or ultimate origin of the attitude is irrelevant. What matters is that the patient holds the attitude *now*. Jennifer Radden²³⁰ points this out, quoting the DSM-III on the topic of

²³⁰ See Radden 2004.

‘Ego-dystonic Homosexuality’, a topic we will review shortly. The DSM-III says that “the factors that predispose to Ego-dystonic Homosexuality are those negative societal attitudes toward homosexuality that have been internalized²³¹”. The DSM is clear that distress is endogenous even when it is the result of internalized societal attitudes, so long as those attitudes are the patient’s own attitudes. ‘Exogenous distress’ picks out *only* distress directly caused by society or the attitudes of others, exclusive of cases where the patient’s own attitudes act as intermediary. Thus, it incorporates a very narrow understanding of marginalization or social persecution.

The benefit of this way of distinguishing endogenous and exogenous distress is that it is relatively clear and it renders the two types of distress easier to pry apart in actual cases. The only relevant diagnostic question is whether the patient has the attitude causing the distress, a much simpler question that ignores the broader causal history at work. But the downside is that the distinction gains efficiency at the expense of full descriptive accuracy or adequacy in many cases of apparent mental illness. The study of feedback bias gives us excellent reason to believe that the ways we think about our own fantasies, urges, and behaviors are deeply entangled with our local community and that we often internalize community attitudes tacitly in ways unknown to us through our participation in the community. This process obscures the ultimate social origin of distress and, intuitively, one wants to pry these cases apart from cases where patients have distress resulting from considered reflection upon their own fantasies, urges, and behaviors. The latter cases seem more predictive of the presence of the sort of mental illness that needs to be treated, the sort where there is something about the patient that

²³¹ DSM-III 1980, p. 262.

needs treating, while the former cases look much more like the social persecution at issue in cases of exogenous distress. The operation of feedback bias renders these distinctions difficult to draw in actual cases.

Paraphilia, Feedback Bias, and the DSM-V

The DSM-V is currently being drafted and is scheduled for publication in May 2013. As of June 2011, the draft material incorporates two major changes, changes that have both positive and negative aspects. The first change is the elimination of specific sorts of behavior from inclusion in both criterion A and criterion B, thus eliminating the appearance that these behaviors alone are sufficient for diagnosis. This is largely a reversion to the language of the DSM-IV and is widely regarded as correcting a mistake in the DSM-IV-TR, a mistake that, as we saw earlier, had unfortunate consequences²³². This is fortunate, given that once we established that only the unusual nature of the behavior is at issue, psychiatrists were left with a diagnostic criterion based solely around doing something the local community finds distasteful or inappropriate. The reversion to the DSM-IV is still problematic, as shown above in the discussion of different senses of ‘unusual’ and the distinction between endogenous and exogenous distress, but it does remove the even more problematic behavioristic aspect.

The second change is an attempt to draw a systematic distinction between social behaviors, urges, and fantasies themselves, on the one hand, and problematic ways of enacting the sexual behaviors, urges, and fantasies, on the other. The draft does this by drawing a distinction between paraphilias and paraphilic disorders. On this distinction, paraphilias are identified by criterion A and are not necessarily problematic. Paraphilic

²³² See First and Frances 2008.

disorders require both criterion A and criterion B. The intuitive idea behind this distinction is that the things picked out by criterion A are not necessarily problematic. They only become problematic when accompanied by distress, impairment, or nonconsensual enactment. We begin with an apparent disorder, but one that can be enacted in either problematic or unproblematic ways. The goal behind the move is to problematize not the behaviors, urges, or fantasies themselves, but rather nonconsensual enactments and actions causing distress for the patient.

In one sense this change is merely a cosmetic one. As I have presented the diagnostic criteria, criterion A is only one of two required components for diagnosis and hence *already* should not be considered problematic when not accompanied by the issues listed in criterion B. On a straightforward reading of the two criteria as individually necessary and jointly sufficient conditions for diagnosis, criterion A alone should have never been an issue. Even on a more nuanced and careful reading of the criteria, the presence of A should only be a prompt for further investigation and concern on the part of the psychiatrist. But the operations of feedback bias help show why this division has already had strong effects on diagnostic and legal practice. The inclusion of the unusual behavior and fantasies in criterion A changes the ways in which these things show up to the scientist and to the broader public. Where they once may have gone unnoticed or unproblematized, they now show up as suspicious and problematic. Making explicit the fact that they are *not* problematic is one step forward toward countering the marginalization of folks who engage in safe and consensual sado-masochistic practice²³³.

