

RULES AND MENTION

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'I'm to force you to accept Z, am I?' Achilles said musingly. 'And your present position is that you accept A and B, but you don't accept the hypothetical –'

'Let's call it C,' said the Tortoise.

'– but you don't accept

C. If A and B are true, Z must be true.'

'That is my present position,' said the Tortoise.

'Then I must ask you to accept C.'

'I'll do so,' said the Tortoise, 'as soon as you've entered it in that notebook of yours. What else have you got in it?'

'Only a few memoranda,' said Achilles, nervously fluttering the leaves: 'a few memoranda of – of the battles in which I have distinguished myself!'

'Plenty of blank leaves, I see!' the Tortoise cheerfully remarked. 'We shall need them all!' (Achilles shuddered.)¹

Imagine encountering a creature, a Tortoise as it happens, resistant to accepting a conclusion which is obviously entailed by premises it accepts to be true. What we have on our hands is clearly not a case of inadequate justificatory grounds for the purported inference. The argument is valid all right; the transition from premises to conclusion is obviously inferentially licensed. But the Tortoise will not proceed from premises to conclusion without being assured that this is actually so. And once assured by being offered the relevant licence, the Tortoise will not proceed to the conclusion without being assured that the transition from the premises and the given licence to the conclusion is actually licensed. Something has gone wrong. Through an eccentric pattern of deliberation, the Tortoise will not be moved to accept the conclusion.

Assuming that (C) expresses the relevant licence required for the transition from premises to conclusion, two points are worth noting regarding the following exchange between Achilles and the Tortoise:

Achilles: Then I must ask you to accept (C)

Tortoise: I'll do so as soon as you've entered it in that notebook of yours.

¹ Lewis Carroll, 'What the Tortoise Said to Achilles', *Mind*, 4 (1895), pp. 278–80, at p. 279.

The first point is that the Tortoise agrees to accept (C). The second is that the Tortoise makes its acceptance of (C) contingent upon (C)'s being entered as a further premise. Much of the discussion of this famous dialogue has centred on the second point, that the expression of an inferential licence is being entered as a premise. It is often said that the Tortoise fails to appreciate the difference between rules and premises. In what follows, I shall focus instead on the first point. Specifically, I shall consider how it is that the Tortoise agrees to accept a licence yet still fails to be moved by it. In what sense has the Tortoise really accepted (C)?

So one main problem raised by Lewis Carroll's 'What the Tortoise Said to Achilles' can be formulated as the following question: what is it for a rule, in this case an inferential licence, to be action-guiding? If we shift our attention from rules to their linguistic expressions, as in the case of the Tortoise's (C), we encounter the following linguistic variant: what is it for a linguistic expression of a rule to be action-guiding? On one view of things, a view to which I subscribe, the best theoretical understanding we can achieve in this latter area is within some version or other of the theory of illocutionary acts. But there is a stubborn hindrance to taking the Tortoise's position to be handled in any straightforward way by an appeal to any such theory. I take it that in its most troubling version Carroll's parable gives rise to an acute practical problem, a general normative scepticism which might remain undaunted despite our best theoretical efforts. Accordingly, my aim in this paper will not be to answer the speech-act-theoretical question of what it is for a linguistic expression to be action-guiding. My aim, rather, will be to offer a response to the practical problem. I shall offer a diagnosis of how the general normative scepticism at issue can arise, with the aim of providing something to resist the pull of the sceptical threat.

My plan is as follows. The normative scepticism engendered by Carroll's story is more abstract and general than other forms of normative scepticism. Accordingly, I shall approach it indirectly via a certain idealization. I shall describe a far clearer linguistic analogue of the general problem which simply generalizes on the Tortoise's attitude – a sceptical attitude towards the linguistic articulations of rules, sentences of the form 'In circumstances *C*, do *X*'. In the first section of the paper I shall outline this linguistic version of normative scepticism, and argue that it indeed encapsulates a distinct form of scepticism, generated by a distinct pattern of practical deliberation. In the second section I shall consider what a successful response to this problem might look like, and offer two criteria of adequacy for success. In the third section I shall offer my own diagnostic response to this sceptic's *rapport* with the linguistic articulations of rules. My diagnosis, in a nutshell, is that the sceptic is driven by the faulty conception that mentioning an

expression of a rule inevitably excludes its simultaneous use in guiding behaviour, by stripping it of its illocutionary force. This is a prevalent conception in general, if one rarely attended to. But there are good reasons, independent of Carroll's story, for thinking that mentioned sentences may retain their illocutionary force even while they are being mentioned. In the fourth and final section I shall bring the lessons of my response to the idealized linguistic version of this normative scepticism to bear on the general case. My claim will be that, by analogy with treating mentioned sentences as thereby stripped of their illocutionary forces, the general sceptical position inspired by Carroll's story treats any rule reflected upon, by whatever means, as thereby ceasing to exert the influence it would otherwise possess in guiding the sceptic's behaviour.

It is worth emphasizing at the very outset that my account is meant as a diagnosis of a sceptical problem. It is thus not intended as a refutation of the sceptic's position, if by 'refutation' in this context we understand an account which makes it impossible for the sceptic to retain a sceptical stance. I take such refutation to be out of the question. It is clearly possible for the sceptic to agree with everything I say in this paper and remain unmoved. But if the scepticism in question is at all seductive, the account offered here may provide an effective way of resisting the seduction. And if I am right, then the sceptic's position will thus ultimately be revealed as not so compelling after all. So, in the terms set by the original story, the account I offer is not meant to force the Tortoise to move in the desired direction. Rather it is meant to allow Achilles to turn away from the Tortoise unscathed.

