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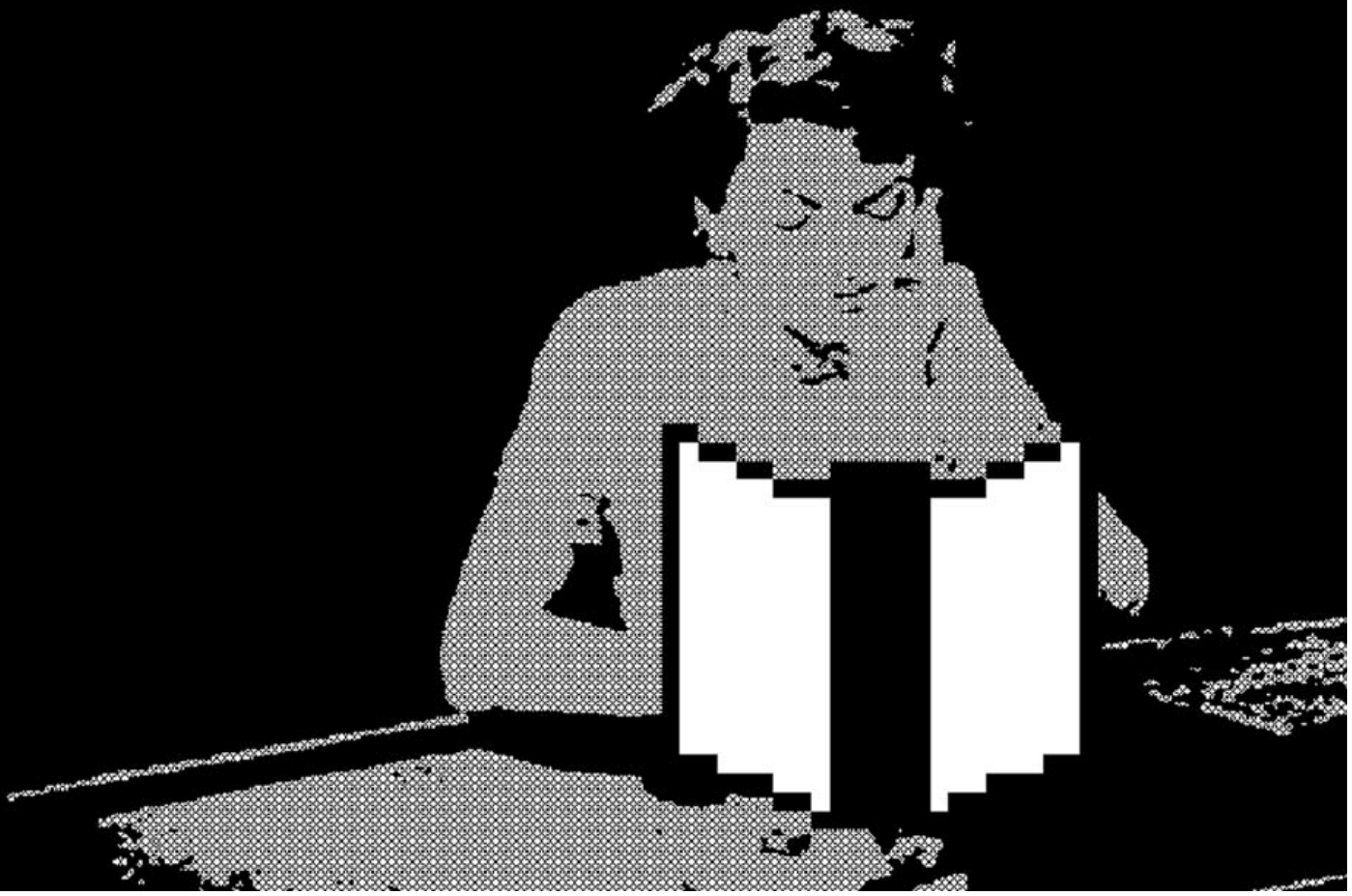

The Construction of Social Reality

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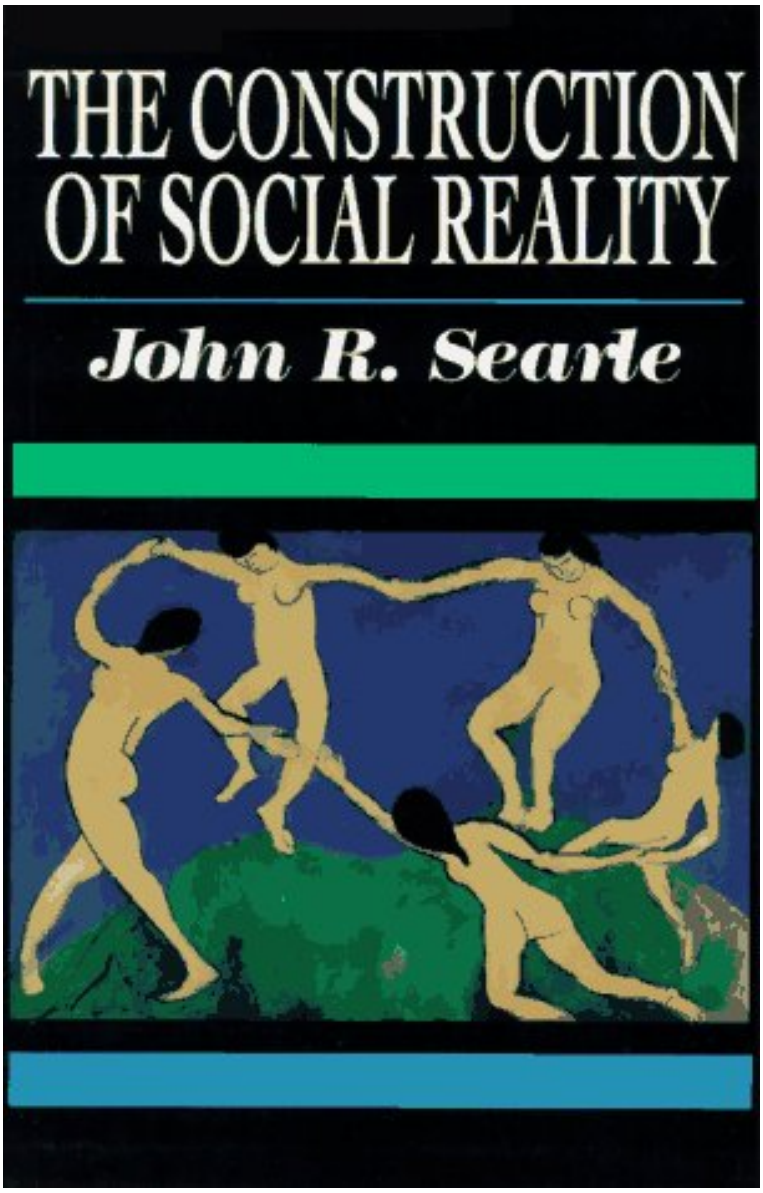

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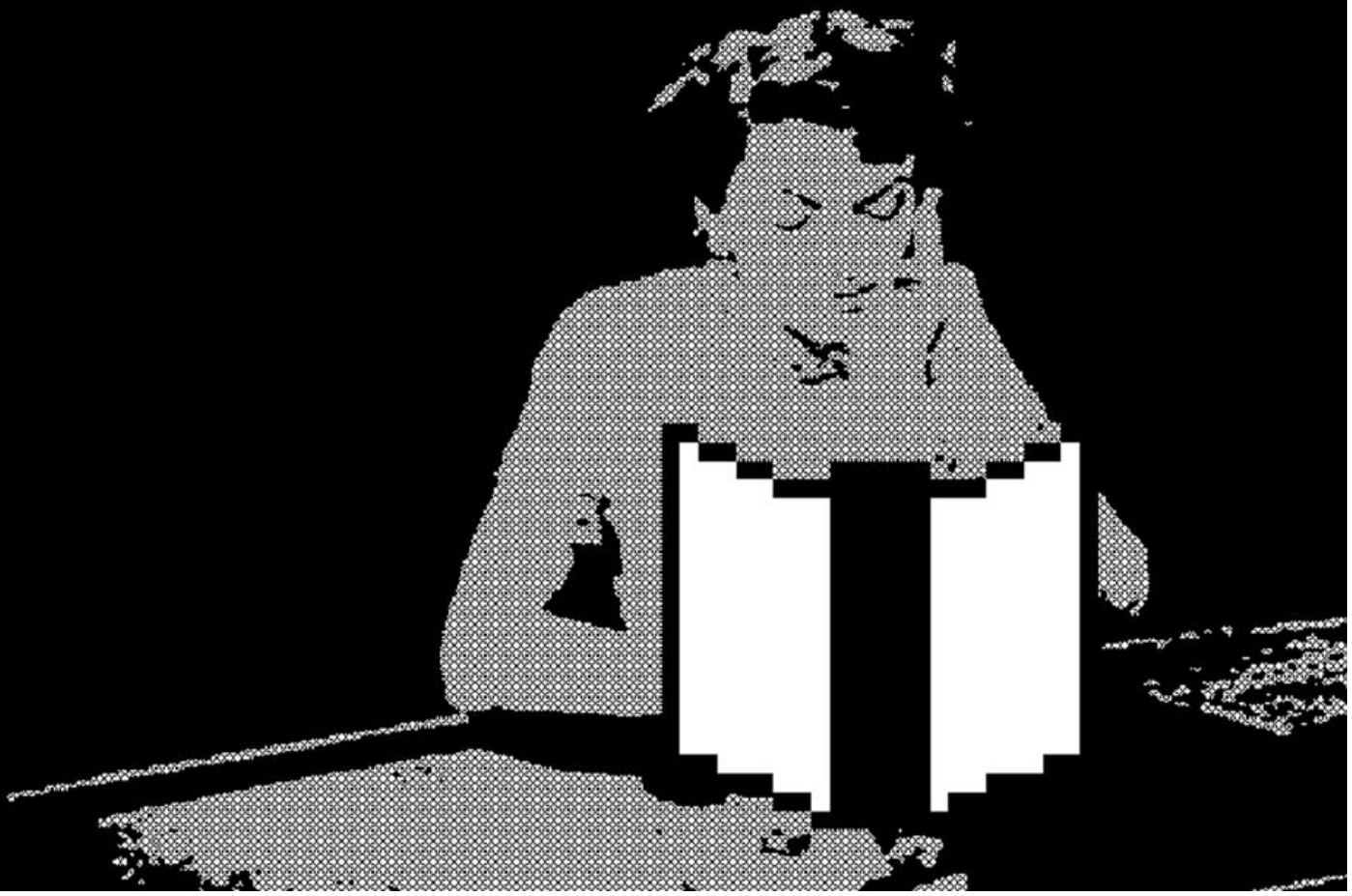

The Building Blocks of Social Reality The Metaphysical Burden of Social Reality This book is about a problem that has puzzled me for a long time: there are portions of the real world, objective facts in the world, that are only facts by human agreement. In a sense there are things that exist only because we believe them to exist. I am thinking of things like money, property, governments, and marriages. Yet many facts regarding these things are "objective" facts in the sense that they are not a matter of your or my preferences, evaluations , or moral attitudes. I am thinking of such facts as that I am a citizen of the United States, that the piece of paper in my pocket is a five dollar bill, that my younger sister got married on December 14, that I own a piece of property in Berkeley, and that the New York Giants won the 1991 superbowl. These contrast with such

The Construction of Social Reality facts as that Mount Everest has snow and ice near the summit or that hydrogen atoms have one electron, which are facts totally independent of any human opinions. Years ago I baptized some of the facts dependent on human agreement as "institutional facts," in contrast to noninstitutional, or "brute," facts.' Institutional facts are so called because they require human institutions for their existence . In order that this piece of paper should be a five dollar bill, for example, there has to be the human institution of money. Brute facts require no human institutions for their existence. Of course, in order to state a brute fact we require the institution of language, but the fact stated needs to be distinguished from the statement of it. The question that has puzzled me is, How are institutional facts possible? And what exactly is the structure of such facts? But ill the intervening years some curious things have happened. Many people, including even a few whose opinions I respect, have argued that all of reality is somehow a human creation, that there are no brute facts, but only facts dependent on the human mind. Furthermore, several people have argued against our commonsense idea that there are facts in the world that make our statements true and to which they correspond when they are true, I will also defend (a version of) the correspondence theory of truth (Chapter 9). The last three chapters, therefore, are concerned with defending certain general assumptions about reality, representation, knowledge, and truth. Some of the questions I am trying to answer in the main argument of the book (Chapters 1-6) are, How can there be an objective reality that exists in part by human agreement? For example,

