Chapter Two

Winch and Linguistic Idealism

Winch’s Idealism?.

Was Peter Winch an idealist, specifically a linguistic idealist? Did he, following the Ludwig Wittgenstein of legend\(^1\), believe that ideas, expressed in language, determined the nature of reality? Many certainly paint such a picture of Winch (as many have of Wittgenstein). Is this picture of Winch fiction or reality? It is, we shall argue, the former. ‘Winch-the-linguistic-idealistic’ exists only in the minds and writings of his detractors (and those would-be friends he would reject). The Winch that one finds constituted by his writings on social studies is not, we submit, committed to Idealism.

Winch, Wittgenstein and Philosophy as Therapy

Winch makes remarks which seem like hostages to such misfortune, proposing that ‘concepts’ are or ought to be the central focus of attention, saying that social relations are like the exchange of ideas in a conversation, and—perhaps even more suspect—that reality shows itself in the sense that language has. Treating these points as free standing, it would be possible to (critically) construe them as committing Winch to the view that studying our ideas about reality (concepts) is all that is needed to understand reality itself,

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that social relations are made up of people’s ideas, and that what is real depends upon the language. The remarks we have identified are ones which hold an important position in ISS, and, if indeed central to Winch’s thought, then at least strongly suggestive that linguistic idealism is the right name for his doctrines.

Such a construal depends upon focussing upon remarks considered in isolation, both from the text to which they belong, and the philosophy from which they come. It is a fundamental of Wittgenstein’s thought (see Chapter 1, above, for Winch as a resolutely Wittgensteinian thinker) that philosophy does not consist in doctrines, which is why his own philosophy is more properly identified with a method—a method(s) of reflecting on, clarifying, and alleviating confusions—than it is with any substantive theses. Wittgenstein always took the view that philosophy did not consist in any doctrines.² It is rather an activity (that of achieving clarity in cases where the lack of it—particularly with respect to the workings of language—created troublesome and persistent confusion). As Wittgenstein advised, if he seemed to be stating any controversial theses, saying anything factual that could be disputed, then that should be taken as a sign that—somewhere—he had gone wrong. Note, this does not mean that one could never say anything factual in philosophy, only that the things we could say as a philosopher would not and

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² His early “doctrinal” interpreters notwithstanding; see Hutchinson (2007).
could not be factually informative, could not state empirical news, but could only state facts of the most ‘trivial’ kind: i.e. over which there is no dispute (e.g.; ‘red’ is a colour word in English). Wittgenstein’s insistence that his own philosophy has—in the way of proprietorial, informative theses—nothing to say is no personal idiosyncrasy, but, an overt reflection of the general but obscured condition of philosophy. It is not only Wittgenstein but other philosophers too who, in the relevant sense, have nothing to say. Other philosophers’ works may look as if they feature doctrines, but these are not—given the nature of philosophical practice, they could not possibly be—genuine doctrines. They mislead because of superficial exterior resemblances to the form of genuine doctrines. In reality, they are likely expressions of confusion, confusions which either lead to a combination of words for which we have not efficaciously designated a clear sense being mistaken for an intelligible proposition or to the wrongful identification of the form of some expression (where a linguistic stipulation is advocated as if it were a factual description). For Wittgenstein, the nature of a philosophical problem is: I can’t find my way about.³

To expand on this a little: That philosophy has ‘nothing to say’ means that philosophy has *nothing factually informative* to say, that it is not in the

³ For an explication of Wittgenstein’s employment of such directional metaphors throughout his corpus see Hutchinson (2006) *Unsinnig*. 
business of telling—it has nothing to tell people that they do not already know. It cannot be informative, evidence bearing, because philosophers do not engage in information gathering activities. Philosophers have no methods for finding things out, they do not undertake investigative researches that would accumulate new information, and are not, therefore, in a position to know anything—to have any information—that is as yet unknown to others who do have fact-finding procedures of their own. Anything that philosophers know as a factual matter they know by other means than their philosophical understandings. This means that philosophical disagreements between philosophers have no empirical content—there is no point of information that could be appealed to in settlement of their differences. This explains also why Wittgenstein’s method consists in ‘assembling reminders’ (PI §127): all that one needs to know to ‘solve’ (rather, ‘dissolve’) a philosophical problem is already known, and all that is lacking—not a lack that is necessarily easily remedied—is an appropriate taking stock of what is known. Done effectively, this will show that the real problem is absence of clarity rather than paucity of information, and is no result of ignorance.

Thus, on this (‘our’) method, philosophy forms no constructive programme but is occasioned by response to puzzlements that are created very often by the attempt to ‘step back’ from ongoing practices in which one is otherwise cognitively at home, with the intention to take a reflective view of them. In the transition from engagement in those practices to a standpoint
imaginatively external to them, it is possible that a loss of right perspective
takes place, and that the attention is focused on aspects of the existing practice
in a way which isolates those aspects from their place amongst the
circumstances which make up the practice to which they belong.

Wittgenstein’s own ‘method’, then, provides no means of finding out matters
of fact but engages with the tricky business of recapturing a clear view of what
is already understood as a matter of familiarity with the ways of practice (on
both sides of philosophical disagreements).

The claim that language determines reality would be a doctrine, and a
controversial one at that, meaning (a) that if Wittgenstein/Winch should
advance that—controversial—doctrine it would call not for acceptance but for
a review, in terms of Wittgenstein’s own practice, of where he had gone
wrong in his philosophical practice or (b) that this is a misleading conversion
of Wittgenstein’s methodic dissolutions of confusion into positive doctrines
about the nature of reality. Of course, there can be no automatic assurance
that Wittgenstein or Winch invariably stuck to their recommended approach,
but the determination of whether in respect of issues about ‘language and
reality’ either of them failed to do so is a matter primarily for and of more
detailed examination of Wittgenstein’s specific remarks, one which cannot take place here.⁴

Assuming, then, that Wittgenstein was consistent to his conception of how philosophy is to be done, and that therefore he has nothing other than the banal to say about what is factually the case, then saying what is factually the case is left to those who make empirical inquiries. To say that language determines or constitutes reality as some sort of factual assertion would make it a non-philosophical one—to insist that it is a philosophical claim would, by the same token, withdraw any suggestion of a factual status. Holding this, though, ostensibly opens the way to a no-win situation. So follows the standard complaint that Wittgenstein’s philosophy can only concern itself with the language that we use to talk about reality, and cannot therefore satisfy those who want philosophy to concern itself with the reality that language is naïvely taken to be talking about: how is one to be assured that reality is as language represents it? Aren’t there at least as good grounds for supposing that language does not represent reality as it is in itself?. Trying to make Wittgenstein’s philosophy satisfying to anyone asking those questions will mean that his work is read as proposing that the only way that (his) philosophy can talk about reality is by assuming that the given language of