I

It is possible to distinguish between three types of scepticism about rules. The first is of the variety most prominent in discussions in meta-ethics, where the sceptic is doubtful about the authority of a rule via worrying about its origin. This is the worry extensively discussed by Christine Korsgaard about the sources of normativity.² It is predicated upon the everyday possibility of acknowledging that some particular demand is in effect while refusing to recognize it as binding, consequently withholding compliance. This possibility is then extended, through general considerations about the nature of authority, to a general refusal to recognize any demand as binding. With regard to any particular demand the sceptic asks 'How can this be authoritative for *me*? Why should *I* do as it prescribes?'

² C.M. Korsgaard, *The Sources of Normativity* (Cambridge UP, 1996): see esp. 'Lecture I: The Normative Question', pp. 7–48.

A second kind of scepticism about rules, one which has mostly been discussed in relation to rules governing our discursive practices, is of the Kripke variety.³ Whereas Korsgaard's sceptic has an authority problem, Kripke's sceptic has a semantic problem – a problem with the semantic interpretation of the linguistic articulations of rules. The sceptic at a certain stage of Kripke's familiar dialectic takes the linguistic availability of any rule, as such, as leaving subsequent performance radically underdetermined. This is advanced by pointing out that there is a multitude of ways in which the linguistic expression of the rule could apply in practice. Thus either its application is itself a normative matter, so that at least one of these ways would be privileged over the rest, or else it is not. In the former case the original expression of the rule is revealed to depend on a further expression of a rule dictating how it is to apply, which requires a yet further expression of a rule dictating how the second is to apply, and so on down the line of a regress. This takes us to the remaining possibility, that the application of the original expression of the rule is not itself a normative matter, in which case it could not possibly serve to dictate anything to the exclusion of anything else. The sceptic in this story is doubtful about the ability of a rule to bind, via worrying about the ability of its linguistic articulation to prescribe anything in particular. This doubt is predicated upon the everyday possibility of acknowledging that some rule is in effect (reading 'some' as taking narrow scope), while taking oneself as falling short of settling conclusively what, in particular, is being prescribed. This possibility is then extended, via general considerations about the nature of interpretation, to any rule's inability, in principle, to dictate anything in particular, which yields the sceptical conclusion that the answerability of our conduct to rules is illusory.

Yet a third kind of normative scepticism is a scepticism inspired by Carroll's puzzle about Achilles and the Tortoise, which is the version of scepticism I shall be concerned to elaborate throughout. It will help to fix ideas to consider the standpoint of the Tortoise and his self-proclaimed acceptance of a sentence expressing an inferential licence. Whereas Korsgaard's sceptic has an authority problem and Kripke's sceptic has a semantic problem, Carroll's Tortoise has a problem arising in connection with appreciation of the force of rules as such. Because of the generality of the problem and because it was originally formulated with respect to rules linguistically articulated in a particular way, my approach to the general issue will proceed via a particular way of construing the sceptic's deliberations, which should make things somewhat clearer. As I promised above, I shall devote most of the ensuing discussion to a linguistic idealization of the

³ S.A. Kripke, *Wittgenstein on Rules and Private Language* (Harvard UP, 1982): see esp. ch. 2, pp. 7–54.

normative scepticism at hand, a sceptical *rapproch* with certain linguistic articulations of rules. So, until further notice, ‘rule’ and its cognates should be understood as applying to linguistic items.

As is customary in discussions of the Tortoise’s problem, we may disregard its original formulation and recast it in a more general form regarding the discursive act of concluding q from p , where we take this transition to be an obviously permissible inferential move. The sceptic is given some premise p , and accepts it as such. Wishing now to conclude q , the sceptic reflects that the permissibility of the transition from p to q depends on the existence of a licence specifying that such a transition is indeed permissible, namely, ‘Given p , q is licensed’. Wishing to conclude q , the sceptic next reflects that the permissibility of the transition from p to q , given that the licence ‘Given p , q is licensed’ is in effect, depends on a further licence legitimizing *this* inferential move, namely, ‘Given p and given that the licence “Given p , q is licensed” is in effect, q is licensed’. This procedure can be iterated endlessly, never to terminate in the acceptance of q .

Before elaborating further on the details of the case, I note that we can easily recast the scenario in a way that would extend its scope to other kinds of licences. The sceptic wishes to cross the street at a pedestrian crossing where the light displays a *Walk* signal. The sceptic reflects that the circumstances are what they are and that the licence *Walk* is in effect. Still wishing to cross the street, the sceptic next reflects that the permissibility of crossing the street depends on the existence of a licence specifying that given the sceptic’s situation, and given that the licence *Walk* is in effect, crossing the street is licensed. Needless to say, the sceptic will miss the light. This line of practical deliberation, if pursued persistently, will not eventuate in stepping off the curb.