²³³ See NCSF 2010 and Wright 2010 for the largely positive responses from the BDSM community and its defenders.

Susan Wright describes the details of a 2009 child custody case to illustrate the positive effects of the paraphilia/paraphilic disorder distinction²³⁴. The mother in the case self-identified as a “domme”, or female sexual dominant within the BDSM community. She also moderated an online BDSM discussion group. The case worker in this case used this information as relevant to the custody case and used it to label her a ‘Sexual Sadist’ by the DSM classification. The case worker’s classification was clearly inappropriate for a number of reasons²³⁵. However, the mother’s lawyer was able to submit the paraphilia/paraphilic disorder distinction to the judge at the final hearing in order to avoid loss of custody.

The DSM, Homosexuality, and Paraphilia

While a positive step forward, the move to distinguish paraphilias from paraphilic disorders retains the remnants of the tendency within psychiatry to problematize behaviors themselves rather than ways of enacting or participating in them. The positive aspect is that the move represents the continued development of a trend in psychiatry started in the early 1970s with the declassification of homosexuality as a disorder, the trend of moving from the classification of certain practices as disordered to a close attention to the ways potential disorders are practiced. But this development is not complete. Homosexuality was removed from the DSM’s list of mental illnesses by the APA in 1973, a move that was implemented in the re-issued DSM in 1974. But homosexuality reappeared in the DSM in new ways. In the 1980 publication of the

²³⁴ See Wright 2010.

²³⁵ One reason is that there was no evidence to suggest that the mother had engaged in any form of coercive or nonconsensual behavior. Another reason is that self-identification as a “domme” within the BDSM community is not sufficient for self-identification as a “sadist”. Calling oneself a “domme” implies only a dominant role within sexual activity. It does not imply that one inflicts pain.

DSM-III, it appeared as ‘Ego-dystonic Homosexuality’, a classification that problematized homosexuality that leads to endogenous distress in the patient over his or her sexual orientation. It was later relegated to the more obscure category ‘Sexual Disorders Not Otherwise Specified’ and its exclusivity to homosexuals was dropped²³⁶.

These changes exhibit feedback bias, particularly through the second and third forms of interaction. Members of the gay community had self-ascribed many of the earlier classifications and responded negatively, engaging in various forms of activism aimed at challenging psychiatric practices. Both activists and psychiatrists changed the ways in which people experience homosexual affection in public and in private discussion with one’s family members. The changes in psychiatric classification spawned debates producing changes in other classifications, as well as changes in the diagnostic practices of psychiatrists. The entire debate brought to the forefront issues over the ways in which psychiatrists interact with the broader public, particularly as gay activists protested APA meetings in the early 1970s and met with the leading figures involved in drafting the DSM²³⁷.

Charles Silverstein, one activist who met with APA leaders during these debates, points out that one of the key goals of the activist community was to advance the social dignity and civil rights of the gay community. He writes:

²³⁶ See Wilson 1993 for an overview of the relevant history of the psychiatric classification of homosexuality. See also Zucker and Spitzer 2010 for an examination of Gender Identity Disorder and its possible status as a new replacement for homosexuality in the DSM.

²³⁷ The debates over the classification of homosexuality occurred as a part of a broader movement within the psychiatric community from theory-based approaches, particularly psychoanalytic approaches emphasizing the symbolic meaning of symptoms, to a descriptive, medical approach attending closely to the symptoms themselves. The former approach admits of a continuum between healthy and unhealthy individuals while the latter approach is a more categorical one that attempts to demarcate the various illnesses from one another and the healthy patient from the unhealthy person.