⁴ Such examination is undertaken in Hutchinson and Read’s (forthcoming) Wittgenstein’s Radically Therapeutic Method. Preliminary work is undertaken in Hutchinson (2007); Hutchinson and Read (2008); and Read (2004a). Also, see Baker (2004) passim.
representation must be taken at face value such that the nature of reality can be read off from the existing language. The language is, so to speak, self-sufficient, establishes its own correctness, and thus unilaterally dictates what it is to speak so as to represent reality. If language is a product of the human mind, and if it is wholly independent in fixing what can correctly be said to be the case in or with the world, then that seems to mean that reality itself makes no contribution to fixing how it is correctly to be formulated, which surely constitutes a species of idealism, a linguistic one.

Taking these worries seriously shows, however, how very quickly the emphasis on the empirical emptiness—save for trivial and truistic assertions—of philosophical exchanges is forgotten, and Wittgenstein’s philosophy is construed as what, by its own lights, it cannot be, a making of claims about how empirical states of affairs are of necessity. The first of these charges, further, supposes that Wittgenstein’s philosophy confesses its own distinctive situation—that it cannot ‘talk about reality’ in the way that some alternative and preferred philosophy can. However, in that respect Wittgenstein’s philosophy is in no different situation than any other philosophy, potentially distinguished from these only in the extent of self-consciousness about the risk of writing as if one was saying something

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3 Wittgenstein was always deeply sceptical about philosophers’ attempts to treat empirical relations as necessary, sometimes remarking (e.g. see 6.37 of the *Tractatus*) that the only necessities belong to logic.
informative when one is, nonetheless, ‘saying nothing’, and in respect of the need to supply propadeutics for this. Additionally, such objections involve construing Wittgenstein’s treatment of language as addressed to the issue of its truth, as though it was commending ‘ordinary language’ as speaking the truth about reality, when Wittgenstein’s whole philosophy has as its most elementary insistence that the task of determining the truth of any empirical proposition is external to philosophy. (Ergo, Wittgenstein’s philosophy is NOT an ‘Ordinary Language Philosophy’.) For Wittgenstein, the key differences that mattered in philosophy were not between factually true and factually false propositions but between expressions which were taken for empirical propositions when they were no such thing, especially when they are either (a) expressions that are taken to be intelligible propositions when they as yet lack any genuine intelligibility or (b) expressions that are taken as propositions though they are not (at least, not as yet) propositions at all, but, insofar as they are intelligible are, for example, prescriptions for linguistic innovation, recommending something rather than reporting anything, though being misunderstood as stating facts.

But, someone might ask us: Is Peter Winch actually working in such a philosophical context? The answer is: It is made quite plain in the book that

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Again, see Hutchinson (2007) for some detailing as to why Wittgenstein is not an ordinary language philosopher. See also Baker (2004) passim.
ISS is a piece of philosophy, and that its central effort is to diagnose the
sources of a confusion. The confusion is embodied in the idea of ‘a social
science’, and it is – in Wittgensteinian terms – a canonical confusion: of non-
factual inquiries for factual ones. The argument is focused on sociology as a
would-be science (though the argument is also applied more briefly to other
‘social/human science’ disciplines such as psychology (especially
psychoanalysis), to economics, and so forth), and is designed to show that the
central problems that sociology addresses are not ones requiring empirical
investigation, and certainly not the formation of distinctive methods of
empirical inquiry. Notoriously, Winch claims that sociology is in large
measure an offshoot of—a branch of, or (better) simply a part of—philosophy,
imagining itself to have left philosophy behind by making its researches
empirical, but here, too, as in the case of psychology, conceptual confusions
and empirical methods pass one another by. Winch’s is no attempt to recall
sociology to philosophy, since his claim is that it has never left it (and—
perhaps most notoriously of all—that its concern with ‘social reality’ is a title
only for misbegotten epistemology). Though these are the central platforms
of ISS they are not usually taken seriously.

Empirical (& empirico-theoretical) Investigations and Conceptual Clarification

So, Winch’s thought depends entirely upon the difference between empirical
investigations and conceptual clarifications, and that he will therefore offer
nothing except clarifications. The clarifications are primarily addressed to the
confusion between empirically-based claims about social activities,
institutions, and the like—e.g. that a practice such as the washing of hands is
found across different social activities—and claims about what those facts
signify—e.g. that the ‘act of washing hands’ is a constant throughout all those
activities, to be dissociated from the ‘rationalisations’ that people give for that
act in the different settings. Some people explain their washing of hands as an
hygienic measure, others may give a religious explanation, but these are,
empirically-speaking irrelevant, irrational responses to an activity that goes
on regardless of how those doing it think about it: they are all manifestly,
empirically-speaking, doing the same thing, though they each believe they are
doing a distinctive and special activity.

This example, Winch took from Vilfredo Pareto, from a work first
published in 1916, and, as such, it may be outdated, though the thought
which it embodies has surely not disappeared from the social sciences, and is
sufficiently persistent to provide a stumbling block to a commonality of
understanding between Winch and his critics.

The fact that people do engage in washing of hands in different
contexts of activity, (practical, religious, legal etc.) is not in dispute, any more
than is the claim that they would give different explanations of what they are
doing in each context—the issues involved are not empirical. The
explanations that the participants give are not empirically falsified i.e. they
are doing exactly what they say they are doing, namely washing their hands, and their doing this is governed by its place in their respective practices—the child is made to wash its hands after using the toilet, not before; the surgeon’s wash their hands (scrub-up) in preparation for surgery not when getting ready to dictate their notes; the Muslim washes his hands (performs *wudu*) before prayers not following, and so on. The idea that their explanations can be (collectively) contradicted arises from what we have argued is the driving preoccupation of so many social science manoeuvres, namely the form of explanation. Thus, inverted commas can be put around ‘explanation’ in respect of the different ‘explanations’ given for washing the hands, signifying that these are to be seen as (mere) rationalisations for an action which cannot be genuinely explained by these rationalisations. The obsession with the form of explanation drives the characterisation of the indigenous ‘explanations’ as rationalisations on the grounds that they differ from each other, while *genuine* explanation demands that the same explanation be given for the same phenomena. The same action (of preparatory handwashing) cannot be properly explained by three different explanations.