An analogous situation can easily arise with respect to rules other than licences. The sceptic, being in circumstances C (let us say, standing on the curb with a burning desire to cross the street) and reflecting that the demand ‘In circumstances C , do X ’ is in effect (let us say that what is prescribed is stepping off the pavement), reflects further that for X to be mandatory in the light of the demand to do X in C , there has to be a demand to do X when circumstances are C and the original demand ‘In circumstances C , do X ’ is in effect. I shall call these circumstances ‘ C^* ’, i.e., C together with the original demand ‘In circumstances C , do X ’ being in effect. So the ability of the original demand to bind is now thought to depend on the further demand ‘In circumstances C^* , do X ’. Again this line of practical deliberation will not terminate in eventual compliance. The expectation that such a scenario can only arise with respect to hypothetical demands is easily frustrated. The sceptic, reflecting that the categorical ‘Do X ’ is in effect, reflects

further that for X to be mandatory there has to be a demand that, given that the original demand 'Do X ' is in effect, X is to be done. So little progress is made by shifting our attention to categorical demands.

Initially we might feel that there is something simply outrageous and therefore uninteresting about the sceptic's line of deliberation. The sceptic fails to see why X should be done in the light of a demand to do so, a demand which the sceptic recognizes as being in effect. Yet we feel that, ordinarily, not seeing why one should do X in the face of the demand to do X is due to some felt lack in justificatory grounds or rationale for doing X . To be told that there is a further demand, prescribing that X is to be done when the demand to do X is in effect, seems to miss the point of this ordinary concern. But what is truly outrageous about the sceptic's reflections, I wish to claim, is that even though we feel that there is something extraordinary about this sceptic's appreciation of the normative, it is not all that easy to pinpoint what it is.

Suppose someone were to ask 'Why should I do X ?', to which the response is 'Well, because it's the law; the law says "Do X "'. This kind of response may indeed invite a dissident's mocking retort 'Is it also the law that this law should be obeyed?'. Now we feel strongly that the dissident cannot be serious here, that the question is merely a way of saying 'I know it's the law but I don't care if it is', just as we would think this of someone who was trying to get out of a promise by saying 'I promised to do X , but I didn't promise to keep my promise'. But it is not easy to say what is wrong with this mocking question. Suppose we try by saying 'Laws by their very nature are such that they also demand to be obeyed'. But then, apart from 'nature'-talk not being very illuminating, we seem to lack the resources to block the slide from this kind of characterization to the suggestion that laws depend on demands dictating obedience (they just happen somehow to 'contain' those demands). And it is but a short step from this idea to the sceptical scenario under consideration, for would not the demand dictating that the original law should be obeyed itself require a further demand dictating that the second demand should be obeyed? So we might try this: 'Laws, by their very nature, demand to be obeyed, and these demands also demand to be obeyed, and so on indefinitely'. But the sceptic can always say 'Why should I do X , given that a law dictating that I should do X is in effect, that it also demands to be obeyed, that this demand also demands to be obeyed, and so on indefinitely? – unless, that is, there is a further demand specifying that, given that the law to do X is in effect, that it also demands to be obeyed, that this constituent demand also demands to be obeyed, and so on indefinitely, X is to be done'.

II

This is a general worry about incorporating rules into behaviour. Its present formulation reveals why there is something unresponsive about the initial diagnosis of the Carroll regress, namely, that the problem stems from overlooking the difference in level between premises and rules. The main problem with this way of putting things is that it leaves unaddressed the sceptical puzzlement over the possibility of accepting a rule in a full-blown sense, that is, incorporating a rule for inferential conduct into inferential behaviour in some way *other than* via its citation as part of the factual claim that the rule indeed applies. As we all know, rules routinely figure within such factual claims. When considering an ordinary argument, we may wonder how the premises yield the conclusion, and then recognize that they do so by *modus ponens*. So how else, we may wonder, is the rule incorporated into the argument except via the claim that it applies? To say merely that it cannot be incorporated in this way because of a difference in linguistic level does not begin to address the real worry here. The Tortoise takes itself to have accepted rule (C). So the real question is this: in what sense has the Tortoise really accepted (C)? Or, to put this another way, in what sense has the Tortoise not accepted it?

It is important to be clear about what makes the scenario described here culminate in any threat to normativity, as opposed to being a mere frustrated idiosyncratic fantasy about the incorporation of rules into behaviour. After all, the sceptic is not questioning the possibility of doing *X* in response to a demand specifying that *X* is to be done. Surely people may be moved to behave in a way they are told to, say, out of fear of possible repercussions. So why should we care about not being able to answer some idiosyncratic self-addressed doubt about the possibility of complying with the demand to do *X*, where this possibility is understood as depending on a further demand specifying how the original demand is to be acted upon, thus initiating a regress? To answer this question, it is useful to consider the ways in which the other kinds of scepticism outlined briefly above culminate in a dismissiveness towards rules.

General doubts about the sources of normativity, the kind of scepticism prevalent in meta-ethical discussions, engender a general refusal to recognize any rule as binding. The sceptic, relying on some picture of what rules really are which does not give them the requisite authority, can ignore a particular demand by citing what the sceptic now takes to be the essential inability of any such item to bind in the face of a whim to behave otherwise.

A Kripke-style doubt, stemming from the perceived inability of any rule to demand anything to the exclusion of anything else, engenders a similar refusal to recognize any particular rule as binding. This normative sceptic can ignore a particular demand on a given occasion by pointing out that there is no fact of the matter to support an interpretation of the demand which would conflict with the sceptic's eventual course of behaviour, rather than supporting one which would not.