Because the psychiatric community was one of the “gate-keepers” of society’s attitudes, we believed that this change would have profound effects on the lives of gay people; it would hasten the elimination of sodomy laws and “moral turpitude” clauses in state regulations that prohibited the licensing of otherwise qualified professions (e.g., physicians and lawyers). We also expected it to help establish civil rights protection for gay people, including non-discrimination in housing and employment²³⁸.

This shows in a particularly clear way the two-way nature of these interactions. Many of the objections to the DSM accuse its authors of uncritically transcribing social norms into psychiatric classification, but one can also see the psychiatric community’s ways of classifying people as a driving force behind social norms. The declassification of homosexuality as a mental illness was one step toward gaining respect for homosexuals and battling the exogenous distress associated with the sexual orientation. One key parallel to the case of sado-masochism is that the classification of sadism and masochism as mental disorders reinforces the tendency to experience sado-masochism as social deviance, experiences that in turn drive the entrenchment of these classifications. This process prevents consensual and affirmative forms of sado-masochism from being recognized as a positive force in people’s lives. Eliminating or relabeling these classifications may help secure forms of civil or legal rights that sado-masochists currently lack, such as fair treatment in child custody cases and employment non-discrimination cases.

Conclusion

We have seen that feedback bias enters the DSM in a number of ways. The specific terminology used in the classification of the paraphilias, particularly Sexual Sadism and Sexual Masochism, reinforces social norms that marginalize people.

²³⁸ Silverstein 2009, p. 161.

Furthermore, this marginalization creates exogenous distress for patients, distress that often becomes internalized and difficult to distinguish from genuine endogenous distress in a clinical setting. But there has been incremental, positive movement away from these biases due to a good-faith effort on the part of professional psychiatrists. The key to further positive movement is to follow the trend developed in the gradual declassification of homosexuality as a mental disorder. This trend is one of setting aside social norms in favor of close attention to how people engage in certain practices, whether this engagement is one of mutual consent and enjoyment on the one hand or coercion and nonconsent on the other. This sets the state for a patient-centered diagnostic practice, surely a key goal of psychiatry.

CONCLUSION

Appeals to practices are common in the humanities and social sciences, but a close examination of these appeals has revealed large gaps between what practices are and how the term ‘practices’ plays a role in contemporary theorizing. It is most common to appeal to practices as *things*, discrete objects that play some role in the causal order of the world. This is an understandable move, given that it is common to think about practices as similar to *habits* or *actions*, but with some sort of distributed, social aspect. As we saw earlier, this approach is both extremely tempting and philosophically problematic. The metaphysical language many practice theorists adopt, sometimes piecemeal and sometimes wholesale, is not fruitful for the sort of theorizing they would like to do.

My phenomenological account of practices places its emphasis on a different aspect of practice theory, namely its close attention to the surface of what is going on in a local environment. This focus is often more atheoretical than in the service of an ambitious explanatory project. I began by turning to the work of Wittgenstein and Heidegger, two philosophers who carry out a project of attending to everyday practical activity while also working through difficult issues about the proper methods and avenues for theory building. The work of these philosophers is the most prominent historical influence in the subsequent literature and, as we have seen, their thought experiments and arguments have proven fruitful for further development.

I turned next to Stephen Turner’s systematic critique of appeals to practices, a critique that effectively demonstrates the problems with past approaches. Turner’s argument is both a broadside against problematic practice theoretical approaches that

appeal to practices in the context of a systematic explanatory project and a prompt that points the way toward more promising developments. Turner's work has the merit of criticizing those who work in the tradition of Wittgenstein and Heidegger, while also leaving open a space for a reply that is more closely attuned to the work of Wittgenstein and Heidegger.

My own account, developed in Chapter 3 and applied to a range of cases in Chapter 4, treats practices in terms of how they show up in local environments. I distinguish between background practices and normative practices in order to distinguish between cases where one is merely doing what one does and cases where one's doings show up as structured by rules and norms and directed toward goals. A major benefit of my account is that it opens up a space for more fruitful discussion of many key issues in social philosophy and the social sciences. I began that discussion in Chapter 4 by discussing gay marriage, pornography, and sado-masochism, a discussion that can be expanded well beyond these initial cases. In each of these cases, we can arrive at fruitful avenues for discussion by setting aside an object-based approach in favor of a phenomenological one.

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