Pareto is exemplary of the problem Winch is attempting to raise in respect of both (a) illustrating how such factual materials as are presented in sociology are embedded in conceptions of explanation. Pareto is not seeking to find an explanation for an independently puzzling phenomenon, but is
working from a conception of how things in general are to be explained, meaning that the empirical facts that are not otherwise problematic are puzzling from the point of view of applying his explanatory principle and

(b) illustrating how much hinges on the designation of ‘the same’ with respect to people's actions. Here Winch’s gross argument is that Pareto disregards the fact that he has no especial privilege to say whether two activities are ‘the same’ and certainly none that overrules the judgement of those in those activities that, the washing of hands in an operating theatre is a different activity from Pontius Pilate’s washing his hands. The former has a practical purpose, the latter is a political gesture. ‘Social scientists’ let us remember are self-appointed to their status as professional explainers, and there is no reason to accept that e.g. Pareto (or in contemporary terms, Jurgen Habermas or Anthony Giddens) is other than self-appointed to his elected task, and is therefore entitled to overrule the criteria that the indigenous practitioners of child rearing, surgery or politics employ to determine the identity of their actions. These self-appointed explainers are, of course, perfectly entitled to set up their own standards of explanation, and to develop their own preferred standards of explanation, but all-too-often the trouble with sociologists and many other ‘social scientists’ is that they cannot let the matter rest there. In part that is because to let the matter rest there
would deprive their efforts of its sense of importance, of the idea that
the ‘social scientist’ has a *special* role in society, one which makes it
responsible for the general run of social affairs. ‘Social Scientists’ are
not merely adopting different criteria from those that others use, but
are adopting their criteria as purportedly general standards of
correctness, reaching far beyond the concerns of their specific inquiries
and thus being set out as ones that overrule and displace the standards
applicable operative in other people’s specialist practices.

One ‘stumbling block’ to the understanding of Winch, though not by
any means Winch alone, that was mentioned above may be found in the
example, which is chosen to show that the *appropriate* standard of identity for
the things that people are doing is the context within which those things are
done. So, consider: Here is a body that began its journey from the fifteenth
floor of a hotel room, falling toward the car park; and here is another body
falling from a bridge over a major river. Here are two events which are the
same—bodies falling, subject to the law of physics. We do not deny that the
events might be described as ‘the same’ from the point of view of the physics
of motion, to which any falling body will e.g. accelerate according to the same
laws.

However, there are surely respects in which the falling bodies are not
the same—one began with the person being thrown off the bridge, the other
one with the individual jumping from the hotel balcony. A homicide and a suicide are not by any means ‘the same’ event, and the fact that these terms would not feature in a physicist’s description of the fallings to which we are witness does not mean that explanations in terms of ‘homicide’ and ‘suicide’ are irrelevant because they neither of them generalise over all falling bodies. What kind of event someone’s falling from a great height might be is determined by the way in which it got started—did he jump or was he pushed?

Sociology’s preoccupation with explanation presumes that explanation and description are distinctive activities. Hence, the fixation on forms of explanation whilst, by and large, leaving the business of description to take care of itself. Description is usually at best of secondary interest, explanation is the important thing, and, in any case, description will be a function of the explanatory system, once that has been identified—it will tell us what kind of phenomena there are, and how they differ, one from the other. Thus, to continue with the Pareto example, the phenomenon to be explained is the washing of hands. This can be identified and described independently of the explanations that hand-washers give. Their explanations fail the test of adequate explanation, and so can be set aside: some other explanation must be found.

However, the Pareto case can at least equally well be taken to show that the separation of explanation and description is not necessarily so sharp
in cases of people’s activities, and that the ‘rationalisations’ given of hand
washing are not explanations but descriptions. It is not as if people in a
surgical theatre wash their hands, and having done so are puzzled: why am I
doing this? Searching through their thoughts they come up with this
explanation: I wash my hands as hygienic precaution. They might give this as
an explanation to someone who, uninformed about their work, asks them
why they wash their hands so assiduously, but that it is an explanation for
others does not mean it is an explanation for them—they themselves need no
explanation. Where washing one’s hands preparatory to surgery is given to
someone else as an account it is just as much description of what was done, as
it is an explanation: it is an explanation by description. Indeed ‘washing one’s
hands as a hygienic precaution’ works as an explanation only because it
reports what was done. ‘Washing one’s hands to absolve oneself of
responsibility for Jesus’ fate’ would not be an explanation of what was done at
the surgical sink since the surgeon was certainly not doing that, though most
definitely that was what Pilate was doing. Pilate would have had no idea of
what it would be to take hygienic precautions of the kind featured in modern
surgery, and a modern surgeon just isn’t in a position to do the ceremonial
kind of washing that Pilate could. The washing of hands are not ‘the same’
actions at all, and ‘washing one’s hands as a surgical precaution’ is a more
expansive description of what is being done: in connection with the things
that people do, giving a description often is providing an explanation.
It is not, first, for sociologists to decide what someone is properly said to be doing. The language they are using, after all, does not belong to them, but is one that they speak because they belong to the language communities about and within which they write: ‘washing hands’ isn’t a description that any sociologist has contrived, and it is indisputable that, whether it is the correct thing to say or not should be decided by the way in which the language works, is used, within the activities to which it belongs (to domestic affairs: clean those dirty hands!; to medical situations: ‘scrub-up before surgery’; or to affairs of state: washing hands as the ceremonial way to recuse oneself.

Now, what about the objection from, for example, cultural materialists, that these arguments play down, much too much, the underlying instrumental (or ends-means) rationality, in actions that are supposedly religious or ceremonial? Is it not, thus, the case that hand washing is used in all these cases because of its effective practical connection with cleanliness? Could one not, perhaps, as evolutionary psychologists are wont to do say that ‘hand washing’ is a meme that disseminates because it is an adaptively functional practice, increasing survival chances by reducing the risk of infection? However, it is not being denied that hand-washing is indeed conceived as a

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7 See Marvin Harris (1974) for a monument to this kind of instrumentalist thinking in the name of cultural materialism.
cleansing activity in each instance, but the point that is being made is that the ‘cleansing’ involved is significantly different—cleansing one’s hands of dirt so that one will not e.g. put dirty marks on the tablecloth is not the same as cleansing one’s hands of dirt because dirt contains microbial lifeforms, and these are quite different from washing off one’s sins or responsibilities—there is a difference between a—perhaps unintended—by-product of an action, and the point of that action—and one is not explained by the other (the discussion of rendering actions in the following chapter, is relevant here).