The Building Blocks of Social Reality 3 how can it be a completely objective fact that the bits of paper in my pocket are money, if something is money only because we believe it is money? And what is the role of language in constituting such facts? To give you a feel for the complexity of the problem, I want to begin by considering the metaphysics of ordinary social relations . Consider a simple scene like the following. I go into a café in Paris and sit in a chair at a table. The waiter comes and I utter a fragment of a French sentence. I say, "un demi, Munich, à pression , s'il vows plait." The waiter brings the beer and I drink it. I leave some money on the table and leave. An innocent scene, but its metaphysical complexity is truly staggering, and its complexity would have taken Kant's breath awav if he had ever bothered to think about such things. Notice that we cannot capture the features of the description I have just given in the language of physics and chemistry. There is no physical-chemical description adequate to define "restaurant," "waiter," "sentence of French," "money," or even "chair" and "table," even though all restaurants, waiters, sentences of French, money, and chairs and tables are physical phenomena. Notice, furthermore, that the scene as described has a huge, invisible ontology: the waiter did not actually own the beer he gave me, but he is employed by the restaurant, which owned it. The restaurant is required to post a list of the prices of all the boissons, and even if I never see such a list, I am required to pay only the listed price. The owner of the restaurant is licensed by the French government to operate it. As such, he is subject to a thousand rules and regulations I know nothing about. I am entitled to be there in the first place only because I am a citizen of the United States, the bearer of a valid passport, and I have entered France legally. Kant did not bother to think about such things because in his era philosophers were o! bsessed with knowledge. Much later, for a brief, glorious moment, they were obsessed with language. Now this philosopher at least is obsessed with certain general structural features of human culture.

The Construction of Social Reality Notice, furthermore, that though my description was intended to be as neutral as possible, the vocabulary automatically introduces normative criteria of assessment. Waiters can be competent or incompetent, honest or dishonest, rude or polite. Beer can be sour, flat, tasty, too warm, or simply delicious. Restaurants can be elegant, ugly, refined, vulgar, or out of fashion , and so on with the chairs and tables, the money, and the French phrases. If, after leaving the restaurant, I then go to listen to a lecture or attend a party, the size of the metaphysical burden I am carrying only increases; and one sometimes wonders how anyone can bear it. The Invisible Structure of Social Reality One reason we can bear the burden is that the complex structure of social reality is, so to speak, weightless and invisible. The child is brought up in a culture where he or she simply takes social reality for granted. We learn to perceive and use cars, bathtubs, houses, money, restaurants, and schools without reflecting on the special features of their ontology and without being aware that they have a special ontology. They seem as natural to us as stones and water and trees. Indeed, if anything, in most cases it is harder to see objects as just natural phenomena, stripped of their functional roles, than it is to see our surroundings in terms of their socially defined functions. So children learn to see moving cars, dollar bills, and full bathtubs; and it is only by force of abstraction that they can see these as masses of metal in linear trajectories, cellulose fibers with green and gray stains, or enamel-covered iron concavities containing water. The complex ontology seems simple; the simple ontology seems difficult. This is because social reality is created by us for our purposes and seems as readily intelligible to us as those purposes themselves. Cars are for driving; dollars for earning, spending , and saving; bathtubs for taking a bath. But on! ce there is no

The Building Blocks of Social Reality 5 function, no answer to the question, What's it for? we are left with a harder intellectual task of identifying things in terms of their intrinsic features without reference to our interests, purposes, and goals. The invisibility of the structure of social reality also creates a problem for the analyst. We cannot just describe how it seems to us from an internal "phenomenological" point of view, because money, property, marriages, lawyers, and bathtubs do not seem to have a complex structure. They just are what they are, or so it seems. Nor can we describe them from the external behaviorist point of view, because the description of the overt behavior of people dealing with money, property, etc., misses the underlying structures that make the behavior possible. Nor, in turn, can we describe those structures as sets of unconscious computational rules, as is done by contemporary cognitive science and linguistics , because it is incoherent to postulate an unconscious following of rules that is inaccessible in principle to consciousness. And besides, computation is one of those observer-relative, functional phenomena we are seeking to explain.' If neither the internal phenomenological nor the external behaviorist point of view is adequate, what then is the correct stance, the correct methodology, for describing the structure of social reality? To start with, in this chapter and the next, I will use a first- person intentionalistic vocabulary to try to lay bare certain elementary features of social ontology. Later, in Chapter 6, I will show how some, though not all, of the intentionalistic apparatus can be explained in terms of, and ultimately eliminated in favor of, what I have elsewhere called the "Background" of capacities, abilities , tendencies, and dispositions. Fundamental Ontology Since our investigation is ontological, i.e., about how social facts exist, we need to figure out how social reality fits into our overall ontology! , i.e., how the existence of social facts relates to other

The Construction of Social Reality things that exist. We will have to make some substantive presuppositions about how the world is in fact in order that we can even pose the questions we are trying to answer. We will be talking about how social reality fits into a larger ontology, but in order to do that, we will have to describe some of the features of that larger ontology. The truth is, for us, most of our metaphysics is derived from physics (including the other natural sciences). Many features of the contemporary natural science conception of reality are still in dispute and still problematic. For example, one might think that the Big Bang Theory of the origin of the universe is by no means well substantiated. But two features of our conception of reality are not up for grabs. They are not, so to speak, optional for us as citizens of the late twentieth and early twenty-first century. It is a condition of your being an educated person in our era that you are apprised of these two theories: the atomic theory of matter and the evolutionary theory of biology. The picture of reality derived from these two theories, to state it very crudely, is as follows: The world consists entirely of entities that we find it convenient, though not entirely accurate, to describe as particles. These particles exist in fields of force, and are organized into systems. The boundaries of systems are set by causal relations. Examples of systems are mountains, planets, H,,O molecules, rivers, crystals, and babies. Some of these systems are living systems; and on our little earth, the living systems contain a lot of carbon-based molecules, and make a very heavy use of hydrogen , nitrogen, and oxygen. Types of living systems evolve through natural selection, and some of them have evolved certain sorts of cellular structures, specifically, nervous systems capable of causing and sustaining consciousness. Consciousness is a biological , and therefore physical, though of course also mental, feat! ure of c ertain higher-level nervous systems, such as human brains and a large number of different types of animal brains. With consciousness comes intentionality, the capacity of the mind to represent objects and states of affairs in the world other

The Building Blocks of Social Reality 7 than itself. Not all consciousness is intentional, and not all intentionality is conscious. There are, for example, forms of consciousness such as undirected anxiety that do not represent anything; and there are many forms of unconscious intentionality, such as my belief, even when I am not thinking about it, that Bill Clinton is president. However, though there is no necessary connection between being an intentional state at a given time and being conscious then and there, nonetheless, there is an important necessary connection between the two, in that every intentional state that is unconscious is at least accessible to consciousness. It is the sort of thing that could be conscious. An unconscious intentional state has to be in principle accessible to consciousness. Here, then, are the bare bones of our ontology: We live in a world made up entirely of physical particles in fields of force. Some of these are organized into systems. Some of these systems are living systems and some of these living systems have evolved consciousness. With consciousness comes intentionality, the capacity of the organism to represent objects and states of affairs in the world to itself. Now the question is, how can we account for the existence of social facts within that ontology? Objectivity and Our Contemporary World View Much of our world view depends on our concept of objectivity and the contrast between the objective and the subjective. Famously , the distinction is a matter of degree, but it is less often re- I use "intentionality" as a technical term meaning that feature of representations by which they are about something or directed at something. Beliefs and desires are intentional in this sense because to have a belief or desire we have to believe that such and such is the case or desire that such and such be the case. Intentionality , so defined, has no special connection with intending. Intending, for example , to go to the movies i! s just o ne kind of intentionality among others. For a fuller account of intentionality, see J. R. Searle, Intentionality. An Essay. in the Philosophy of Mind (Cambridge: Cambridge University Press, 1983).

The Construction of Social Reality marked that both "objective" and "subjective" have several different senses. For our present discussion two senses are crucial, an epistemic sense of the objective-subjective distinction and an ontological sense. Epistemically speaking, "objective" and "subjective " are primarily predicates of judgments. We often speak of judgments as being "subjective" when we mean that their truth or falsity cannot be settled "objectively," because the truth or falsity is not a simple matter of fact but depends on certain attitudes, feelings , and points of view of the makers such subjective judgments with objective judgments, such as the judgment "Rembrandt lived in Amsterdam during the year 1632." For such objective judgments, the facts in the world that make them true or false are independent of anybody's attitudes or feelings about them. In this epistemic sense we can speak not only of objective judgments but of objective facts. Corresponding to objectively true judgments there are objective facts. It should be obvious from these examples that the contrast between epistemic objectivity and epistemic subjectivity is a matter of degree. In addition to the epistemic sense of the objective-subjective distinction, there is also a related ontological sense. In the ontological sense, "objective" and "subjective" are predicates of entities and types of entities, and they ascribe modes of existence. In the ontological sense, pains are subjective entities, because their mode of existence depends on being felt by subjects. But mountains , for example, in contrast to pains, are ontologically objective because their mode of existence is independent of any perceiver or any mental state. We can see the distinction between the distinctions clearly if we reflect on the fact that we can make epistemically subjective stateinents about entities that are ontologically objective, and similarly, we can make epistemically objective statements about entities that ar! e ontolo gically subjective. For example, the statement "Mt. Everest is more

The Building Blocks of Social Reality 9 jective entities, but makes a subjective judgment about them. On the other hand, the statement "I now have a pain in my lower back" reports an epistemically objective fact in the sense that it is made true by the existence of an actual fact that is not dependent on any stance, attitudes, or opinions of observers. However, the phenomenon itself, the actual pain, has a subjective mode of existence . The Distinction Between Intrinsic and Observer-Relative Features of the World Historically in our intellectual tradition we make great distinctions between mind and body and between nature and culture. In the section on Fundamental Ontology, I tacitly abandoned the traditional dualistic conception of the relation of mind and body in favor of the view that the mind is just a set of higher-level features of the brain, a set of features that are at once "mental" and "physical ." We will use the "mental," so construed, to show how "culture" is constructed out of "nature." The first step is to introduce a more fundamental distinction than those mentioned above. This is the distinction between those features of the world that exist independently of us and those that are dependent on us for their existence . The features of the world I described in characterizing our fundamental ontology, e.g., mountains and molecules, exist independently of our representations of them. However, when we begin to specify further features of the world we discover that there is a distinction between those features that we might call intrinsic to nature and those features that exist relative to the intentionality of observers, users, etc. It is, for example, an intrinsic feature of the object in front of me that it has a certain mass and a certain chemical composition. It is made partly of wood, the cells of which are composed of cellulose fibers, and also partly of metal, which is itself composed of metal alloy molecules. All these features are intrinsic . But! it is a lso true to say of the very same object that it is a

attitudes of observers or users. For example, it has a certain mass and a certain chemical composition. 3. It has other features that exist only relative to the intentionality of agents. For example, it is a screwdriver. To have a general term, I will call such features "observer relative." Observer-relative features are ontologically subjective. 4. Some of these ontologically subjective features are epistemically objective. For example, it isn't just my opinion or evaluation that it is a screwdriver. It is a matter of objectively ascertainable fact that it is a screwdriver. 5. Although the feature of being a screwdriver is observer relative, the feature of thinking that something is a screwdriver (treating it as a screwdriver, using it as a screwdriver, etc.) is intrinsic to the thinkers (treaters, users, etc.). Being a screwdriver is ob-