Here is how an analogous failure to comply with any particular demand can arise from the scenario we have been considering. The sceptic's bewilderment is over the incorporation of a rule into behaviour. Given certain circumstances C and the demand 'In circumstances C , do X ' being in effect, the sceptic does not see why X is to be done in the circumstances C^* . Now either there is a further demand to do X in C^* or there is not; but either way the original demand will not eventuate in compliance. Given a particular demand in a particular setting, the sceptic sees his eventual behaviour as ultimately incapable of being under any such control. It is as though he would be doing the rule a favour if he were to do X without insisting on a further supporting demand, a favour which might equally well be withheld, depending on the whim of the moment.

What sort of response are we to offer this sceptic? There are two common inclinations in this area which must be resisted. The first is simply to dismiss the problem too quickly as a spurious problem arising from the sceptic's simple-minded failure to notice that observing a rule is a practical ability, a know-how, which has little or nothing to do with the theoretical knowledge of the rule. This seems to have been Ryle's reaction to the problem: 'Knowing a rule is knowing how. It is realized in performances which conform to the rule, not in theoretical citations of it.'⁴ But this move ignores the fact that certain rule-governed activities (e.g., complicated card-games) are simply more intellectual than others (e.g., riding a bicycle) in that proficiency in those activities also requires having theoretical knowledge of rules. Our sceptic's problem can be seen as arising from a consideration of activities of the more intellectual kind. The second inclination which must be resisted in response to the sceptic is the scientific tendency to suppose that the sceptical problem simply dissipates once an appropriate scientific account is given of the difference between treating a rule as actually having influence on one's behaviour and passively recognizing the rule as applicable to oneself. Any such response to the problem seems completely off the mark, if only because it is offered from a perspective wholly external to the sceptic's deliberations. It is thus simply unlikely to

⁴ G. Ryle, 'Knowing How and Knowing That', *Proceedings of the Aristotelian Society*, 46 (1946), pp. 1–16, at p. 7.

diminish the perceived threat of the problem as considered from the point of view of the agent.

A proper response to our worry would have to meet at least two desiderata, which might be viewed as minimal criteria of adequacy for any effective treatment of the problem. The first criterion is that the response must respect the terms of the sceptical challenge. In particular, it must respect the fact that the ability to observe a rule in one's behaviour might very well also include the ability to answer the self-addressed question 'Why should I do *X*?' by offering the description that a certain rule applies. The possibility that such a question can be raised, demanding such an answer, must be taken seriously: our problem gained its initial impetus because apparently one might plausibly justify one's behaviour, perhaps to oneself, by describing the fact that some rule is in effect. Thus to say that a different mode of knowledge, knowing-how, is required for complying behaviour is unhelpful in so far as its connection to the corresponding knowing-that is kept at a bare minimum. Ryle's suggestion that citation of the operative rule invariably plays an inessential role in the exercise of intelligent behaviour is an over-reaction to the intellectualist legend. It fails to satisfy this first criterion of adequacy for successfully responding to the sceptical worry.

The second criterion is that any such response must provide at least some plausible diagnostic account of how the problem can have arisen in the first place. Plausibility here has to include the relative familiarity of the terms employed within the diagnosis itself. Even without invoking a worked out general characterization of scepticism, we may recall that sceptical worries are notorious for arising naturally and effortlessly out of rudimentary reflexive meditations. So any adequate response to the sceptic will have to compete with the immediate appeal of the sceptical problem. The Rylean diagnosis, that such problems arise from the constant drive to reduce knowing how to knowing that ('intellectualism'), might in fact be a way of beginning to meet this criterion, whereas the scientific account of the difference between compliance and mere assent offers nothing of the sort. The diagnostic work that an account responsive to the sceptic must achieve in alleviating the urgency of the problem is indispensable. It is this that will ultimately challenge the perceived inevitability of the problem.

III

The strategy which I shall now pursue for handling the sceptical worry takes its point of departure from what may initially seem like an unexpected direction. Rules, according to the conception I am now offering, are not just

explicitly acknowledged as being in effect via statements of fact specifying that they are, which involve citing them, that is, mentioning them. They are also used. But given the terms of the sceptical challenge, which require it to be acknowledged that an answer to the question why something is to be done might take the form of describing that a certain rule applies, a *caveat* is needed: mentioning does not invariably exclude simultaneous use. The sceptical scenario depends on construing the incorporation of a rule into behaviour as proceeding via the factual claim that a certain rule is in effect, that is, via mentioning the rule, which in turn is taken to prevent its simultaneous use in guiding behaviour, as it is, for example, in the following passage from Sellars:

We saw that a rule, properly speaking, isn't a rule unless it *lives* in behaviour, rule-regulated behaviour, even rule-violating behaviour. Linguistically we always operate *within* a framework of *living* rules. To *talk about* rules is to move *outside* the talked-about rules *into* another framework of living rules. (The snake which sheds one skin lives within another.) In attempting to grasp rules *as rules* from without, we are trying to have our cake and eat it. To *describe* rules is to describe the *skeletons* of rules. A rule is *lived*, not *described*.⁵

This is precisely the kind of view which feeds the sceptical worry under consideration. It draws, in effect, a sharp distinction between rules as mentioned ('described') and rules as used ('lived'). Besides threatening Sellars with the practical contradiction of denying that lived rules can be described (thereby, in effect, describing them, thus falsifying the attempted denial), it reveals him as endorsing a faulty conception of use and mention whereby mentioning excludes simultaneous use. Ryle's figurative contention that 'Rules, like birds, must live before they can be stuffed' ('Knowing How and Knowing That', p. 11), with its insinuation that citing a rule drains it of its life in practice, may attest to a similar endorsement of the idea that mentioning rules somehow conflicts with their action-guiding role.