Now, our evolutionary psychologist interlocutor might respond by arguing that his socio-biological characterisation of the action is the act-type and all other characterisations are token renderings of that act-type, some instances might even fail to qualify as tokens, being merely metaphorical ‘instances’ of the act-type. So, on such an understanding the child washing their hands before dinner, the surgeon washing their hands before surgery and the Muslim washing their hands before prayer are merely act-tokens of the act-type, evolutionarily explained—Pilate’s washing of hands might be seen as metaphorical here. However, we submit that such an understanding as this rests on no more than stipulation of the act-type.

To stipulate that the evolutionary ‘explanation’ denotes the category—denotes the type—of action and other none-evolutionary ‘explanations denote only instances or tokens of the category/type is just that, a stipulation; it simply begs the question of someone who argues—as do we—that each
case—the case of the child, the case of the surgeon, the case of the muslim—has its own identity irreducible to the evolutionary explanation. Another way of putting this is that the dispute is over what is properly identified as the type of action under consideration: the evolutionary psychologist (for evolutionary reasons) insists that the type is identified as the physical act of ‘hand washing’ which is in all instances (in all contexts) something along the lines of a meme that disseminates because it is an adaptively functional practice, increasing survival chances by reducing the risk of infection; in contrast we argue that what our interlocutor relegates to the status of tokens (of his stipulated type) are types of action, and we argue this because an action is what it is given the meaning it has in the context in which it is undertaken.

But does this really give evolutionary theory its due? Will not our evolutionary psychologist interlocutor simply respond by insisting that e.g.: tribes that don’t have hand-washing practices will tend to die out; so will tribes that fight a lot among themselves. What people think they are doing when they fight or when they wash their hands is only part of the point. The fact remains, our interlocutor will insist, that features of those practices which may or may not be perspicuous/accessible to their practitioners do, contra what we are saying, partly explain the persistence of the practices.

We can agree with our evolutionary psychologist interlocutor that the washing of hands can be said to have that as its role, while insisting that this
does not mean that this role either exhausts or is even the dominant consideration in the action’s identity. To insist that it is so is to be on the way to begging the question of us.

Evolutionary psychology is concerned to explain the commonality and persistence of certain practices — what it is about us as the animals we are that leads us to form households etc. Not necessarily an unreasonable question to ask, nor unreasonable to suppose this has to do with our evolutionary history — the objection to evolutionary psychology is an objection to its crudity, largely a result of it sharing the social sciences’ fixation on the explanans without much care for or precision in specifying the explanandum. Thus, evolutionary psychologists would insist that the practice of handwashing is explained by e.g. natural selection through infection — but our point is that the explanation would just be incomplete because there is no ‘one practice’, handwashing, to be explained, but quite different practices which involve handwashing (is washing one’s hands in water the same practice as washing them in medicalised liquids). For evolutionary psychology to persist in its line of argument, it then needs to adopt a philosophical position about the identity of actions, i.e. that physical movements of a particular species seen against the background of the evolutionary history of the species provide all the necessary criteria for ‘the same’. All that we claim is that they fall (considerably) short of this.
What is and What is not Meant By: An Action is What it is—an Action—Only

*Under a Description*

Another invitation to see idealism in the position we here defend might be found in ‘conflating’ an action and the description of that action. It may seem that the two are being said to be identified, that an action is identical with its description, meaning that a ‘material’ occurrence has been reduced to a ‘linguistic’ representation, and equally clear that talking about the one is not talking about the other. Are there not, further, intimations of incorrigibility?

If the determination as to which descriptions of an action are the correct ones is to be left to the members of society then this is the same as removing the possibility that they could be wrong about this—since they decide what the correct description is, then correctness is settled by their decision, not by the facts about which they make the decision. The name ‘Spot’ and the dog ‘Spot’ are two distinct things, but there is no ‘Spot the dog’ independently of our pet-keeping and animal naming practices.

However, it is not that an action and its description relate through equivalence, so that an action is being taken for a description of it, or *vice versa* so that, alternately, the description becomes the action. The discussion above was about action and the way in which actions are indviduated in the language, about how to specify the *identity* of the action that someone performed. ‘Washing hands’, after all, has to serve as the ‘linguistic representation’ which picks out the thing that religious, political and medical
people allegedly all do. If there is to be discussion of the actions that people
do, then the actions that are the reference for consideration have to be
identified. ‘Washing hands’ does individuate those actions from other actions
such as e.g. picking one’s nose, scratching one’s ear, washing the dishes, and
so on, and Pareto is not being criticised for adopting that identification but
because that identification is incomplete—it does not individuate the actions that
can be done by washing one’s hands. It is not that there are no ways to
individuate those actions further: ‘washing one’s hands’ is as far as any
description needs to go, such that ‘washing one’s hands’ must be the same
activity in any and every case. There plainly are ways to individuate those
actions further—the ones that Pareto has attempted to take away in order to
insist that they are all one and the same action. Nonetheless, the fact remains,
as is manifested in Pareto’s attachment of the hand-washing to the assorted
‘rationalisations’, that the hand-washings are different, they differ in the social
settings to which they belong, and, equally clearly, they play different parts in
those social settings: washing hands in the medical setting is a means of
removing infectious lifeforms, in the religious setting a matter of spiritual
purification. No one would deny that the difference between idly kicking a
football into an empty net and scoring a goal in the cup final could both be
reduced to ‘toeing a football’ for there is no difference in respect of
application of boot end to ball—the differences are, of course, in where the
booting is done, and what results—at Wembley, the ball going past the
opposing goalkeeper and all that follows from that, as opposed to on the
recreation field in the absence of other players. Comparably, there is no
reason to deny that the identity of the hand washings hinges on where they
are done, i.e. which circumstances they belong to, and what their role is, i.e.
what doing that comprises in these circumstances.