The Building Blocks of Social Reality 11 server relative, but the features of the observers that enable them to create such observer-relative features of the world are intrinsic features of the observers. I will shortly explain this point further. It is not always immediately obvious whether a feature is intrinsic or observer relative. Colors are a good example. Prior to the development of physics in the seventeenth century, people thought of colors as intrinsic features of the world. Since then many people have come to think of them as properties that exist only relative to observers. It is intrinsic that light differentially scatters when reflected from surfaces, and intrinsic to people that they have subjective color experiences caused by the impact of light on their visual systems. But the further attribution of color properties to objects in the world is observer relative, because it can be made only relative to the experiences of observers, as caused by the impact of light. I am not here trying to settle the issue about colors, but calling attention to the fact that whether a feature is intrinsic or observer relative is not always obvious. A good rough-and-ready way of getting at this distinction is to ask youself, Could the feature exist if there had never been any human beings or other sorts of sentient beings? Observer-relative features exist only relative to the attitudes of observers. Intrinsic features don't give a damn about observers and exist independently of observers. One qualification has to be added immediately to this test, and it is stated in point 5 above, namely, that acts of observing and using are themselves intrinsic. So, to put it very crudely, something is a screwdriver only relative to the fact that conscious agents regard it as a screwdriver; but the fact that conscious agents have that attitude is itself an intrinsic feature of the conscious agents. Because mental states, both conscious and unconscious , are themselves intrinsic featu! res of t he world, it is not strictly speaking correct to say that the way to discover the intrinsic features of the world is to subtract all the mental states from it. We need to reformulate our explanation of the distinction to ac-

The Construction of Social Reality count for this exception as follows: Intrinsic features of reality are those that exist independently of all mental states, except for mental states themselves, which are also intrinsic features of reality. From a God's-eye view, from outside the world, all the features of the world would be intrinsic, including intrinsic relational features such as the feature that people in our culture regard such and such objects as screwdrivers. God could not see screwdrivers , cars, bathtubs, etc., because intrinsically speaking there are no such things. Rather, God would see us treating certain objects as screwdrivers, cars, bathtubs, etc. But from our standpoint, the standpoint of beings who are not gods but are inside the world that includes us as active agents, we need to distinguish those true statements we make that attribute features to the world that exist quite independently of any attitude or stance we take, and those statements that attribute features that exist only relative to our interests , attitudes, stances, purposes, etc. In each of the following pairs, the first states an intrinsic fact about an object, and the second states an observer-relative fact about the very same object. la. intrinsic: That object is a stone. 1b. observer relative: That object is a paperweight. 2a. intrinsic: The moon causes the tides. 2b. observer relative: The moon is beautiful tonight. 3a. intrinsic: Earthquakes often occur where tectonic plates meet. 3b. observer relative: Earthquakes are bad for real estate values. I want this distinction to seem quite obvious, because it is going to turn out that social reality in general can be understood only in light of the distinction. Observer-relative features are always created by the intrinsic mental phenomena of the users, observers, etc., of the objects in question. Those mental phenomena are, like all mental phenomena, ontologically subjective; and the observer-

14 The Construction of Social Reality have to impose functions on objects, both naturally occurring objects and those created especially to perform the assigned functions. As far as our normal experiences of The Building Blocks of Social Reality 19 vation of truth value. Thus "The function of A is to X" together with "X-ing is identical with Y-ing" do not imply "The function of A is to Y." For example, it is trivially true that the function of oars is to row with, and rowing consists in exerting pressure on water relative to a fixed fulcrum; but it is not the case that the function of oars is to exert pressure on water relative to a fixed fulcrum. To summarize, the first feature we need to note in our discussion of the capacity of conscious agents to create social facts is the assignment of functions to objects and to other phenomena. Functions are never intrinsic; they are assigned relative to the interests of users and observers. I have not attempted to analyze the sentence form "The function of X is to Y, X and Y are parts of a system where the system is in part defined by purposes, goals, and values generally. This is why there are functions of policemen and professors but no function of humans as such-unless we think of humans as part of some larger system where their function is, e.g., to serve God. 2. Whenever the function of X is to Y, then X is supposed to cause or otherwise result in Y. This normative component in functions cannot be reduced to causation alone, to what in fact happens as a result of X, because X can have the function of Y-ing even in cases where X fails to bring about Y all or even most of the time. Thus the function of safety valves is to prevent explosions, and this is true even for valves that are so badly made that they in fact fail to prevent explosions, i.e., they malfunction. tensionality is ''referential opacity." Typically sentences that are about intentional -with-a-t states are intensional-with-an-s sentences, because in such s! entences the way in which an object is referred to affects the truth value of the sentence. For extensive discussion of these matters see Searle, Intentionality, An Essay in the Philosophy of Mind.

hold these values, but the attribution of these values to nature independent of us is observer relative . Even when we discover a function in nature, as when we discovered the function of the heart, the discovery consists in the discovery of the causal processes together with the assignment of a teleology to those causal processes. This is shown by the fact that a whole vocabulary of success and failure is now appropriate that is not appropriate to simple brute facts of nature. Thus we can speak of "malfunction," "heart disease," and better and worse hearts. We do not speak of better and worse stones, unless of course we have assigned a 6 The Construction of Social Reality things that exist. We will have to make some substantive presuppositions about how the world is in fact in order that we can even pose the questions we are trying to answer. We will be talking about how social reality fits into a larger ontology, but in order to do that, we will have to describe some of the features of that larger ontology. The truth is, for us, most of our metaphysics is derived from physics (including the other natural sciences). Many features of the contemporary natural science conception of reality are still in dispute and still problematic. For example, one might think that the Big Bang Theory of the origin of the universe is by no means well substantiated. But two features of our conception of reality are not up for grabs. They are not, so to speak, optional for us as citizens of the late twentieth and early twenty-first century. It is a condition of your being an educated person in our era that you are apprised of these two theories: the atomic theory of matter and the evolutionary theory of biology. The picture of reality derived from these two theories, to state it very crudely, is as follows: The world consists entirely of entities that we find it convenient, though not entirely accurate, to describe as particles. These particles exist in fields of force, and are organi! zed into systems. The boundaries of systems are set by causal relations. Examples of systems are mountains, planets, H,,O molecules, rivers, crystals, and babies. Some of these systems are living systems; and on our little earth, the living systems contain a lot of carbon-based molecules, and make a very heavy use of hydrogen , nitrogen, and oxygen. Types of living systems evolve through natural selection, and some of them have evolved certain sorts of cellular structures, specifically, nervous systems capable of causing and sustaining consciousness. Consciousness is a biological , and therefore physical, though of course also mental, feature of certain higher-level nervous systems, such as human brains and a large number of different types of animal brains. With consciousness comes intentionality, the capacity of the mind to represent objects and states of affairs in the world other

16 The Construction ofSocial Reality extinction. In all these functional assignments, no new intrinsic lacts are involved. As far as nature is concerned intrinsically, there are no functional facts beyond causal facts. The further assignment of function is observer relative. One of Darwin's greatest achievements was to drive teleology out of the account of the origin of species. On the Darwinian account , evolution occurs by way of blind, brute, natural forces. There is no intrinsic purpose whatever to the origin and survival of biological species. We can, arbitrarily, define the "functions" of biological processes relative to the survival of organisms, but the idea that any such assignment of function is a matter of the discovery of an intrinsic teleology in nature, and that functions are therefore intrinsic, is always subject to a variant of Moore's open- question argument: What is so functional about functions, so defined ? Either "function" is defined in terms of causes, in which case there is clothing intrinsically functional about functions, they are just causes like any others. Or functions are defined in terms of the furtherance of a set of values that we hold-life, survival, reproduction , health-in which case they are observer relative. I realize that many biologists and philosophers of biology will disagree. Over the past few decades there has developed a large literature on functions and functional explanations. Much of it is influenced by Larry Wright's article 3 in which he defines function as follows: The function of X is Z means 1. X is there because it does Z. 2. Z is a consequence (or result) of X's being there. If such an analysis were correct, it would eliminate the observer relativity of function. Intuitively the idea is to define "function" in terms of causation: X performs the function F just in case X causes F, and at least part of the explanation for X's existence is that it causes F. Thus, for example, the heart has the function of pump-

The Building Blocks of Social Reality 17 ing blood because it does pump blood and the explanation for the existence of hearts in evolutionary history is that they do in fact pump blood. This seems to give a naturalistic definition of "function " whereby functions would be intrinsic. Ruth Millikan has a similar, but more complex, idea in her notion of "proper function ," though she insists that she is not trying to analyze the ordinary use of the notion of function but to introduce a new technical expression defined in terms of "reproduction" and causation. So construed no one could object. You can introduce any new technical terms you like. However, it is important to emphasize that such definitions fail to capture certain essential features of the ordinary notion of function, for at least three reasons. First, in Millikan's case it makes the definition of function dependent on a particular causal historical theory about "reproduction." In fact I believe my heart functions to pump blood and I also believe in a Darwinian account of how "reproduction" gives a causal historical account of the evolution of hearts. But even if no such account of reproduction, Darwinian or otherwise, turned out to be true, my heart would still function to pump blood. On her definition the R. G. Millikan, Language, Thought, and Other Biological Categories: New Foundations for Realism (Cambridge, Mass.: MIT Press, 1984). In R. G. Millikan, "In Defense of Proper Functions," in The Philosophy of Science 56 (1989), 288-302. She writes: The definition of a "proper function" is recursive. Putting things very roughly, for an item A to have a function F as a "proper function," it is necessary (and close to sufficient) that one of these two conditions should hold. (1) A originated as a "reproduction " (to give one example, as a copy, or a copy of a copy) of some prior item or items that, due in part to possession of the properties reproduced, have actually performed F in the past, and A exists b! ecause (causally historically because) of this or these performances. (2) A originated as the product of some prior device that, given its circumstances, had performance of F as a proper function and that, under those circumstances normally causes F to be performed by means of producing an item like A. Items that fall under condition (2) have "derived proper functions," functions derived from the functions of the devices that produce them. (p. 288)

IS The Construction of Social Reality very meaning of the claim that the heart has the (proper) function of pumping blood can be explained only in terms of a causal historical account of how hearts are reproduced, and that cannot be right as far as our ordinary notion of function is concerned. Second, if we take such definitions as capturing the essential features of our ordinary notion, there are counterexamples to the analyses. On Wright's account and apparently on Millikan's as well, we would have to say that the function (proper or otherwise) of colds is to spread cold germs. They do in fact spread cold germs, and if they did not spread cold germs they would not exist. But on our ordinary notion colds do not have a function, or if they do it is certainly not to ..ERR, COD:3..

to which we intentionally put these objects. Some functions are riot imposed on objects to serve practical purposes but are assigned to naturally occurring objects and processes as part of a theoretical account of the phenomena in question. Thus we say "The heart functions to pump blood" when we are giving an account of how organisms live and survive. Relative to a teleology that values survival and reproduction, we can discover such functions occurring in nature independently of the practical intentions and activities of human agents; so let us call these functions "nonagentive functions."' There is no sharp dividing line between the two, and sometimes an agentive function can replace a nonagentive function, as when, for example, we make an "artificial heart." It is generally,

The Building Blocks of Social Reality 21 though by no means always, the case that agentive functions require continuous intentionality on the part of users for their maintenance, whereas nonagentive functions continue to chug functionally along without any effort on our part. Thus bathtubs, coins, and screwdrivers require continued use on our part in order to function as bathtubs, coins, and screwdrivers, but hearts and livers continue to function as hearts and livers even when no one is paying any attention. Furthermore, the person actually using some object for an agentive function may not be the agent who actually imposed the function on that object and may even be unaware that the object has that function. Thus most car drivers are probably unaware that the function of the drive shaft is to transmit power from the transmission to the axles, but all the same that is its agentive function. One more distinction: Within agentive functions we need to identify a special class. Sometimes the agentive function assigned to an object is that of standing for or representing something else. Thus, when I draw a diagram of a football play, I let certain circles stand for the quarterback, the runningback, the offensive linemen, and so on. In this case, the agentive function assigned to the marks on the paper is that of representing or standing for; but because "representing" and "standing for" are just other names for intentionality , in this case we have intentionally imposed intentionality on objects and states of affairs that are not intrinsically intentional. There are names in English for the result of this type of imposition of function: They are called "meaning" or "symbolism." Marks on the paper now have meaning in a way that a screwdriver, for example , does not have meaning, because the marks on the paper now stand for or represent objects and states of affairs independent of themselves. The most famous sorts of meaning are, of course, in language. In the use of lan! guage we impose a specific function, namely, that of representing, onto marks and sounds. I said earlier that the capacity to impose functions on natural phenomena was remarkable, but equally remarkable is the fact that functions may be imposed quite unconsciously, and the func-