The idea that mentioning excludes simultaneous use is a widely shared misconception of the implications of the distinction between use and mention. But if we consider this familiar distinction with an eye to our actual linguistic practices, we notice that simultaneous use and mention is in fact very widespread. A famous and rather fanciful example due to Quine is 'Giorgione was so-called because of his size', where the name 'Giorgione' is mentioned and simultaneously used to speak of Giorgione. But our ordinary quoting practices are replete with the mixing of use and mention. Thus in the following example, due to Davidson, 'Quine says that quotation

⁵ W. Sellars, 'Language, Rules and Behaviour', repr. in J.F. Sicha (ed.), *Pure Pragmatics and Possible Worlds: the Early Essays of Wilfrid Sellars* (Atascadero: Ridgeview, 1980), pp. 129–55, at p. 155; italics original.

“has a certain anomalous feature”’, the quoted phrase ‘has a certain anomalous feature’ is both mentioned, in so far as Quine’s own words are being spoken of, and simultaneously used as part of the that-clause, on pain of ungrammaticality. Construing the quotation in such an example of mixed quotation as a mere singular term renders it a grammatical *non sequitur* in the context of the entire sentence.

But the quotational mixing of use and mention is not even confined to mixed quotation, which is very widespread indeed (as any casual glance at the morning paper will reveal), and where grammar demands that we treat the quoted phrase as performing a double role. We often mix use and mention even when failure to appreciate that we are doing this does not render what we say ungrammatical. In, for example, the scolding imperative ‘How many times do I have to tell you “Don’t do that”?’, no ungrammaticality results from treating the quotation as a mere singular term in speaking of something the speaker has said many times in the past. But a proper appreciation of what is said here is that even though the speaker is obviously speaking of something said in the past, he is also saying that very thing right now. In other words, the speaker is not just mentioning the imperative ‘Don’t do that’. The imperative is also used at the very same time with imperatival force.

Such cases abound in ordinary discourse. Pained by your failure to care properly for your recently purchased bicycle and by your pig-headedness about it, I might say, exasperated, ‘It even says in the owner’s manual, “Once a month, clean the cassette and oil the chain”’. In this case I am not merely informing you of some passage in your owner’s manual, even though I am obviously doing that too. I am also thereby imploring you to clean the cassette and oil the chain. I obviously do this by piggy-backing, as it were, on the authority of your owner’s manual. But the phrase ‘Once a month, clean the cassette and oil the chain’ is not just being mentioned in this context. It is also being used with imploratory force. Such mixing of use and mention is also familiar from legal contexts, where segments of past opinions are cited by way of issuing present decrees. The cited material in such cases is simultaneously mentioned and used in its action-guiding role. A US judge may write as follows: ‘As the Court explained in *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943): “If there is any fixed star in our constitutional constellation, it is that no official ... can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion”’. By doing this the judge is to be understood as prohibiting in his own case some official from prescribing what is orthodox in the relevant areas. To do so, the judge need not disquote, as it were, the Court’s position in *West Virginia State Board of Education v. Barnette* by appending to the cited passage

the words ‘and this court concurs’. The judge is understood in the relevant context to be issuing a prohibition via citing it.

For those who remain unconvinced by the abundant data of mixing of use and mention in ordinary discourse, perhaps a brief digression into the semantics of quotation is in order. Elsewhere I have argued that a demonstrative approach to quotation is the only means currently available for accommodating the phenomenon of mixed quotation.⁶ The demonstrative approach was originally offered by Davidson in response to the inadequacies of Tarski’s name theory of quotation and Quine’s description theory.⁷ A recent refinement of Davidson’s original proposal is due to Cappelen and LePore.⁸ According to this latest version of the theory, ‘How many times do I have to tell you “Don’t do that?”’ is analysed as ‘How many times do I have to tell you something sametokening with that? Don’t do that’, where the demonstrative ‘that’ of the first item refers to the second item of the analysis. The relation of sametokening is meant to remain as context-sensitive and as free from *a priori* constraints as Davidson’s original same-saying relation was meant to be. Just as samesaying was said to obtain between two tokens which would yield the judgement of synonymy that whatever was said on the two relevant occasions was the same, same-tokening is now said to obtain between tokens which would yield the judgement that whatever was said on the two relevant occasions was said in the same way.

Regarding ‘How many times do I have to tell you something same-tokening with that? Don’t do that’, the fact that the second item is demonstrated does not prevent it from being issued with imperatival force. Yet the possibility that demonstrated items in paratactic analyses may retain independent illocutionary force is a feature of these accounts which is easy to miss. As Davidson observes in the context of his treatment of indirect discourse, regarding the analysis of ‘Galileo said that the earth moves’ as ‘Galileo said that. The earth moves’,

Like any utterance, this first may be serious or silly, assertive or playful; but if it is true, it must be followed by an utterance synonymous with some other. *The second utterance, the introduced act, may also be true or false, done in the mode of assertion or of play.* But if it is as announced, it must serve at least the purpose of conveying the content of what someone said.⁹

⁶ O. Simchen, ‘Quotational Mixing of Use and Mention’, *The Philosophical Quarterly*, 49 (1999), pp. 325–36.