It is surely the case that what a goal (in professional football) is
depends upon the felicitous circumstances specified in the governing
association’s rules, that the determination of whether a goal has been scored
or not belongs to the sport of football—why would one invite the
participation of chess players or physicists in deciding this? This does not
mean that the football’s governing association is incorrigible. The rules of
football do not feature hypotheses about the nature of goals, but stipulations of
rules that define what a goal is. The footballer’s governing body may be less
than infallible in their judgements as to what rules regulative of goal-scoring
are most conducive to entertaining or even uncomplicated football, but these
are mistakes of judgement, not failures to apprehend evidence. The football
example equally reminds us that individuals can be wrong about whether a
goal is scored—spectators and commentators can be convinced there was a
goal but the referee can disallow it—the ball did not cross the line, however it
may have looked from the stands. It is referees who decide whether to allow
a goal or not, and their decision is final, but even that does not make them
infallible (as the sophisticated television replay machinery may make clear).
However, there is a big difference between deciding that ‘scoring a goal’ is an altogether invalid species of description of what people do (such that nobody ever does, or has, ‘really’ scored a goal) and deciding that, never mind what the ref said, that really was not a goal. Setting up and running the game of football is no branch of empirical inquiry (though it may feature empirical inquiries and the nature of those e.g. conducted by official bodies under the oversight of lawyers, for example, or by the television panel using video replays, is determined by the practice).

There is no gap between ‘the action’ and ‘its description’ of the sort that critics worry about—as pointed out, identifying an action is no necessarily infallible affair, except insofar as one is invoking, as we are here, a tautology: if one has correctly said what action was done, then the act is the action so described. One is not going to be able to talk about that action at all if one does not have a correct identification of it (because one’s commentary will be inaccurate)—there is no point in offering an explanation of why someone did something if what he did is incorrectly specified. Deciding what is to be put in place of those ‘ifs’ in any actual case is not the philosopher’s or the sociologist’s job.

The more expansive descriptions do not provide ‘explanatory rationalisations’ that are given in addition to the identification of the act to be explained, but provide more informative descriptions of the act—bringing out the intentions and understandings with which the deed was done,
understandings of how the deed features in its setting (e.g. how much hangs on the toeing of the ball at this point in this game, which is, after all, no mere game, but the Cup Final etc). More expansive descriptions elaborate or explicate what is contained in terser ones: the assertion ‘checkmate’ appeals to the state of play on the board, and to the fact that there is no further legitimate move that the checkmated player can make. ‘Checkmate’ will do for informed players, no more need be said. For a naïve onlooker, however, the description of the way in which the pieces are configured and the restraints that puts on their further movements may need to be spelled out. The explanation is achieved by pointing out what it is about the act—in relation to the rules of chess in this case—that gives it the identity that it has: a true checkmate.

The demands of sociological theorists for explanations can seem, from this point of view, rather spurious, based in artificially created problems rather than in general puzzlement. Specific cases that give cause for puzzlement may be a different matter. When ‘primitive magic’ is first described to us, or the behaviour of a ‘cargo cult’, for another example, it can be very puzzling to us as to what it is that these people are doing—how do their actions fit together, what is the point of doing this? In other words, we are not in a position where we are able to identify the actions of these people let alone give an explanation of them. We are, as yet, unable to fully identify their actions, to e.g. establish what they are hoping to achieve in burning up
all their worldly goods. They are manifestly burning up their possessions, but
to even call these ‘worldly goods’ is to invoke a possibly spiritual nature for
their action—they are not just burning things, they are e.g. sacrificing them.
An explanation can be given to us by describing what a cargo cult is, what
part the Bible plays in it, what ‘the cargo’ refers to, what the leaders demand
of their followers. We shall come to understand a great deal about what the
cult members are doing and why they are doing it just by working to
understand what they are doing. Further, if we are not bothering ourselves
with hyperbolic worries about the relationship of language and reality we
shall be happy to accept, on the basis of reading an anthropologist’s telling,
that we understand what their actions are by having them described to us. We
will not feel that we cannot possibly understand what they are doing unless
we go and see for ourselves—if, that is, we accept that the anthropologist has
indeed described for us what they were doing.

This is not a model for explaining social life in general, for the point is
that social life in general does not need explaining. There is no need for an
explanation—of the kind offered by the anthropologist—to be given to those
who practice ‘primitive magic’ or those involved in the cargo cult, just as
there is no need for an explanation for competent chess players as to why this
player has announced ‘checkmate’.

From this point of view, much of the crucial effort in sociological
theorising goes into trying to create the impression that there is something
that needs to be explained (human action in general, perhaps) rather than into actually explaining anything (in the sense of removing a puzzlement that we already had about why people act in that particular way). There are no real surprises amongst the ‘findings’ of sociologists, psychologists or their ilk. The understanding of people’s practices must inevitably go before any ‘sociological’ understanding of their actions to which those actions belong and, if the point about the real, philosophical, nature of sociology’s problems is sound, this will forcibly and forcefully evaporate the need for ‘explanation’ of the sort that sociological theory is mostly designed to offer. Which is not to say that one cannot ask research questions about the origins of or conditions for certain sorts of practices, but it does suggest that there is no reason to suppose that such questions require or presuppose any unifying general theory, and certainly not one that will displace the relevant practice as the means of explanation of someone’s actions under it.

The critique in terms of ‘idealism’ distracts attention from such questions as why, if Winch is wrong, are his critics defending the possibility of a general explanatory scheme rather than actually setting out some worked out, acknowledged scheme of that kind, this point reflecting the fact that sociological theories are characteristically manifestos for some highly general, empirically underspecified explanatory principles and descriptive categories. Why is it that sociology recycles through the confusions and self-
contradictions of the sort that were catalogued by Pitirim A Sorokin (1957)
more than half a century ago?

However, reference to practices may not spare us from being caught in
a closed conceptual circle, one which leaves us ‘stranded’ (so to speak) on this
side of the language, cut off from the ‘material world’ on its far side. When
ISS was first published, this was the real fear that accompanied many charges
of idealism. Wittgenstein’s philosophy — allegedly — gives no account of how
we may be sure that ‘our representations’ reach out to the reality beyond
them. Since then, of course, those with this anxiety have been pushed much
more onto the defensive — they complain about a rising tide of irrationalism —
by the prominence of post-modern convictions that language is self-
contained, that, in a famous saying, there is nothing beyond the text.