The Building Blocks of Social Reality 23 functions a special subclass, where the function assigned is that of intentionality: For example, the function of the sentence "Snow is white" is to represent, truly or falsely, the state of affairs that snow is white.' Just to keep the terminology straight I will adopt the following conventions. 1. Since all functions are observer relative I will speak of all functions as assigned or equivalently as imposed. 2. Within the category of assigned functions some are agentive because they are matters of the use to which agents put entities, e.g., the function of bathtubs is to take baths in. 3. Within the category of assigned functions some are nonagentive because they are naturally occurring causal processes to which we have assigned a purpose, e.g., the function of the heart is to pump blood. 4. Within the category of agentive functions is a special category of those entities whose agentive function is to symbolize, represent , stand for, or-in general-to mean something or other. Collective intentionality Many species of animals, our own especially, have a capacity for collective intentionality. By this I mean not only that they engage in cooperative behavior, but that they share intentional states such as beliefs, desires, and intentions. In addition to singular intentionality there is also collective intentionality. Obvious examples are cases where 1 am doing something only as part of our doing something. So if I am an offensive lineman playing in a football game, I might be blocking the defensive end, but I am blocking only as part of our executing a pass play. If I am a violinist in an orchestra I play my part in our performance of the symphony. Even most forms of human conflict require collective intentionality . In order that two men should engage in a prizefight, for

24 The Construction of Social Reality example, there has to be collective intentionality at a higher level. They have to be cooperating in having a fight in order for each of them to try to beat the other up. In this respect, prizefighting differs from simply beating up someone in an alley. The man who creeps up behind another man in an alley and assaults him is not engaging in collective behavior. But two prizefighters, as well as opposing litigants in a court case, and even two faculty members trading insults at a cocktail party, are all engaged in cooperative collective behavior at a higher level, within which the antagonistic hostile behavior can take place. An understanding of collective intentionality is essential to understanding social facts. What is the relation between singular and collective intentionality , between, for example, the facts described by "I intend" and "We intend"? Most efforts I have seen to answer this question try to reduce "We intentionality" to "I intentionality" plus something else, usually mutual beliefs. The idea is that if we intend to do something together, then that consists in the fact that I intend to do it in the belief that you also intend to do it; and you intend to do it in the belief that I also intend to do it.

The Building Blocks of Social Reality 25 etc.) something together, and the individual intentionality that each person has is derived from the collective intentionality that they share. Thus, to go back to the earlier example of the football game, I do indeed have a singular intention to block the defensive end, but I have that intention only as part of our collective intention to execute a pass play. We can see these differences quite starkly if we contrast the case where there is genuine cooperative behavior with the cases where, so to speak, by accident two people happen to find that their behavior is synchronized. There is a big difference between two violinists playing in an orchestra, on the one hand, and on the other hand, discovering, while I am practicing my part, that someone in the next room is practicing her part, and thus discovering that, by chance, we are playing the same piece in a synchronized fashion. Why are so many philosophers convinced that collective intentionality must be reducible to individual intentionality? Why are they unwilling to recognize collective intentionality as a primitive phenomenon? I believe the reason is that they accept an argument that looks appealing but is fallacious. The argument is that because all intentionality exists in the heads of individual human beings, the form of that intentionality can make reference only to the individuals in whose heads it exists. So it has seemed that anybody who recognizes collective intentionality as a primitive form of mental life must be committed to the idea that there exists some Hegelian world spirit, a collective consciousness, or something equally implausible. The requirements of methodological individualism seem to force us to reduce collective intentionality to individual intentionality. It has seemed, in short, that we have to choose between reductionism, on the one hand, or a super mind floating over individual minds, on the other. I want to claim, on the contrary, that the ar! gument c ontains a fallacy and that the dilemma is a false one. It is indeed the case that all my mental life is inside my brain, and all your mental life is inside your brain, and so on for everybody else. But it does riot follow from that that all my mental life must be expressed in the form of a singular

The Building Blocks of Social Reality 27 Constitutive Rules and the Distinction Between Brute and Institutional Facts In my work on the philosophy of language' I suggested the beginnings of an answer to the question concerning the relationships between those features of the world that are matters of brute physics and biology, on the one hand, and those features of the world that are matters of culture and society, on the other. Without implying that these are the only kinds of facts that exist in the world, we need to distinguish between brute facts such as the fact that the sun is ninety-three million miles from that statements can be approximately true or roughly true. For example , the statement that the earth is ninety-three million miles from the sun is only approximately true. In such a case the statement only approximately fits or corresponds to the facts. So both the correspondence theory and the disquotational theory are true, and they are not in conflict. The correspondence theory is trivially true, but it misleads us because we think facts must be some complex kinds of material objects, and "correspondence " must name some very general relation of resemblance, or

28 The Construction of Social Reality them from bumping into each other all the time and creating traffic jams, we had to regulate the activity. Rather, the rules of chess create the very possibility of playing chess. The rules are constitutive of chess in the sense that playing chess is constituted in part by acting in accord with the rules. If you don't follow at least a large subset of the rules, you are not playing chess. The rules come in systems, and the rules individually, or sometimes the system collectively, characteristically have the form "X counts as Y or "X counts as Y in context C." Thus, such and such counts as a checkmate, such and such a move counts as a legal pawn move, and so on. The claim I made was, institutional facts exist only within systems of constitutive rules. The systems of rules create the possibility of facts of this type; and specific instances of institutional facts such as the fact that I won at chess or the fact that Clinton is president are created by the application of specific rules, rules for checkmate or for electing and swearing in presidents, for example . It is perhaps important to emphasize that I am discussing rules and not conventions. It is a rule of chess that we win the game by checkmating the king. It is a convention of chess that the king is larger than a pawn. "Convention" implies arbitrariness, but constitutive rules in general are not in that sense arbitrary. The context "X counts as Y in C" is intensional-with-an-s. It is referentially opaque in that it does not permit of substitutability of coextensive expressions salva veritate. Thus, for example, the statements: 1. Bills issued by the Bureau of Engraving and Printing(X) count as money(Y) in the United States(C. and 2. Money is the root of all evil. do not imply

The Building Blocks of Social Reality 29 3. Bills issued by the Bureau of Engraving and Printing count as the root of all evil in the United States. As always the discovery of referential opacity is a crucial point. In this case it provides a clue that there is a mental component in institutional facts. The intentionality-with-an-s of the verbal formulation is a clue that the phenomena represented are intentional -with-a-t. A great deal hangs on this, as we will see in subsequent chapters. Various social theorists have attacked my account of the distinction between regulative and constitutive rules," but I think my account is right as far as it goes. The problem is that for our present purposes it does not go far enough. We still need a more thorough account of rules and institutions. And we need to answer a lot of questions. Are all social facts institutional facts? Are there constitutive rules of, for example, wars and cocktail parties? What makes something into a "constitutive rule" anyway? Hardest of all, how do we make the connection between the fundamental ontology of conscious biological beasts like ourselves and the apparatus of social facts and human institutions? I will have more to say later about the form of constitutive rules and how they relate to the ontology of institutional facts. My aim in this chapter is to assemble the pieces, and I now have the three I need: the imposition of function on entities that do not have that function prior to the imposition, collective intentionality, and the distinction between constitutive and regulative rules. With these in hand we can now turn to the construction of institutional reality.

2 Creating Institutional Facts In this chapter I describe the elementary construction of social facts and the logical structure of the development of institutional facts from simpler forms of social facts. To do so, I will use the apparatus of agentive functions, collective intentionality, and constitutive rules. I will also attempt to explain several puzzling features of social reality. Some Apparent Features of Social Reality To begin, let us identify some of the apparent features of social reality we would like to explain. Because I believe philosophical investigations should begin naively (how they proceed and conclude is another matter), I will simply list half a dozen of what appear to be naive, intuitive features of social reality, including features of institutional facts, such as, for example, the fact that I am an American citizen, as well as features of those social facts that do 31

32 The Construction of Social Reality not require institutional structures, such as, for example, the fact that two men are pushing a car together to try to get it started. 1. The Sell-kelÉ~rentiality, of Many Social Concepts The concepts that name social facts appear to have a peculiar kind of self-referentiality. As a preliminary formulation we can say, for example, in order that the concept "money" apply to the stuff in my pocket, it has to be the sort of thing that people think is money. If everybody stops believing it is money, it ceases to function as money, and eventually ceases to be money. Logically speaking, the statement "A certain type of substance, x, is money" implies an indefinite inclusive disjunction of the form °x is used as money or x is regarded as money or x is believed to be money, etc." But that seems to have the consequence that the concept of money, the very definition of the word "money," is self-referential, because in order that a type of thing should satisfy the definition, in order that it should fall under the concept of money, it must be believed to be, or used as, or regarded as, etc., satisfying the definition. For these sorts of facts, it seems to be almost a logical truth that you cannot fool all the people all the time. If everybody always thinks that this sort of thing is money, and they use it as money and treat it as money, then it is money. If nobody ever thinks this sort of thing is money, then it is not money. And what goes for money goes for elections, private property, wars, voting, promises, marriages , buying and selling, political offices, and so on. In order to state this point precisely we need to distinguish between institutions and general practices on the one hand arid particular instances on the other, that is, we need to distinguish between types and tokens. A single dollar bill might fall from the printing presses into the cracks of the floor and never be used or thought of as money at all, but it would still ! be money . In such a case a particular token instance would be money, even though no one ever thought it was money or thought about it or used it at all. Similarly, there might be a counterfeit dollar bill in circulation

no way to explain the content of that belief without repeating the same feature over and over again. Later on, I will try to show how to avoid this infinite regress. At this point, I am just calling attention to a peculiar logical feature that distinguishes social concepts from such natural concepts as "mountain" or "molecule." Something can be a mountain even if no one believes it is a mountain; something can be a molecule even if no

34 The Construction oJ Social Reality things get out of hand, and it turns out that the casualty rate is greater than the Battle of Austerlitz-all the same, it is not a war; it is just one amazing cocktail party. Part of being a cocktail party is being thought to be a cocktail party; part of being a war is that could be conscious. An unconscious intentional state has to be in principle accessible to consciousness. Here, then, are the bare bones of our ontology: We live in a world made up entirely of physical particles in fields of force. Some of these are organized into systems. Some of these systems are living systems and some of these living systems have evolved consciousness. With consciousness comes intentionality, the capacity of the organism to represent objects and states of affairs in the world to itself. Now the question is, how can we account for the existence of social facts within that ontology? Objectivity and Our Contemporary World View Much of our world view depends on our concept of objectivity and the contrast between the objective and the subjective. Famously , the distinction is a matter of degree, but it is less often re- I use "intentionality" as a technical term meaning that feature of representations by which they are about something or directed at something. Beliefs and desires are intentional in this sense because to have a belief or desire we have to believe that such and such is the case or desire that such and such be the case. Intentionality , so defined, has no special connection with intending. Intending, for example , to go to the movies is just one kind of intentionality among others. For a fuller account of intentionality, see J. R. Searle, Intentionality. An Essay. in the Philosophy of Mind (Cambridge: Cambridge University Press, 1983).

Creating Institutional Facts 37 6. The Linguistic Component of Many Institutional Facts Related to features 1 and 2 is the further apparent feature that only beings that have a language or some more or less language-like system of representation can create most, perhaps all, institutional facts, because the linguistic element appears to be partly constitutive of the fact. It is common, for example, to read that certain ant colonies have slaves or that beehives have queens. I think such manners of speaking are harmless metaphors, especially where the so called "social insects" are concerned, but it is important to keep reminding ourselves that for a community literally to have slaves or literally to have a queen, the participants would have to have the apparatus necessary to represent something as a queen or as a slave. Just behaving in certain ways, where behavior is construed solely in terms of bodily movements, is not sufficient for a community to have a queen or to have slaves. In addition, there would have to be a certain set of attitudes, beliefs, etc., on the part of the members of the community, and this would seem to require a system of representation such as language. Language seems to be essential not only to represent these facts

to use some object as a bench on which they can all sit or to use something as a lever to be operated by several people, rather than just one. Collective intentionality can generate agentive functions as easily as individual intentionality . The next step is more difficult because it involves the collective imposition of functions on objects where the function assigned to the object cannot be performed solely in virtue of the object's intrinsic physical features, as was the case for a log used as a bench, or a stick used as a lever. In this next type of case, the function is itself performed only as a matter of human cooperation. We will see in some detail that this step, the collective imposition of function , where the function can be performed only in virtue of collective agreement or acceptance, is a crucial element in the creation of institutional facts. Consider for example a primitive tribe that initially builds a wall around its territory. The wall is an instance of a function imposed in virtue of sheer physics: the wall, we will suppose, is big enough to keep intruders out and the members of the tribe in. But suppose the wall gradually evolves from being a physical barrier to being a symbolic barrier. Imagine that the wall gradually decays so that the only thing left is a line of stones. But imagine that the inhabitants and their neighbors continue to recognize the line of stones as marking the boundary of the territory in such a way that it affects their behavior. For example, the inhabitants only cross the boundary under special conditions, and outsiders can only cross into the territory if it is acceptable to the inhabitants. The line of stones now has a function that is not performed in virtue of sheer physics ..ERR, COD:3..