⁷ D. Davidson, ‘Quotation’, repr. in his *Inquiries into Truth and Interpretation* (Oxford UP, 1984), pp. 79–92.

⁸ H. Cappelen and E. LePore, ‘Varieties of Quotation’, *Mind*, 106 (1997), pp. 429–50; see also their ‘Reply to Tsohatzidis’, *Mind*, 107 (1998), pp. 665–6.

⁹ Davidson, *Inquiries into Truth and Interpretation*, pp. 106–7; *my italics*.

Indeed, there is nothing in the semantics of linguistic reflexivity to prevent demonstrated tokens within paratactic analyses from possessing the illocutionary force they might otherwise possess, despite being referred to demonstratively. So much for the semantics of quotation. I now return to our sceptic.

As I remarked earlier, the terms of our sceptical problem require that the citation of a relevant rule might be offered in removing perplexity over why something is to be done in the relevant circumstances. In other words, it must indeed be possible for the question ‘Why should I do *X*?’ to admit of the answer ‘The rule “In circumstances *C*, do *X*” is in effect’, or ‘The law says “In circumstances *C*, do *X*”’. Now our sceptic faced the demand ‘In circumstances *C*, do *X*’, upon which the sceptic reflects that *X*’s being mandatory in the given situation depends on a further demand to do *X* in the face of the original demand. Thus the sceptic supposes that the circumstances are *C* together with the additional circumstance that the demand ‘In circumstances *C*, do *X*’ is in effect. And this seems to require a further demand to do *X* in the enriched circumstances, thereby initiating the regress, because the mentioned demand is treated as figuring merely within the additional circumstance of its being in effect.

We may now apply the general lessons of the mixing of use and mention to the case at hand. We acknowledge that to the question ‘Why should I do *X*?’ a response might be: ‘The rule “In circumstances *C*, do *X*” is in effect’. But, typically, the cited rule in such cases is not just being mentioned. It is also being used in an action-guiding role. (If the answer to the question is given to oneself in removing a self-doubt as to why *X* is to be done, the cited rule is action-guiding in a self-directed way.) Like the case of ‘How many times do I have to tell you “Don’t do that”?’), where the speaker is not just speaking of the issuing of an imperative but is also engaging in it, the mentioned demand within the claim ‘The rule “In circumstances *C*, do *X*” is in effect’ may not be normatively inert – it may simultaneously be used with imperatival force. That the circumstances include, strictly speaking, the mentioning of the demand itself does not really matter here. (It is part of our practice with citation of rules that they generally do not include their own mentioning along with the rest of their application-conditions.) So we may see our sceptic as someone who does not see that mentioned rules can retain their force while being mentioned, someone for whom citing rules prevents simultaneous use of them. The sceptic takes a rule applying in his situation to pose a mere additional circumstance. The sceptic’s response to anything purporting to be action-guiding is at most to assent to the description that it applies, and this depends on taking the rule which is claimed to apply as an inert object of mentioning.

The supposition that whenever a linguistic item purporting to be action-guiding is mentioned, it cannot perform its action-guiding role is very widespread, as, for example, in the following observation by Sperber and Wilson: ‘When the expression mentioned is a complete sentence, it does not have the illocutionary force it would standardly have in a context where it was used’.¹⁰ Undeniably, we often report illocutionary acts without engaging in them. But if it were invariably the case, as Sperber and Wilson suggest, that mentioned whole sentences do not possess the force they would standardly have in such a context, then the thought that a rule’s being in effect can at most pose another circumstance, calling for a further rule to take this circumstance into account, would be likely to seem pressing. But things are just not like that. Mentioned laws do not merely figure in descriptions of circumstances, requiring more laws to prescribe what is to be done in the described circumstances. And if I mention a promise by way of describing the fact that I have promised something, this may not be only a piece of biographical information which I am simply relaying. If it were inevitably so, then it might indeed encourage the thought that the mentioned promise somehow stands in need of a further promise to secure that the original promise shall be kept, and so on *ad infinitum*. But we can mention a past promise by way of re-enacting it, just as we can mention past commitments by way of undertaking them again. These are all examples of the many different ways in which the mixing of use and mention permeates our linguistic practices.

The response to this problem which I am proposing, then, is that the problem arises from the fact that, for the sceptic, mentioning the rule within the acknowledgement that it applies in the circumstances (what the Tortoise calls ‘accepting the hypothetical’) automatically excludes its simultaneous use in guiding behaviour. Such a diagnosis is indeed far from providing a comprehensive characterization of the difference between merely describing the fact that some rule is given and issuing the same words where the mentioned rule retains the illocutionary force it would otherwise possess. But an answer to the speech-act-theoretical question as to what it is for a rule to be action-guiding while simultaneously being mentioned depends on an answer to the prior speech-act-theoretical question of what it is for a linguistic item to be action-guiding in the first place. And, as I mentioned at the very outset, it is not my aim to answer such theoretical questions here.