But Wittgenstein is not trying to give us a correct picture of the
relationship between language and reality. That desire is something for
philosophical treatment. The contrasting conceptions of realism and idealism
has them both starting off from the idea that the connection between language
and reality shows itself in a correspondence relationship, one between the
linguistic proposition and the extra linguistic reality, and then they differ only
as to whether any such correspondence can, actually be established, or on
how it is established (as it were, ‘by the world’, or ‘by us’). The (linguistic)
Idealist thinks that it can only be established, if it really can be said to be
established at all, by means of turning the ‘extra-linguistic reality’ into
something more or less linguistic. Wittgenstein may be seen as beginning in the same place as the Realist and Idealist, in the particular sense of trying to find where they are coming from, trying to understand them; but he steps back reflectively, at this juncture. Like everyone else, Wittgenstein supposes it is perfectly alright for someone to report (say) ‘The wolf ate three sheep’ and that it is equally alright for someone else to wonder if what is reported is indeed the case. Without worrying about whether someone who tried to establish whether what is reported actually happened is inevitably ‘trapped in the realm of language’ or can, at some point ‘break through’ it, let us ask instead how we are going to be able to tell whether the report is true or not. Which wolf, which sheep? Those sheep? But did the wolf really eat them or were they rustled? How will we be able to tell if the wolf did eat those sheep, some other sheep, no sheep at all etc? This is not Verificationism—this is turning our attention to the wor(l)dly ways in which the worries of the Realist and Idealist are overcome in everyday life. This turns our attention to the only way in which such matters are ever settled—not by reference to Reality, nor by reference to the contents of our minds, cultures, or words, but by reference to the facts and their descriptions and re-descriptions.

In short: Wittgenstein surely does not provide us with reasons to be confident that our representations ‘reach out to reality’, but neither does he provide us with reasons to doubt that they do; and neither does he gerrymander reality such that our representations are bound to be able to reach it. Rather, wholly
consistently and entirely persistently, since his first work, he doubts that the question of the relationship of language to reality as a general question is intelligible. The key relationship for Wittgenstein is not between language and something external to it, but between language in use (at work) and language on ‘holiday’, cut off from its applications in (so to speak) the stream of life.

That one can ask and determine whether some statement is factual in the sense that it correctly states the facts, does not mean that one can then ask whether the language correctly states the facts. What is said in a language does not belong to the language, but to the practices within which the language is used, and the determination of whether what is said in the language does ‘correspond to reality’ belongs not to the language as such, but to those practices—the method for determining whether accusations of criminal guilt are true is the adversarial trial (in the UK), and the trial and conviction are conducted in English, but that does not make the evidence, the adversarial procedure or the defendant’s proven guilt part of English (internal to the language). Contrastively, the method of determining whether claims about relations between rates of criminality and geographic neighbourhoods calls upon statistical techniques of sampling and analysis, that of connecting potential criminals to the scene of crime to methods from the biosciences, of responsibility for actions to the diagnostic techniques of psychiatry, and so on and on. It is not as if what can be intelligibly stated as a matter of fact and ways of checking what the facts are can be entirely independent of each other,
for both are connected through the use of language in a practice (the play of a
game and keeping the score). Again, this is not any kind of Verificationism. It
is the priority of intelligibility over truth that is the basis for this line of
argument—it is not that the truth of what is said comes from the language,
but that an understanding of what would be the case if what is said were true
derives from understanding of the language (and, thereby, how one might
find out if what is said is true) where ‘understands the language’ includes
understands at least aspects of the practice in which it is used.

Language—and language in use, at that—determines only what an
expression says, and questions about the factual or empirical applicability of
what is said can only be asked when what is said has an application in
activity, a part to play in one practice or another.

Here another logical circle seems in the process of formation—this
time, involving a practice as a self-confirming and therefore imperviously
self-justifying operation. If we accept a practice’s ways of determining
matters of fact then are not we—Wittgensteinians—endorsing those practices,
even though we may not explicitly be saying so. Are we not in fact endorsing
them by saying that they ‘determine matters of fact’? Only if saying ‘they
determine matters of fact’ is taken as a substantive, rather than a
‘grammatical’ characterisation, and, in accord with all that has been said
about the descriptive, grammatical character of ‘conceptual inquiries’ it is
clearly the latter that is intended. In other words: some matters of fact get
determined through the enactment of some particular practices. This is no thesis of linguistic Idealism. It is the merest grammatical remark; it is ‘always already understood’ by any competent human social actor who understands English. It doesn’t actually say anything; it doesn’t tell us anything about how things are as opposed to how they might else be.

Portraying the diagnostic techniques of psychiatry or the bioscientific methods of DNA evidence does not give support to those techniques—what do philosophers know independently of such techniques that would assure us that they work as advertised? Spelling them out portrays the content that the notion that the concept ‘determination of facts’ must have if it is to be of any use at all. The expression ‘ways of determining the facts’ is not a general expression which singles out some completely general ways of doing this, but—standing alone—an empty one, with meaningful application only when it is deployed discriminatively within some practice. It is simply a fact that the question ‘how are facts determined’ needs to be asked as ‘what instantiates ‘determining the facts’ here?’ e.g. in mathematics, in court, in beatifications, on the golf course inter innumerable alia. Descriptively, it is plainly—as illustrated by the examples just given—the case that ‘determine the facts’ has sense and specific application in a wide range of heterogeneous environments, and the attempt, to insist upon a single, unified application of it according to general principles enacts a very different approach to philosophical problems than that which any Wittgensteinian could take.
If there is no endorsement of linguistic Idealism, does this nonetheless leave us with a portrayal of practices which means that they are all of them equally self-justifying? (And thus, a kind of (practicistic) Relativism?) After all, if the justification of factual claims is ‘internal’ to the practice to which they belong, then does this not involve acceptance of that practice’s procedures of determining what is a matter of fact? Whether or not those claims turn out, according to the ways of the practice, to be false ones, it normally remains impossible, from ‘within’ that practice, to call into question whether the ways of the practice which settle matters of fact really do anything of the sort. Witchcraft is almost invariably the example in mind. Blaming someone for witchcraft may sometimes be falsified by the procedures of witchcraft itself: the woman drowned, proving she was never a witch. However, those same procedures also succeed—women are convicted of witchcraft. But we know there is no such thing as witchcraft. There is no space within the Wittgensteinian story, it is alleged, for the possibility that people could possibly break out of the ways of witchcraft and accept what we know to be the case.