40 The Construction of Social Reality performs the function of indicating something beyond itself, namely, the limits of the territory. The line of stones performs the same function as a physical barrier but it does not do so in virtue of its physical construction, but because it has been collectively assigned a new status, the status of a boundary marker. I would like this step to seem a most natural and innocent development , but it is momentous in its implications. Animals can impose functions on natural phenomena. Consider, for example, the primates that use a stick as a tool to get bananas that are out of reach.~i And some primates have even developed traditions of agentive functions that are transmitted from one generation to the next. Thus, most famously Imo, a Japanese macaque, used water to get the sand off her potatoes and eventually salt water both to get the sand off and to improve the flavor. Thanks to Imo, "today," writes Kummer, "potato-washing in salt water is an established tradition which infants learn from their mother as a natural adjunct of eating potatoes.' 4 Anthropology texts routinely remark on the human capacity for tool using. But the truly radical break with other forms of life comes when humans, through collective intentionality , impose functions on phenomena where the function cannot be achieved solely in virtue of physics and chemistry but requires continued human cooperation in the specific forms of recognition, acceptance, and acknowledgment of a new status to which a function is assigned. This is the beginning point of all institutional forms of human culture, and it must always have the structure X counts as Y in C, as we shall see later. In an earlier version of this argument, I used the ethologists' example of groups of animals marking limits to their territory. In such a case, as in the example of the primitive tribe, the barrier is not a sheer physical obstacle like, a wall or a moat but is, in some sense, symbolic. But I am! not cer tain that the ethologists are justified in attributing so much collective intentionality to the animals, so 1 have substituted the tribal example to make the same point. When we discuss the role of language in the next chapter we will see that the distinction between the linguistic and the prelirlguistic is important.

Creating Institutional Facts 41 Our aim is to assimilate social reality to our basic ontology of physics, chemistry, and biology. To do this we need to show the continuous line that goes from molecules and mountains to screwdrivers, levers, and beautiful sunsets, and then to legislatures , money, and nation-states. The central span on the bridge from physics to society is collective intentionality, and the decisive movement on that bridge in the creation of social reality is the collective intentional imposition of function on entities that cannot perform those functions without that imposition. The radical movement that gets us from such simple social facts as that we are sitting on a bench together or having a fistfight to such institutional facts as money, property, and marriage is the collective imposition of function on entities, which-unlike levers, benches, and cars-cannot perform the functions solely by virtue of their physical structure. In some cases, paper currency, for example, this is because the structure is only incidentally related to the function; in other cases, licensed drivers, for example, it is because we do not allow people to perform the function of driving unless they have been authorized. The key element in the move from the collective imposition of function to the creation of institutional facts is the imposition of a collectively recognized status to which a function is attached. Since this is a special category of agentive functions, I will label these status functions. In the case of the boundary, we imagined a causally functioning physical object, a wall, evolving into a symbolic object, a boundary marker. The boundary is intended to function in the same way that the wall did, but the means by which it performs this function is the collective recognition of the stones as having a special status to which the function is attached. In the extreme case, the status function may be attached to an entity whose physical structure is only arbi! trarily related to the performance of the function. As an illustration, consider the case of money and especially the evolution of paper currency. Standard textbook accounts of money identify three kinds: commodity money, such as gold, is regarded as valuable, and hence as money,

42 The Construction o f Social Reality because the commodity itself is regarded as valuable; contract money consists of bits of paper that are regarded as valuable because they are promissory notes to pay the bearer in valuable commodities such as gold; and fiat money consists of bits of paper that are declared to be valuable as money by some official agency such as a government or a central bank. So far, though, it is not clear what the relationship among these three is, or even what fact about all three makes it the case that they are all money. In the case of commodity money the stuff is a medium of exchange because it is valuable; in the case of fiat money the stuff is valuable because

44 The Construction of Social Reality rule was "X counts as Y in C"; but as I am using this locution, that only determines a set of institutional facts and institutional objects where the Y term names something more than the sheer physical features of the object named by the X term.' Furthermore, the "counts as" locution names a feature of the imposition of a status to which a function is attached by way of collective intentionality, where the status and its accompanying function go beyond the sheer brute physical functions that can be assigned to physical objects . So, for example, as I am using this formula, it would not be a statement of a constitutive rule to say "objects that are designed and used to be sat on by one person count as chairs," because satisfying the X term is already sufficient for satisfying the Y term, just from the definition of the word "chair." The "rule" does not add anything but a label, so it is not a constitutive rule. Furthermore, it does not express a constitutive rule to say "objects of a certain shape count as chairs," because the functions assigned can be assigned independently of any human agreement. If it has a certain kind of shape, we can use it as a chair regardless of what anyone else thinks. But when we say that such and such bits of paper count as money, we genuinely have a constitutive rule, because satisfying the X term, "such and such bits of paper,"

44 The Construction of Social Reality rule was "X counts as Y in C"; but as I am using this locution, that only determines a set of institutional facts and institutional objects where the Y term names something more than the sheer physical features of the object named by the X term.' Furthermore, the "counts as" locution names a feature of the imposition of a status to which a function is attached by way of collective intentionality, where the status and its accompanying function go beyond the sheer brute physical functions that can be assigned to physical objects . So, for example, as I am using this formula, it would not be a statement of a constitutive rule to say "objects that are designed and used to be sat on by one person count as chairs," because satisfying the X term is already sufficient for satisfying the Y term, just from the definition of the word "chair." The "rule" does not add anything but a label, so it is not a constitutive rule. Furthermore, it does not express a constitutive rule to say "objects of a certain shape count as chairs," because the functions assigned can be assigned independently of any human agreement. If it has a certain kind of shape, we can use it as a chair regardless of what anyone else thinks. But when we say that such and such bits of paper count as money, we genuinely have a constitutive rule, because satisfying the X term, "such and such bits of paper," is not by itself sufficient for being money, nor does the X term specify causal features that would be sufficient to enable the stuff to function as money without human agreement. So the application of the constitutive rule introduces the following features: The Y terin has to assign a new status that the object does not already have just in virtue of satisfying the X term; and there has to be collective agreement , or at least acceptance, both in the imposition of that status on the stuff referred to by the X term and about the function that goes with that status. Furthermo! re, beca use the physical features specified by the X term are insufficient by themselves to guarantee the fulfillment of the assigned function specified by the Y term, the new status and its attendant functions have to be the sort of things that can be constituted by collective agreement or acceptance.

..ERR, COD:1.. guaranteed simply by collective agreement or acceptance. This is, perhaps, the most mysterious feature of institutional facts, and I will have a good deal to say about it later. THIRD, the process of the creation of institutional facts may proceed without ..ERR, COD:1..

Creating Institutional Facts 47 tuses that can be assigned by the Y term, therefore, are seriously limited by the possibilities of having functions where the performance of the function contains an element that can be guaranteed simply by collective agreement or acceptance. This is, perhaps, the most mysterious feature of institutional facts, and I will have a good deal to say about it later. THIRD, the process of the creation of institutional facts may proceed without the participants being conscious that it is happening according to this form. The evolution may be such that the participants think, e.g., "I can exchange this for gold," "This is valuable," or even simply "This is money." They need not think, "We are collectively imposing a value on something that we do not regard as valuable because the relation of the X and Y terms in the structure where we simply count X things as Y things. In our toughest metaphysical moods we want to ask "But is an X really a Y?" For example, are these bits of paper really money? Is this piece of land really somebody's private property ? Is making certain noises in a ceremony really getting married ? Even, is making noises through the mouth really making a statement or a promise? Surely when you get down to brass tacks, these are not real facts. We do not have this sense of giddiness where the agentive function is performed entirely in virtue of physical features. Thus, we do not have any metaphysical doubts about whether or not this is really a screwdriver, or this is really a car, because the sheer physical features of the objects in question enable them to function as screwdrivers or cars. At this point I am simply describing the structure whereby institutional reality actually works in real human societies. Because this step is crucial for my argument, I will go through it slowly, using the example of U.S. paper money; and since I hope to be able to generalize certain features of the example, I will list its most salient ge! neral ch aracteristics. Certain sorts of bits of paper are (objects are designed to look as if they satisfy the X term, when they do not) and hyperinflation ltoo much money is issued, so that the objects satisfying the X term can no longer perform the function specified by the Y term). The possibility of such forms of abuse is characteristic of institutional facts. Thus, for example, the fact that attorneys have to be certified creates the possibility that those who are not certified can pretend that they are and thus pretend that they are attorneys. They are, so to speak, "counterfeit" attorneys. But even a person qualified as an attorney can abuse the position and so fail to perform the functions properly (malpractice). Another illustration is provided by the decay of the institution of knighthood during the Middle Ages. At first knights were required to be competent warriors, in charge of many men and owning a lot of horses, etc. When decay set in, many people who did not meet the criteria (X term) for becoming knights asked the king to make them knights (Y term) anyway. Though they didn't pass the tests, they, for example, insisted that because they came from such a good family, the requirements should be waived in their case. Furthermore , many people who did rightfully acquire the status of knight became unable to carry out the functions of knighthood. They no longer had the required number of horses, or the

required sort of armor, or they were not in the physical condition necessary to carry out the tasks of knighthood. Where money is concerned cultures vary with their emphasis on the X or the Y aspect. United States currency is explicit on the Y aspect. It says, "This note is legal tender for all debts public and private," but it says nothing about count^rfeiting. French cur-

Creating Institutional Facts 49 rency, on the other hand, contains a long statement about the X aspect, specifically about the illegality of and punishment for counterfeiting. Italian currency makes the same X aspect point, but more succinctly: "La legge punisce i fabbricatore e gli spacciatori di biglietti falsi." FIFTH, the relation of rule and convention, at least in this case, is reasonably clear. That objects can function as a medium of exchange is not a matter of convention but of rule. But which objects perform this function is a matter of convention. Analogously, in chess, the powers of the king are not a matter of convention but of rule. But which shape to impose those powers on is a matter of convention. Because in these cases the conditions laid down by the X term are only incidentally related to the function specified by the Y term, the selection of the X term is more or less arbitrary; and the resulting policy as to which types of things shall be used as, e.g., money or a king in chess, is a matter of convention. As we will see in later examples, often the features necessary for the applicability of the X term are essential to the performance of the Y term. Thus, for example, when it comes to being a certified surgeon , the authorization to perform surgery (Y term) has to be based on meeting certain medical criteria (X term). Nonetheless, even in these cases, there is an addition marked by the Y term that is not already present in the X term. The person in question now has the status, e.g., of certified surgeon. It might seem that there are obvious counterexamples to the claim that the features of the X term are insufficient to guarantee the function named by the Y term. For example, when the president or a state governor declares an earthquake or a major fire to be a "disaster," surely, one might say, the brute facts about the Larticle 139 du code pénal punit de la réclusion criminelle a perpétuité ceux qui auront contrefait ou falsifié les billets ! de banqu e autorisés par la loi, ainsi ce que ceux qui auront fait usage de ces billets contrefaits ou falsifié, ceux qui les auront introduits en France seront punis de la même peine.

50 The Construction of Social Reality earthquake or fire are sufficient to qualify them as disasters in virtue of their physical features. There is nothing conventional about being ail earthquake or a holocaust. But if one looks closely at these cases, even thev illustrate the point. The function of a declared disaster is that the local victims qualify for such things as financial ..ERR, COD:1..