¹⁰ D. Sperber and D. Wilson, ‘Irony and the Use–Mention Distinction’, repr. in P. Cole (ed.), *Radical Pragmatics* (New York: Academic Press, 1981), pp. 550–63, at p. 555.

V

I can now finally bring the lessons of our idealized linguistic normative sceptic to bear on the general case. In ordinary speech we tend not to distinguish very clearly between rules and their linguistic articulations. We say such things as ‘The law says ...’, by analogy with ‘The sign says ...’, suggesting that the law itself is a linguistic item, a sentence of some kind. We speak of the writing of rules and we speak of books of rules, as though rules themselves could be written in books. We do so casually, and usually without risking any confusion. But for the purposes of any detailed discussion of rule-governed activity, it is important to distinguish rules from their linguistic expressions. We certainly articulate rules in the sense relevant to this discussion by employing various locutions, accompanied by a variety of illocutionary forces. But many rules, while no doubt governing our practices, are left unexpressed. To pick a mundane example, the rule specifying that washed dishes ought not to be put away while still wet has perhaps never been articulated so far. But it is arguably a rule most of us observe. Perhaps less fanciful examples are provided by grammatical rules which have not been made explicit, and by the rules of what Bernard Williams has called ‘hypertraditional’ societies.¹¹ The diagnostic response to the sceptic offered above conveniently assimilated rules to their linguistic articulations. This was an idealization of the nature of the case, undertaken for its heuristic value. The diagnosis may now appear to have been misdirected if our concern is with a general non-idealized normative scepticism inspired by Carroll’s story, a scepticism about rules which is not confined to any particular way in which rules are reflected upon within the sceptic’s deliberations. I shall now show how the diagnostic response with respect to the ideal case can be extended to the general case. Let us fully recognize the distinction between rules and their linguistic expressions. Let us also acknowledge that rules do not require any sort of articulation in order to be operative in a given practice. But reflection *about* rules has everything to do with what is distinctive about this particular form of normative scepticism. And such higher-order reflection presupposes some linguistic articulation or other of its subject-matter.

The actual means by which rules are mentioned in Carroll’s original story is one which has become standard practice within philosophical and scientific discussions of language – the familiar prefixing of a numeral or a letter before the relevant expression to act as a name for the expression, such as

¹¹ B. Williams, *Ethics and the Limits of Philosophy* (Harvard UP, 1985), p. 142.

prefixing the letter 'C'. In drawing broader implications from the story outside the strictly logical context, I chose to dispense with this technical apparatus, substituting for it the more familiar everyday device of quotation in order to achieve the same effect. But not much hinges on the particular choice of device for achieving reflection about rules within the sceptic's deliberations. The sceptic's deliberations could have very well been carried out exclusively in an indirect mode of speech ('The rule specifying that given circumstances *C*, *X* ought to be done, is given') rather than in the direct mode ('The rule "Given *C*, do *X*" is given'). Formulating the sceptical problem in the former way would have achieved a certain distance from the terms of Carroll's original story. And my diagnosis of the problem as arising from the operative assumption that mentioning a whole sentence excludes its simultaneous use would have had to be readjusted in order to fit this different way of construing the sceptical situation. In what follows, I shall undertake this readjustment for the most general form of the normative scepticism at hand, in order to highlight the broader significance of the sceptical problem and the wider reach of my response to it.

If we look at the sceptical situation without prejudice to the specific means by which reflection upon rules is achieved, we notice the following underlying pattern in the sceptic's failure to comply with a given rule. Stage one: the sceptic is in a certain situation and is offered, perhaps self-offered, a rule prescribing (or licensing) a certain line of conduct in the given situation. Stage two: the sceptic reflects upon the rule, thinking some thought to the effect that this rule is indeed given. Stage three: the sceptic sees the fact that the rule is given as offering at most an additional circumstance within the sceptic's overall situation. Stage four: the sceptic wonders whether, given his overall situation which includes the fact that this rule is given, behaving in the way the rule prescribes is indeed prescribed. My present suggestion with respect to this general case is that the sceptic's pattern of deliberation discloses, at stage three, the assumption that the fact that a rule is given can at most pose another circumstance within the sceptic's overall situation, an assumption whereby the rule itself ceases to exert its force in guiding the sceptic's behaviour. But why should this assumption be at all appealing? The reason for it might be quite general.

It is an intriguing part of our cognitive architecture that reflection upon sources of psychological influence on us can actually diminish the influence. To pick a trivial example, reflecting upon the fact that one is watching a horror film can help one cope with the horror. The horror becomes somehow less gripping once it becomes externalized via the realization that it is a projected image one is subjected to. Of course there are far less trivial examples. Notoriously, reflection on one's ethical concepts can ease their

grip on us too. It was in this connection that Williams (*Ethics and the Limits of Philosophy*, p. 148) reached his memorable ‘un-Socratic’ conclusion that ‘reflection can destroy knowledge’. We are all familiar with the fact that reflecting upon what one ought to do next while playing the piano or while riding a bicycle can threaten one’s ability to perform. Williams’ point is that, by analogy with such familiar cases, reflecting upon one’s ethical concepts can unsettle one’s performance as a moral agent. A university librarian once disclosed the startling statistic that the highest rate of theft of books from his library, and by a very wide margin, is of philosophy books. This is a fascinating topic which is not very well understood. Within the scope of this paper I have attempted to shed new light on some of the intricate issues involved here by noting that within this area of concern looms a distinct form of normative scepticism modelled after the Tortoise’s attitude in Carroll’s story.