For a philosophy that eschews controversial factual theses, it would seem to put itself in the most monstrous contradiction: it is denying that we can be confident that there are no witches. Are we to adopt some desperately relativist measure, given that we can be no more certain that witches do not exist, than witchcraft practitioners are that they do, and say that the belief in
witchcraft is just as true as our disbelief in it? Appalled at the idea of relativism, should we not resort to a realist insistence that there is a fact of the matter and that we know what it is? Are we not, that is, right to insist that they (the believers in witchcraft) do not, and that they are—demonstrably—wrong?

Again, the pertinent Wittgensteinian insistence that philosophy does not determine matters of fact is overlooked. If taken into account then it is clear that, insofar as the question ‘Do witches exist?’ is a factual question, it is by the very same token not a philosophical question, so it is not—see all the above—any philosopher’s philosophical business to attempt to answer it. This does not put anyone in a relativistic situation, as though one were giving a default endorsement to both sides—any such ‘endorsement’ would be an empty form and a worthless move. If we cannot—as philosophers—say that they are wrong to believe in witchcraft, then are we not saying that they have just as much right to say they are correct as we do—but this is just to slip back into a substantive engagement when, qua philosopher, there is nothing to say about who might be right or wrong here (though there is, as the interminable debate over it and its frequent recurrence in this book makes clear, much to be said in the way of clarifying the different kinds of disagreements that there are over the issue of ‘primitive magic’).

The fact is that we the authors of this book are confident that there are no witches, but this is not a consequence of our having shown that the
practice of witchcraft is factually in error. It is not so much even that we do not believe in witches as that we cannot. As we shall explain: We would not know how to begin even trying to go about believing that there are witches. The whole circumstances of our lives, the general scepticism about this—which was pressed on us from childhood on—and the widespread reliance on science, the protracted and saturatedly-intricate relationship with our culture, leave us in a position where we cannot ourselves take seriously the idea of witchcraft. This does not have to mean that we cannot acknowledge that others do take this seriously, or that we could not take seriously the task of understanding how they can do this when we cannot. It is not that we can see that witchcraft is mistaken and therefore cannot take it seriously, so much as that we do not even know how we could begin to take it seriously in our own lives. We are simply incapable of trying to consult the oracle or accusing the person in the next office of bewitching us. Our iron resistance to the reality of witchcraft does not come from evidence or from philosophical justification but comes prior to these—finding empirical or philosophical justifications that there are no witches could not make us any more confident that there are no witches (there really aren’t) than we already are. It is not so difficult to see how people could do this when we see that in their lives the practice of witchcraft is as deeply and intricately embedded as disbelief is in ours (we take home-grown Satanists with a big pinch of salt, by contrast).
This might seem unsatisfactory to someone who wants to think that it is not so much that we have iron resistance to the existence of witches as that we have no rational basis for same. Shouldn’t we ourselves be unsatisfied until we have a demonstration that we are right, justified, in just refusing it. If we are not wrong about witches, then are we not just prejudiced, and could that possibly be good enough for a rational person? Everything in our experience speaks against the idea that there really are witches, and nothing speaks for it. If this is a ’prejudice’, it is so then only in roughly Gadamer’s (value-neutral, non-pejorative) sense. It is not so much that we could consider that witches exist and then just decline to accept that they do, for, as explained, we just have no idea how we could begin to take truly seriously the thought that witches do (even maybe) exist. Anything that might be appealed to is just going to run up against the fact that we are unable—not necessarily unwilling—to take it seriously as a manifestation of witchcraft.

We can give a host of reasons for thinking that supposed demonstrations of supernatural powers are entirely fraudulent but these are never decisive against those who do believe—when proof of fraud is accepted in some case, the next question is: but does that explain all cases? Being able to give an endless supply of reasons for our inability to see how or where we could begin to be serious about witchcraft surely removes the disqualification that our resistance to the idea is irrational and (in the ordinary sense of the word) prejudiced, but doubtless it will not satisfy someone who wants to insist that a
rational basis for disbelief in witchcraft would be a knock-out refutation of it: not just one that we would accept, but one that, so to speak, everyone would have to accept, their failure to do so being taken as proof of their own irrationality, as evidence that their failure to accept what we tell them is a result of their prejudices. This seems an unrealisable notion of rationality, and certainly not one that should be allowed to consign our confidence that witches are not amongst the furniture of the universe to the status of an irrational prejudice, nor that allows us to suppose that confidence in the damage they have done to the crops should be treated in that way either.

Can practices be criticised? Is it possible to criticise them either from within (they themselves set the standards of right and wrong) or from without (any outside assessment can only be made from within the traditions of some other practice, not some genuinely independent point of view)? A short answer to this question, if we were (as it were) forced to answer it, would be to say: Of course! Who could possibly think otherwise? Our full answer to this question is to be found in our final chapter, on Conservatism. But we should also like to point out that there is an important sense in which such a question invites Wittgensteinians to a game they should not be playing. The question ought to be: does criticism take place? And once we have deflated the question into that, it answers itself. It is clear that practices can be given up, that confidence in them can erode or that people can become

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8 See again Crary’s essay, chapter 6 of Crary and Read (2000). Also see Pleasants’s (2000a) and (2002)
disillusioned. Resolute Western disbelievers in witchcraft are the successors of people who once believed in witchcraft but, in a complicated process the idea of witches lost its hold (just as the grip of religious traditions also weakened, sometimes leading to change of faith, sometimes to secularism). It is equally clear that practices are criticised ‘from without’, that a given practice is utterly condemned (clitoridectomy, capital punishment) or accused of major failings of a moral, policy or practical kind (or all three, as with the legal system, imprisonment, and probation—e.g. towards the close of 2007 a British judge attacked a police forensic method of DNA analysis leading to (at least temporary) withdrawal of it). Wittgenstein’s *On Certainty* is all about how certainties can shift: the practical convictions that play the part of logical truths within a practice can become, in consequence of a progressive change in circumstance, testable hypotheses (Kuhn of course discusses similar processes at length, too).

The form that criticism often takes is not that which philosophers conceive of as rational criticism, which is that of a difference of opinion that can be settled by reference to the facts, brought to a point where the correctness of one and the falsity of the other would be self-evident. The form it often takes is that of disagreement about how the facts are to be decided, what states of affairs could comprise those facts and what sorts of procedures could determine their character—substantial agreement would have to be achieved before the disagreement could be brought to the facts i.e. where
some facts can be taken as given. And such agreement is at least hard, if not impossible, to achieve. However, the absence of categorical proofs and disproofs does not prevent people from finding that their faith can withstand the severest tests, from keeping confidence in ways that have served them all their lives or, alternatively, becoming terminally disillusioned, disgusted or alienated.