Creating Institutional Facts 51 ample, is that the screwdriver just has the sheer physical structure to enable it to perform its function, but for the law school graduate to be an attorney, an additional authorization or certification is required to confer the status of attorney. Collective agreement about the possession of the status is constitutive of having the status, and having the status is essential to the performance of the function assigned to that status. An interesting class of cases are those where the entity in question has both a causal agentive function and correlated status- function. Consider, for example, the actual fence on portions of the border between Mexico and the United States. It is supposed to function causally as a physical barrier to crossing the border. But it is also supposed to mark a national boundary, something one is not supposed to cross unless authorized. Even in this case the status-function is in addition to the physical function, even though they both have the same ultimate objective. The point is that the Y term must assign some new status that the entities named by the X term do not already have, and this new status must be such that human agreement, acceptance, and other forms of collective intentionality are necessary and sufficient to create it. Now, you might think, that is not much of an apparatus to work with, but in fact, as we will see in detail, the mechanism is a powerful engine in the generation of social reality. SIXTH, finally there is a special relation between the imposition of these status-functions and language. The labels that are a part of the Y expression, such as the label "money," are now partly constitutive of the fact created. Odd as it may sound, in the creation of money, the linguistically expressed concepts, such as "money," are now parts of the very facts we have created. I will explore this feature in the next chapter.

Creating Institutional Facts 53 concepts. We are not trying to reduce the concept "money" to noninstitutional concepts. I mentioned that there is a distinction between the self-referentiality of the concept as applied to types and as applied to tokens. Where money is concerned a particular token could be money even if no one thought it was money, but where cocktail parties are concerned if no one thinks of a particular event that it is a cocktail party, it is not a cocktail party. I think the reason we treat cocktail parties differently from money in this regard has to do with codification. In general, if the institution in question is codified in an "official" form, such as in the laws concerning money, then the self-referentiality in question is a feature of the type. If it is informal, uncodified, then the self-referentiality applies to each token. Codification specifies the features a token must have in order to be an instance of the type. Hence a token may have those features even if no one thinks about it, but the type is still defined in this self-referential way. The self-referentiality we have been discussing is an immediate consequence of the nature of agentive functions. It is not peculiar to institutional facts. So, for example, in order that something be a chair, it has to function as a chair, and hence, it has to be thought of or used as a chair. Chairs are not abstract or symbolic in the way that money and property are, but the point is the same in both cases. Where agentive functional circularity or infinite regress. The word "money" functions as a placeholder for the linguistic articulation of all these practices. To believe that something is money, one does not actually need the word "money." It is sufficient that one believes that the entities in question are media of exchange, repositories of value, payment for debts, salaries for services rendered, etc. And what goes for money goes for other institutional notions such as marriage, property, and! speech acts such as promising, stating, ordering, etc. In short, the fact that a set of attitudes is partly constitutive of the truth conditions of a certain concept, and the fact that those attitudes would normally be summarized by using that very concept (e.g., thinking that something is money, thinking that those people are married), does not have the consequence that the word expressing that concept cannot be defined without circularity or infinite regress. Although we do not need the concept "money" to define "money," and thus we avoid an immediate circularity, to explain the concept we do need other institutional concepts such as "buying ," "selling," and "owing," and thus we avoided the vicious circularity only by expanding the circle by including other institutional

Creating Institutional Facts 53 concepts. We are not trying to reduce the concept "money" to noninstitutional concepts. I mentioned that there is a distinction between the self-referentiality of the concept as applied to types and as applied to tokens. Where money is concerned a particular token could be money even if no one thought it was money, but where cocktail parties are concerned if no one thinks of a particular event that it is a cocktail party, it is not a cocktail party. I think the reason we treat cocktail parties differently from money in this regard has to do with codification. In general, if the institution in question is codified in an "official" form, such as in the laws concerning money, then the self-referentiality in question is a feature of the type. If it is informal, uncodified, then the self-referentiality applies to each token. Codification specifies the features a token must have in order to be an instance of the type. Hence a token may have those features even if no one thinks about it, but the type is still defined in this self-referential way. The self-referentiality we have been discussing is an immediate consequence of the nature of agentive functions. It is not peculiar to institutional facts. So, for example, in order that something be a chair, it has to function as a chair, and hence, it has to be thought of or used as a chair. Chairs are not abstract or symbolic in the way that money and property are, but the point is the same in both cases. Where agentive functional concepts are concerned, part of satisfying a description is being thought to satisfy that description. This does not lead to circularity or infinite regress for the reason just stated: We can cash out the description in terms of the set of practices in which the phenomenon is embedded. Chairs are for sitting in, money is to buy things with, tools are for manipulating objects in various ways, etc. In the Random House Dictionary, one, of the definitions given for "tool"! is: "an ything that can be used as tool." As a definition, that seems pretty dumb, but it is not quite as dumb as it looks. You could not define "screwdriver" as "anything that can be used as a screwdriver," because lots of things can be used as screw-

54 The Construction of Social Reality The Use of Performative Utterances in the Creation of Institutional Facts The second apparent feature we need to explain concerns the role of performative utterances in the creation of many, though not all, institutional facts. The explanation is provided by the structure of constitutive rules. In general, where the X term is a speech act, the constitutive rule will enable the speech act to be performed as a performative declaration creating the state of affairs described by the Y term. Because saying certain things counts as entering into a contract or adjourning a meeting, you can perform those acts by saying you are performing them. If you are the chairman, then saying in appropriate circumstances "The meeting is adjourned" will make it the case that you are chairman. The same words said by the wrong person or in the wrong circumstances will have no such effect. Because the constitutive rule enables the function to be imposed on a speech act, then just performing that speech act in appropriate circumstances can constitute the imposition of that function, and thus will constitute a new institutional fact. It is said that in Moslem countries a man can divorce his wife by simply saying "I divorce you" three times while throwing three white pebbles. This is clearly a performative use of the verb "divorce ," which does not exist in other countries. Those who think that meaning is use would have to conclude that the word "divorce " has a different meaning for Moslems than it does for others . But that is not the case. What has happened is that a new status-function has been imposed on an existing sentence form. The sentence forth "I divorce you" does not change its meaning when a new status-function is added; rather, it is now simply used drivers that detinitely are not screwdrivers, for instance, coins. But since "tool," unlike "screwdriver," names a very large class of agentive functions, arnything that can he used as a tool is,! roughly speaking, a tool.

Creating Institutional Facts 55 in the creation of a new institutional fact, namely, the particular divorce, in virtue of a new constitutive rule according to which the husband's saying "I divorce you" three times with the appropriate throwing gestures counts as divorcing his wife. Thus the performative utterance creates a new institutional fact, the divorce. Even the statement on the twenty dollar bill, though it contains no performative verbs, is a declaration. It says, "This note is legal tender for all debts, public and private." But that utterance is not an empirical claim. It will not do, for example, to ask the Treasury, "How do you know it is legal tender?" or "What's the evidence?" When the Treasury says it is legal tender, they are declaring it to be legal tender, not announcing an empirical fact that it already is legal tender. The possibility of creating institutional facts by declaration does not hold for every institutional fact. You cannot, for example, make a touchdown just by saying you are making it. To summarize this point: performatives play a special role in the creation of institutional facts, because the status-function marked by the Y term in the formula "X counts as Y" can often, though not always, be imposed simply by declaring it to be imposed . This is especially true where the X term is itself a speech act. The Logical Priority of Brute Facts over Institutional Facts The third apparent feature we need to explain concerns the priority of brute facts over institutional facts. As with feature two, this is explained by the structure of constitutive rules. The structure of institutional facts is the structure of hierarchies of the form "X counts as Y in context C." That hierarchy has to bottom out in phenomena whose existence is not a matter of human agreement. This is just another way of saying that where there is a status-function imposed on something, there has to be something it is imposed on. If it is imposed on another status-function,! eventua lly

facts are institutional facts, that there are no brute facts, because the analysis of the structure of institutional facts reveals that they are logically dependent on brute facts. To suppose that all facts are institutional would produce an infinite regress or circularity in the account of institutional facts. In order that some facts be institutional, there must be some other facts that are brute. This is a consequence of the logical structure of institutional facts. Systematic Relations and the Primacy of the Act over the Object Our fourth question was, Why are there always certain sorts of systematic relations among institutional facts? And the fifth was, Why do institutional acts seem prior to institutional objects? The most obvious reason why there are systematic relationships among the various sorts of social facts of the type that I tried to describe is that the facts in question are designed for precisely that purpose. Governments are designed to impact on our lives in all sorts of ways; money is designed to provide a unit of value in all kinds of transactions. Even games, which are explicitly designed to be insulated from the rest of our lives, nonetheless employ an apparatus-of rights, obligations, responsibilities, etc.-that, as I remarked earlier, is intelligible only given all sorts of other social facts. The explanation for the apparent primacy of social acts over so-

Creating Institutional Facts 57 cial objects is that the "objects" are really designed to serve agentive functions, and have little interest for us otherwise. What we think of as social objects, such as governments, money, and universities , are in fact just placeholders for patterns of activities. I hope it is clear that the whole operation of agentive functions and collective intentionality is a matter of ongoing activities and the creation of the possibility of more ongoing activities. Unconsciously, we have throughout this discussion been acknowledging this point by our talk of institutional facts rather than institutional objects. Such material objects as are involved in institutional reality, e.g., bits of paper, are objects like any others, but the imposition of status-functions on these objects creates a level of description of the object where it is an institutional object, e.g., a twenty dollar bill. The object is no different; rather, a new status with an accompanying function has been assigned to an old object (or a new object has been created solely for the purpose of serving the new status-function), but that function is manifested only in actual transactions; hence, our interest is not in the object but in the processes and events where the functions are manifested. The priority of process over product also explains why, as several social theorists have pointed out, institutions are not worn out by continued use, but each use of the institution is in a sense a renewal of that institution. Cars and shirts wear out as we use them but constant use renews and strengthens institutions such as marriage, property, and universities. The account I have given explains this fact: since the function is imposed on a phenomenon that does not perform that function solely in virtue of its physical construction, but in terms of the continued collective intentionality of the users, each use of the institution is a renewed expression of the commitment of the users to t! he insti tution. Individual dollar bills wear out. But the institution of paper currency is reinforced by its continual use. The sixth and final feature we need to explain concerns the role of language in institutional reality, and to that topic I devote the next chapter.

3 Language and Social Reality The primary aim of this chapter is to explain and justify my claim that language is essentially constitutive of institutional reality. I have made this claim in general terms but I now want to make fully explicit what I mean by it, and to present arguments for it. At the end of the chapter I will mention some other functions of language in institutional facts. I said in the last chapter that it seems impossible to have institutional structures such as money, marriage, governments, and property without some form of language because, in some weird sense I have not yet explained, the words or other symbols are partly constitutive of the facts. But this will seem puzzling when we reflect that social facts in general do not require language. Prelinguistic animals can have all sorts of cooperative behavior, and human infants are clearly capable of interacting socially in quite complex ways without any words. Furthermore, if we are going to say that institutional reality requires language, what 59

60 The Construction of Social Reality about language itself? If institutional facts require language and language is itself an institution, then it seems language must require language, and we have either infinite regress or circularity. There is a weaker and a stronger version of my claim. The weaker is that in order to have institutional facts at all, a society must have at least a primitive form of a language, that in this sense the institution of language is logically prior to other institutions. On this view language is the basic social institution in the sense that all others presuppose language, but language does not presuppose the others: you can have language without money and marriage, but not the converse. The stronger claim is that each institution requires linguistic elements of the facts within that very institution. I believe both claims are true, and I will be arguing for the stronger claim. The stronger claim implies the weaker.
Language-Dependent Thoughts and Language- Dependent Facts To explain the issues and the arguments I will be presenting, I need to make, if only briefly, certain elementary clarifications and distinctions. I need to make explicit which features of language are relevant to this issue. I will not attempt to define "language" here, and many features that are essential to full-blown natural languages-such as infinite generative capacity, the presence of illocutionary force indicating devices, quantifiers, and logical connectives -are irrelevant to this discussion. The feature of language essential for the constitution of institutional facts is the existence of symbolic devices, such as words, that by convention mean or represent or symbolize something beyond themselves. So when I say that language is partly constitutive of institutional facts, I do not mean that institutional facts require full-blown natural languages like French, German, or English. My claim that language is partly constitutive of institutional facts amounts to! the cla im that institutional facts essentially contain some symbolic elements in this sense of "symbolic": there are words, symbols, or