Reflecting upon the fact that a particular rule is in effect can achieve reflective distance from the rule’s influence. We can think of this as a prerequisite for any reasoned refusal to comply with a rule, even in ordinary cases. First, we reflect that the rule is in effect. Then we realize that it is unjustified on certain grounds. Finally, we withhold our compliance. This is structurally analogous to a certain *rapport* with speech acts which is rather common. Suppose a sentence is issued with some definite illocutionary force and we reflectively choose to withhold the required reactive attitude. First we reflect that the speech act, say, ‘Could you pass me the salt?’, is issued with the force of a request. Then we choose to withhold the required reaction, in this case passing the salt, for a reason we find compelling – perhaps the other person can reach the salt with very little effort. In this case, mentioning the request within the thought that the request ‘Could you pass me the salt?’ is issued achieves a similar reflective distance from it, a distance required in order to withhold compliance reflectively.

If we shift our attention from the idealized linguistic normative scepticism to the general case, we find that there is a general form of scepticism here which has not received its due attention. For this sceptic, reflecting upon a rule that it is in effect automatically achieves reflective distance from the rule’s influence. This again is structurally analogous to the far clearer linguistic case of taking a mentioned sentence to be stripped of its illocutionary force by the very fact that it is being mentioned. Just as in the case of the Tortoise, for whom reflecting that an inferential licence is in effect (what the Tortoise calls ‘accepting the hypothetical’) strips it of its force as a licence, so also for the sceptic in the general case reflecting upon the fact that a rule applies strips the rule of its influence. My suggestion is that what is operative in this sceptic’s deliberation is a non-linguistic version of the

tendency to take the mentioning of a whole sentence invariably to exclude its use in guiding behaviour. The Tortoise's deliberation exaggerates our ability to achieve distance from speech acts by mentioning them. The sceptic's deliberation simply exaggerates something of which we are no doubt capable: attaining reflective distance from a rule by reflecting upon the fact that it is in effect.

Earlier I said that the normative scepticism which takes its inspiration from Carroll's puzzle is more general than other familiar forms of normative scepticism, namely, Korsgaard's and Kripke's. Now we can finally see why this is actually so. Our sceptic achieves reflective distance from a rule by reflecting that the rule is given, and treating this as another circumstance within the overall situation. But in so far as the reflective distance achieved by reflecting upon the fact that a rule is given is a necessary condition for any reasoned refusal to comply, and in so far as the refusal of any normative sceptic to comply with a rule is reasoned, our normative scepticism is more general and abstract than the other two forms of scepticism. To put a temporal spin on this generality, we may say that within any reasoned *rappport* with a rule, our kind of scepticism can set in before the other two can gain their hold.

Korsgaard's sceptic refuses to comply with a rule via thinking something along the following lines: 'The rule R is given; the source of R 's authority is A ; the source of A 's authority is A^* ; the source of A^* 's authority is A^{**} ; ...'; and so on. Kripke's sceptic thinks 'The rule R is given; the rule R^* for interpreting R is given; the rule R^{**} for interpreting R^* is given; ...'. Both sceptics begin from the thought that R is given, thereby already distancing themselves from R 's influence, while their subsequent deliberations diverge in significant ways. The first sceptic is driven by a desire for an absolutely firm authority; the second sceptic is driven by a desire for an absolutely firm semantic interpretation. Our third sceptic begins with the thought that the rule is given. As in the previous two cases, this already achieves the distance from R 's influence. But what subsequently drives the regress in this case is not some specific felt lack in grounding authority or in grounding interpretation. What drives the regress here is simply the very distancing manoeuvre with which the sceptic began, iterated with respect to the rule which addresses the circumstance of the previous rule's being given. So there really is no specific motive driving this type of regress. The scepticism fed by this regress is completely general, or formal.¹² If we take the most general form of a rule to be possession of influence upon conduct, then the normative

¹² I owe the characterization of this kind of normative scepticism as 'formal' to Christine Korsgaard.

scepticism we have been considering here is completely formal because it turns on nothing other than this general form of a rule.

Finally, I can recast the earlier response to the idealized linguistic version of our normative scepticism in more general terms. Our sceptic treats the fact that a rule is in effect as posing at most an additional circumstance within the sceptic's overall situation, and this attitude is then maintained persistently with respect to any rule being offered. But this attitude is not inevitable within reflection about rules. In cases where we think that given rules are also justified, our reflection about them does not typically loosen their grip on us. If anything, this kind of reflection upon rules tends to reaffirm our commitment to them. This is not to say that the mere thought that a given rule is justified automatically achieves compliance. Famously, there is always room for a healthy dose of *akrasia*. But the crucial point here is that there is nothing inevitable about the sceptic's reflective draining of a rule of its force. The sceptic merely capitalizes on our ordinary means of achieving reflective distance from rules. But those of us who are free of this particular form of philosophical pathology can think about rules without thereby already draining them of their force. We are bound by rules, and we reflect upon them; and by reflecting upon them we do not automatically treat them as having no influence on us. Indeed, a characteristic mark of any reflective observance of rules is that it can be reflective and observant at one and the same time.¹³

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