It is not that Winch’s arguments do not allow the possibility of ‘conceptual change’ for it is not their job to legislate possibilities but, as a descriptive enterprise to acknowledge the plain fact that conceptual change does take place. The idea that they ‘exclude’ the possibility of conceptual change amounts to the charge that Winch’s arguments do not accept their critics’ stipulation of what conceptual change should be and what form ‘rational’ change must take. Again, here is a key parallel with Kuhn: Kuhn and Winch are both above all concerned with the norm of major conceptual change not taking place and with the nature and rationality of conceptual change when it does take place. They are interested in the history and social nature of conceptual change, considered as a phenomenon that is in the main badly philosophically-misunderstood.

*Of Language and Of Representation*

It may be noticeable that ‘language’ has here been spoken of as a product of the lives of human beings, not of their minds, and that the languages that
people have are tied up with, but not simple functions of, the lives that they live—one does not expect to find, in the language of an isolated hunter-gatherer group, the resources for reviewing and criticising television programmes or identifying the technical problems in getting cold fusion to work. The main argument has been cast in terms of a view of what philosophy can do, and of the things that such a conception allows can be said, given its reliance on language. That philosophy does not have a proprietary view of language, for the facts about language that it appeals to are ones that are available to pretty much anyone, such as the unsurprising fact that people who do not go in for sports and games would not have our overburdened sporting vocabulary, the equally unsurprising fact that people learn language relatively effortlessly and from others etc.9

It is equally plain that language—except in a very, no, extraordinarily stretched sense—is not a medium of representation per se. The word ‘representation’ is another ordinary word that can be added along with ‘fact’ to our catalogue, one of that sort of word that, Wittgenstein thought, needed to be treated less as a master category than as a ordinary word, no less humble than “tune”, “Penguin” or “socket” (compare PI 108 & 116). The ‘crisis of representation’ is not an abandonment of metaphysics, but the

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9 For explication of why this latter point need not be seen as surprising, see Part I of Read (2001).
disillusioned continuation of it, again mistaking the fact that ‘representation’
without application is empty, not a license to assume that general criteria are
essential to the identification of a genuine or successful case of
representation.

The fact that some paintings are representational does not mean we
have to think that all of them must be in a way i.e. to rearrange the meaning of
‘representational’ in such a way as to include things that otherwise are
counted as non-representational. Wittgenstein does not try to rule out such
rejiggings of meaning but does ask whether the risk of confusion associated
with them may be too great. Of those things that can be considered
representational in the ordinary sense, then the criteria for determining what
they represent and whether they do represent it are internal to the mode of
representation—one cannot seriously assess a portrait as a representation
without understanding something of painting, just as one cannot tell what,
and how successfully a print out of some wavy lines might represent or fail to
capture without knowing something of, variously, lie detection, medical
diagnosis, or physics.

The idea that this highlights how representations are conventional in
nature might be a fair way of putting it, but it would surely be foolish to
suppose that this showed that they must be demoted from the status of
representations. It just shows that representations apply conventions, that is
what those things which are equally conventionally called representations are
like. The continuation of metaphysics is to be found in the idea that representations fail to make contact with things-in-themselves, a thought which is, in the post-modern context, a context of Saussurean assumptions about language as a self-contained language system, one which determines meaning as a function of its formal relations. There is no connection between such a conception of language and Wittgenstein’s repeated pointing toward the way in which parts of language are tied up with the needs of distinct activities, developing out of and through connections with the requirements arising in the lives of people, his highlighting of the fact that the language is not a system, let alone a self-contained one. Hence, the ‘crisis of representation’ is the product of a supposedly latter day realisation that real language cannot satisfy the traditional criteria for representation sub specie aeternatatis, associated with acceptance of the traditional criteria, producing the conviction that representation is impossible. As suggested here, it is the idea of a viewpoint sub specie aeternitatis that is mythological, not the array of endlessly assorted ways of doing things that, in their appropriate context, can be called representations.

Concluding… Reminding Oneself of Winch’s Context

Our strategy in this chapter has been to argue that Winch cannot, if he takes Wittgenstein seriously, be any kind of idealist, and for much the same reasons that he cannot, either, be a realist—to give loyalty to either of these positions,
or to transfer it from one to the other would not put an end to the
philosophical problems involved but would to a significant extent perpetuate
the very same confusions (not least the idea that philosophers, whether
dressed up as ‘social scientists’ or overtly speaking as philosophers, are
tasked to adjudicate what is factually the case by non factual means). Besides,
what Winch has to say cannot be a substantive doctrine about ‘the nature of
reality’ since he is not trying to say on his own independent behalf what would in
any case, or in general, stand as constituent of reality, for from that point of
view both realism and idealism, not to mention any proposed alternative to
them, are superfluous to the need to get a clear sight of what role the
expression ‘reality’ (and related expressions) play in the language to which it
belongs, that is to say, the place those words have in the lives of those who
employ them. Winch’s own contribution is entirely second storey, a matter of
reflection on the sense that attaches to talk about ‘reality’, appreciating that the
expression commonly invokes that which obtains independently of us, but
derives its intelligible content from the discourse that draws upon it. ‘Real’
can join ‘fact’ and ‘representations’ as expressions which have no general
application, finding their life and referents in discontinuous contexts of
application.¹⁰ That is, Winch qua philosopher does not try to tell us that God

¹⁰ It is in this respect that we recommend highly the work of Charles Travis (2008); see
particularly chapter 2, “Annals of Analysis”. Also see Putnam (2002) “Travis on Meaning,
Thought and the Ways the World Is.” Review of Charles Travis, Unshadowed Thought.
exists or that witchcraft does, as though he himself had established these
things, nor is he busy denying that ‘an external world’ exists and that only
thought is real. In the first case, he is attempting to pin down the sense that
attaches to intelligibly evidencing the consequences of God’s love or the
consequences of witchcraft, seeking more scrupulous treatment of the forms
of language intelligibly employed in practices to which he does not himself
necessarily subscribe. He uses this order of reflection to indicate, with respect
to the second case, that in the mouths of philosophers the expression ‘an external
reality’ can carry the same definite sense of what is being affirmed—or of
what would be denied—as it does when the reality of God’s love or the reality
of the defendant’s guilt is insisted upon (or contested).