Language and Social Reality 61 other conventional devices that mean something or express something or represent or symbolize something beyond themselves, in a way that is publicly understandable. I want that to sound very vague and general at this point, because it is, so far, designed only to specify the feature of language that I want to claim has a constitutive role in institutional reality. Language, as I am using the notion here, essentially contains entities that symbolize; and in language, as opposed to prelinguistic intentional states, such intentionalistic capacities are not intrinsic to the entities but are imposed by or derived from the intrinsic intentionality of humans. Thus the sentence "I am hungry " is part of language because it has representational or symbolic capacities by convention. But the actual feeling of hunger is not part of language because it represents its conditions of satisfaction intrinsically. You do not need language or any other sorts of conventions to feel hungry. We need first to distinguish between language-independent facts, such as the fact that Mt. Everest has snow and ice at the summit , and language-dependent facts, such as the fact that "Mt. Everest has snow and ice at the

is the difference between dogbones and money, for example ? Why does the belief that something is money require language for its very existence in the way that the desire for a bone does not? What exactly must happen in order for me to think, "This is money"? We saw in Chapter 2 that I do not need the word "money" itself, so the word does not have to figure in its own definition . But why do I still have to have some words or wordlike elements to think the thoughts? This is not a trivial question. The answer to it can derive only from the character of the move from X to Y when we count some X as having the status-function named by the Y term. The answer, in short, must come from an understanding of the nature of status-functions. The answer I will give, to anticipate a bit, is that the move from X to Y is eo ipso a linguistic move, even in cases that apparently have nothing to do with language.

language. It is easy to imagine that the course of evolution might produce beings who can think of complex arithmetical relations without using symbols. Another sort of case involves language as a matter of logical necessity , because the linguistic expression of the thought is essential to its being the thought that it is. For example, consider the thought "Today is Tuesday the 26th of October." Such a thought requires a quite definite set of words or their synonyms in English and other languages because the content of the thought locates a day in relation to a specific verbal system for identifying days and months. That is why my dog cannot think "Today is Tuesday the 26th of October." We who are in possession of the relevant vocabulary can translate the expression "Tuesday the 26th of October" into French but not into another radically different calendar, such as the Mayan. The Mayans, using their system, could have identified an actual

66 The Construction of Social Reality such thoughts are like thoughts about today's date in that they are essentially language dependent. Why? Games and Institutional Reality To argue for this claim, l want to begin by considering some fairly simple facts regarding games, because they illustrate the points I want to make. Consider the case of points scored in a game such as football. We say "a touchdown counts six points." Now, that is not a thought that anyone could have without linguistic symbols. But, to repeat, why? Because points can exist only relative to a linguistic system for representing and counting points, and thus we can think about points only if we are in possession of the linguistic apparatus necessary for such a system. But that pushes the question further back. Why can points exist only relative to such a linguistic system? The answer, to put it simply, is that if you take away all the symbolic devices for representing points, there is nothing else there. There is just the system for representing and counting points. That would be misleading if it gave us the impression that points are just words. That is not right. The words have consequences. People try desperately hard to score points in a way they would not try for mere words, because the points determine victory and defeat, and thus are the occasion of emotions ranging from ecstasy to despair. Mere words, it seems, could not be the focus of such deep feelings. But there is no thought independent of the words or other symbols to the effect that we have scored six points. The points might be represented by some svmbolic devices other than actual words, for example, we might count points by assembling piles of stones, one stone for each point. But then the stones would be as much linguistic symbols as would any others. They would have the three essential features of linguistic symbols: they symbolize something beyond themselves, they do so by convention, and they are public. There are no preling! uistic p erceptions of points, nor prelinLanguage

and Social Reality 67 guistic beliefs about points, because there is nothing there to perceive or have beliefs about except the relevant symbolic devices. The animal cannot prelinguistically see points the way it can see the cat up the tree, nor can it prelinguistically desire points the way it desires food. But why could an animal not just be born with a prelinguistic desire to score points in football games as animals are born with prelinguistic desires to drink their mother's milk? The answer is that the desire to score points has no content independently of a socially accepted system of representing and counting points. Take away all symbolic systems for counting points and you have taken away all possible beliefs, desires, and thoughts generally about points. Later I will argue that what is true of points in football games is true of money, property, and other institutional phenomena . Our difficulty in seeing these facts derives in part from a certain model we have of how language works. The model works for a large number of cases and therefore we think it must work in all cases. Here is the model: There are words and other expressions, these have senses or meanings, and in virtue of these senses they have referents. For example, there is an expression "The Evening Star"; it has a sense or meaning; in virtue of that meaning, when we think or utter the expression we refer to or think about the language-independent object, the Evening Star. On this model, if you can think the sense or meaning without the words, then you can think of the referent without the words. All you have to do is detach the sense or meaning from the expression and just think the sense or meaning. And it seems we must always be able to detach the meaning because we can translate the expression into other languages, and this translatability seems to prove that there is a detachable, thinkable sense that can attach now to English now to German words, etc. The model gives us the impression th! at there are no such things as thoughts that are necessarily language dependent, because it seems any expression in any lan-

68 The Construction of Social Reality guage can be translated into other languages, and this seems to imply that the thinkable sense is always detachable from the speakable or writable expression. Whatever its other limitations, this model does not work for institutional facts. In the case of scoring points in games, we can see clearly why it does not work. Even if we don't have words for "man," "line," "ball," etc., we can see that man cross that line carrying that ball, and thus we can think a thought without words, which thought we would report in the words "The man crossed the line carrying the ball." But we cannot in addition see the man score six points because there is nothing in addition to see. The expression "six points" does not refer to some language- independent objects in the way that the expressions "the man," "the ball," "the line," and "The Evening Star" refer to language-independent objects. Points are not "out there" in the way that planets, men, balls, and lines are out there. I hope the reader shares my intuitions so far, because I now want to state the general principle that underlies them. At the lowest level, the shift from the X to the Y in the move that creates institutional facts is a move from a brute level to an institutional level. That shift, as I have emphasized over and over, can exist only if it is represented as existing. But there can be no prelinguistic way to represent the N' element because there is nothing there prelinguistically that one can perceive or otherwise attend to in addition to the X element, and there is nothing there prelinguistically to be the target of desire or inclination in addition to the X element . Without a language, we can see the man cross a white line holding a ball, and without language we can want a man to cross a white line holding a ball. But we

70 The Construction of Social Reality creation of institutional facts has no existence apart from its representation , we need some way of representing it. But there is no natural prelinguistic way to represent it, because the Y element has no natural prelinguistic features in addition to the X X term, and that status has to provide reasons for action that are independent of our natural inclinations. The status exists only if people believe it exists, and the reasons function only if people accept them as reasons. Therefore, the agent must have some way to represent the new status. He cannot do it in terms of prelinguistic brute features of the X term. He can't get from thoughts just about the color and the shape of the dollar bill to the status "money" any more than he can can get from thoughts just about the movement of the man with the ball to the status "touchdown, six points." Because the new status exists only by convention, there must be some conventional way to represent the status or the system will not work. "But why couldn't the X term itself be the conventional way to represent the new status?" The answer is that it could, but to assign that role to the X term is precisely to assign it a symbolizing or linguistic status. Notice that status-functions differ from causal agentive functions in regard to their language dependency. One can think that this is a screwdriver without any words or other linguistic devices because one can just think that this thing is used to screw in these other things. No words at all are logically necessary to treat and use an object as a screwdriver because its ability to so function is a matter of its brute physical structure. But in the case of status- functions, there is no structural feature of the X element sufficient by itself to determine the Y function. Physically X and Y are exactly the same thing. The only difference is that we have imposed a status on the X element, and this new status needs markers, because, empiric! ally spe aking, there isn't anything else there. To summarize: Because the Y level of the shift from X to Y in the

Language and Social Reality 71 satisfying our formula, X counts as Y, where the Y term imposes a new status by collective intentionality, but where the intentionality in question is not language dependent? Well, what about our first example of the physical barrier, the wall, that decays into a purely symbolic barrier, the line of stones? Isn't that an example of an institutional fact without language? This depends on how the tribe regards the line of stones. If, just as a matter of fact, they are not disposed to cross the boundaries as a matter of inclination, they do not in our sense have an institutional fact. They simply have a disposition to behave in certain ways, and their behavior is just like the case of animals marking the limits of their territory. There is nothing deontic about such markings. The animals simply behave in such and such ways, and "behave" here means they simply move their bodies in specific ways. But if we suppose that the members of the tribe recognize that the line of stones creates rights and obligations, that they are forbidden to cross the line, that they are not supposed to cross it, then we have symbolization. The stones now symbolize something beyond themselves; they function like words. I do not think there is a sharp dividing line between either the institutional and the noninstitutional or the linguistic and the prelinguistic, but to the extent that we think the phenomena are genuinely institutional facts, and not just conditioned forms of habitual behavior, to that very extent we must think of language as constitutive of the phenomena , because the move that imposes the Y function on the X object is a symbolizing move.

72 The Construction of Social Reality Does Language Require Language? The account so far, however, seems to leave us in a fix. 1 have said that institutional facts require language because language is constitutive of the facts. But linguistic facts are also institutional facts. So it looks as if language requires language. Does this not lead to an infinite regress or another form of circularity? We got out of the first charge of circularity-the apparent circularity that defining institutional concepts such as "money" seemed to require those very concepts in the definition-by widening the circle to include other institutional concepts. How do we get out of this charge of circularity? The short, but unsatisfactory-sounding, answer to this question is that language does not need language because it already is language . Now, let me explain what that means. The requirement that there be linguistic markers for institutional facts is the requirement that there be some conventional way for the participants in the institution to mark the fact that the X element now has the Y status. Since there is nothing in the physics of the X element that gives it the Y function, since the status is only by collective agreement, acid since the status confers deontic properties that are not physical properties, the status cannot exist without marker .Those markers are now partly constitutive of the status. There needs to be some way to mark the fact that the man holding the ball has scored a touchdown, and that a touchdown counts six points. There is nothing in the physics of the situation that makes it apparent. Arid this is not an epistemic but an ontological point. Similarly, there is nothing in the physical relations between me and a piece of' land that makes it my property. There is nothing in the chemical composition of this piece of paper that makes it a twenty dollar bill. So we have to have some symbolic devices for marking these institutional facts. But now, what about the symb! olic dev ices themselves? How are they to be marked as symbolic? It' it is true, as it surely is, that there is nothing in the physical structure of the piece of paper that makes it a five dollar bill, nothLanguage

and Social Reality 73 ing in the physical structure of the piece of land that makes it my property, then it is also true that there is nothing in the acoustics of the sounds that come out of my mouth or the physics of the marks that I make on paper that makes them into words or other sorts of symbols. The solution to our puzzle is to see that language is precisely designed to be a self-identifying category of institutional facts. The child is brought up in a culture where she learns to treat the sounds that come out of her own and others' mouths as standing for, or meaning something, or representing something. And this is what I was driving at when I said that language doesn't require language in order to be language because it already is language. But doesn't this only force our question back further? Why can't all institutional facts have this self-identifying character of language ? Why can't the child just be brought up to regard this as so- and-so's private property, or this physical object as money? The answer is, she can. But precisely to the extent that she does, she is treating the object as symbolizing something beyond itself; she is treating it as at least partly linguistic in character. The move from the brute to the institutional status is eo ipso a linguistic move, because the X term now symbolizes something beyond itself. But that symbolic move requires thoughts. In order to think the thought that constitutes the move from the X term to the Y status, there must be a vehicle of the thought. You have to have something to think with. The physical features of the X term are insufficient for the content of the thought, but any object whatever that can be conventionally used and thought of as the bearer of that content can be used to think the thought. The best objects to think with are words, because that is part of what words are for. Indeed, it is a condition for something to be a word that it be thinkable. But strictly speaking, any conventional marker! will do . Though it is easy to think in words, it is hard to think in people , mountains, etc., because they have too many irrelevant features and they are too unmanageable. So we use real words or we can use wordlike markers as vehicles of thought. Using words, we

Language and Social Reality 75 imaging the features of the X element will not do the job. So we need words, such as "money," "property," etc., or we need wordlike symbols, such as those we just considered, or in the limiting case we treat the X elements themselves as conventional representations of the Y function. To the extent we can do that, they must be either words or symbols themselves or enough like words to be and representations of the move from X to Y. The account also has this consequence: the capacity to attach a sense, a symbolic function, to an object that does not have that sense intrinsically is the precondition riot only of language but of all institutional reality. The preinstitutional capacity to symbolize is the condition of possibility of the creation of all human institutions . In certain contexts, uttering the sounds "the cat is on the mat" counts as making the statement that the cat is on the mat, and in certain contexts crossing the line while holding the ball counts as scoring a touchdown. Both are cases of the creation of institutional facts according to the formula. The difference in the two cases is that the creation of a speech act is the creation of something with further representational capacities, but in that sense points scored in games do not stand for something beyond themselves. Statements can be true or false, but touchdowns do not in that way have semantic properties. Typically the "stands for" relation requires the existence of some object that exists independently of the symbol that stands for it, but in the case of institutional reality ..ERR, COD:1..

The Building Blocks of Social Reality 23 functions a special subclass, where the function assigned is that of intentionality: For example, the function of the sentence "Snow is white" is to represent, truly or falsely, the state of affairs that snow is white.' Just to keep the terminology straight I will adopt the following conventions. 1. Since the category of touchdowns and presidents is already achieved by the structures according to which we attach status-functions to the X terms, because the existence of these features is created by attachment of the status-functions. Think of it this way: What stands to the sound "cat" as its meaning is what stands to the piece of paper as its function as a dollar bill. However, the sound "cat" has a referential function that the piece of paper does not have. For example, the sound can occur in sentences where the speaker in uttering the sentence refers to a cat. Pieces of paper, even pieces of paper construed as dollar bills, are not in that way used to refer. But the practice of using pieces of paper as dollar bills creates a class of entities that cannot exist without the practice. It creates the class of entities: dollar bills. In order that the practice should exist, people must be able to think the thought "This piece of paper is a dollar bill," and that is a thought they cannot think without words or other symbols, even if the only symbol in question is the object itself. Other Functions of Language in Institutional Facts This discussion has been very abstract and has concerned the conditions of the possibility of the creation impose functions on phenomena where the function cannot be achieved solely in virtue of physics and chemistry but requires continued human cooperation in the specific forms of recognition, acceptance, and acknowledgment of a new status to which a function is assigned. This is the beginning point of all institutional forms of human culture, and it must always have the structure X counts as Y in C,! as we s hall see later. In an earlier version of this argument, I used the ethologists' example of groups of animals marking limits to their territory. In such a case, as in the example of the primitive tribe, the barrier is not a sheer physical obstacle like, a wall or a moat but is, in some sense, symbolic. But I am not certain that the ethologists are justified in attributing so much collective intentionality to the animals, so 1 have substituted the tribal example to make the same point. When we discuss the role of language in the next chapter we will see that the distinction between the linguistic and the prelirlguistic is important.

circle. If part of the content of the claim that something is money is the claim that it is believed to be money, then what is the content of that belief? ..ERR, COD:1.. many causal agentive functions-not all-it is reasonably easy to tell which objects are chairs, tables, hammers, and screwdrivers because you can read off the function from the physical structure. But when it comes to money, husbands, university professors, and privately owned

78 The Construction of Social Reality Fourth, the facts in question persist through time independently of the duration of the urges and inclinations of the participants in the institution. This continued existence requires a means of representation of the facts that is independent of the more primitive prelinguistic psychological states of the participants, and such representations are linguistic.

4 The General Theory of Institutional Facts Part I: Iteration, Interaction, and Logical Structure Generalizing the Analysis So far I have given a preliminary account of institutional facts, using the example of money more than any other sort and emphasizing the special role of language in institutional reality. I will use the tools we have assembled to give an account that describes the structure not only of money but also of marriage, property, hiring, firing, war, revolutions, cocktail parties, governments , meetings, unions, parliaments, corporations, laws, restaurants , vacations, lawyers, professors, doctors, medieval knights, and taxes, for example. I do not know how to tell the story for each of these with the simplicity of the story about money. To general- 79

promise is already to have a Y status-function at a lower level. It is no exaggeration to say that these iterations provide the logical structure of complex societies. Second, there can be interlocking systems of'such iterated structures operating through time. The structures of iterated status-functions do not just exist at instantaneous moments. The functions they perform require them to interact constantly with each other across extended periods. I do not, for example, just have money; rather, for example, I have money in my bank account that I spend by writing a check to pay my state and, fèderal taxes as a citizen of the United States as well as a long-terns resident and an employee of th.~ state of Calilbrnia. All

The General Theory of Institutional Facts (Part I) 81 the italicized expressions in the previous sentence express institutional concepts, and the facts reported all presuppose systems of constitutive rules operating through time. To develop the analysis further, let us try to tell a story about marriage and property analogous to the one we told about money. Such institutions originate in the sheer physical and intentional facts involved in cohabitation and physical possession, respectively . Property begins with the idea that I have got this, it is mine. Marriage begins with people simply living with each other, and in the case of monogamous marriage, having a sexual monopoly on each other. Why are we not satisfied with these arrangements? Why is it not enough that I possess this in the sense that I have physical control over it and why is it not enough that we just live together? Well, for some people and perhaps for some simple societies it is enough; but many of us think we are better off if there is a system of collectively recognized rights, responsibilities, duties , obligations, and powers added onto--and in the end able to substitute for-brute physical possession and cohabitation. For one thing, we can have a much more stable system of expectations if we add this deontic apparatus; for another, we don't have to rely on brute physical force to sustain the arrangements; and for a third, we can maintain the arrangements even in the absence of the original physical setup. For example, people can remain married even though they have not lived with each other foryears, and they can own property even though the property is a long way away from them. Whatever the advantages and disadvantages, the logically more primitive arrangements have evolved into institutional structures with collectively recognized status-functions. Just as in the case of money, we have imposed, by collective intentionality, new status- functions on things that cannot perform those functions ! without that collective imposition. However, one special feature of these cases is that often the function is imposed by way of performing explicit speech acts. In such cases the speech act itself is an instance of a status-function imposed on a status-function; and it is ..ERR, COD:1..

82 The Construction o f Social Reality used to create new or alter old status-functions. Thus, for examhle , a marriage ceremony consists in a series of speech acts, but in that context the ceremony creates a new institutional entity, the marriage. The existence of the marriage imposes status-functions on the principals, marked by the terms "husband" and "wife." In order to do that, the speech acts have to have status-functions that go beyond the literal meaning of the words uttered, which is already a status-function. Let us explore this point in more detail for the case of marriage. The next step in the gradual creation of institutional facts out of more primitive biological phenomena involves the imposition of status-functions, not just on entities that are physically unrelated to the performance of the function but also on entities that have already had a function imposed on them, especially speech acts. And these speech acts are used to impose new status-functions oil entities that are not speech acts, for example, on people. Thus in these cases, in the formula "X counts as Y in C," the X element can already be a speech act. Consider, for example, the sort of speech acts people perform in a marriage ceremony. Performing such and such speech acts (the X term) in front of a presiding official (the C terra) now counts as getting married (the Y term). Saying those very same words in a different context, while making love, for example, will not constitute getting married. The Y term now assigns a new status to those speech acts. The promises made in the wedding ceremony create a new institutional fact, a marriage, because iti that context, making those promises counts as getting married. Furthermore, the whole notion of a "presiding official" specifies a context C that is the result of some previous imposition of function. The whole notion of an official is the notion of an institutional status imposed on some person according to the structure X counts as Y in C. I! n such a case the presence of the presiding official is the C term in the marriage ceremony, but that lie or she is the presiding official is the result of being the Y term in an earlier imposition of status-function. If we are right in thinking that marriage is typical of many instiThe

82 The Construction o f Social Reality used to create new or alter old status-functions. Thus, for examhle , a marriage ceremony consists in a series of speech acts, but in that context the ceremony creates a new institutional entity, the marriage. The existence of the marriage imposes status-functions on the principals, marked by the terms "husband" and "wife." In order to do that, the speech acts have to have status-functions that go beyond the literal meaning of the words uttered, which is already a status-function. Let us explore this point in more detail for the case of marriage. The next step in the gradual creation of institutional facts out of more primitive biological phenomena involves the imposition of status-functions, not just on entities that are physically unrelated to the performance of the function but also on entities that have already had a function imposed on them, especially speech acts. And these speech acts are used to impose new status-functions oil entities that are not speech acts, for example, on people. Thus in these cases, in the formula "X counts as Y in C," the X element can already be a speech act. Consider, for example, the sort of speech acts people perform in a marriage ceremony. Performing such and such speech acts (the X function on the individuals involved. They are now "husband" and "wife." And the fact that they are husband and wife, like the marriage itself, is an institutional fact. I hope it is clear from these examples that a pattern is emerging . The crucial presuppose the others: you can have language without money and marriage, but not the converse. The stronger claim is that each institution requires linguistic elements of the facts within that very institution. I believe both claims are true, and I will be arguing for the stronger claim. The stronger claim implies the weaker.

Language-Dependent Thoughts and Language- Dependent Facts To explain the issues and the arguments I will be presenting, I need to make, if only! briefly , certain elementary clarifications and distinctions. I need to make explicit which features of language are relevant to this issue. I will not attempt to define "language" here, and many features that are essential to full-blown natural languages-such as infinite generative capacity, the presence of illocutionary force indicating devices, quantifiers, and logical connectives -are irrelevant to this discussion. The feature of language essential for the constitution of institutional facts is the existence of symbolic devices, such as words, that by convention mean or represent or symbolize something beyond themselves. So when I say that language is partly constitutive of institutional facts, I do not mean that institutional facts require full-blown natural languages like French, German, or English. My claim that language is partly constitutive of institutional facts amounts to the claim that institutional facts essentially contain some symbolic elements in this sense of "symbolic": there are words, symbols, or

84 The Construction of Social Reality drals, declared wars, and sessions of parliament all exhibit this pattern. The pattern, to put it in a nutshell, is this: We create a new institutional fact, such as a marriage, by using an object for objects) with an existing status-function, such as a sentence, whose existence is itself an institutional fact, to perform a certain type of speech act, fact. Let us apply these lessons to the example of property. As usual we need to distinguish between the institution and particular token instances or invocations of that institution, between the general structure "X counts as Y in C" and particular instances of that structure. As I said earlier, property begins in sheer physical possession. In many legal systems, but especially in English common law and those legal systems influenced by it, there is a crucial distinction between real property and personal property. In many countries only the king could own land. Of several crucial distinctions between real and personal property, one which is especially interesting for our investigation is that possession is typically manifested quite differently for real property than for personal property. I can wear my shirt, drive my car, even carry my computer, but when it comes to my house and land, maintenance of my possession requires status indicators. The French distinction between "meuble" and "immeuble" reveals precisely this distinction . Movable property often also has status indicators-for example, registration papers for cars and brands for cattle. The status indicators in these cases are for such incidental reasons as that the property is very valuable, as in the case of jewelry and oil paintings; or it is not easily identifiable and can wander away, as in the case of cattle; or it carries responsibility for possible harm as in the case of guns; or there are combinations of these reasons, as in the case of cars. In any case, it is hard to see how there could be a system of comple! x real p roperty ownership without documentation . On top of the brute physical possession of material objects, including land, we build a structure of buying and selling, of beThe ..ERR, COD:1..

General Theory of Institutional Facts (Part I) 85 queathing, partial transfer, mortgaging, etc., of property. The characteristic devices used are speech acts-deeds, bills of sale, registration papers, wills, etc.; and it is no accident that these are usually called legal "instruments." All are cases of status-functions imposed on speech acts. And, of course, the original speech act is already a case of imposed status-function. So, for example, a bill of sale simply records the fact that I sold you, for example, my car. It is an assertive speech act, but it now can count as your title to the car pending the issuance of new registration papers. Once a society has the institution of property, new property rights are usually created by speech acts, as when I give something to someone, or by speech acts accompanied by other sorts of acts, as when I exchange property for money. Suppose I give my watch to my son. I can do this by saying, "it's yours," "You can have it," or more pompously with the performative, "I hereby give you my watch." I have now imposed a new status-function on these speech acts, that of transferring ownership. These speech acts in turn impose a new status-function on the watch, that of belonging to my son, that of being his property. I said that the institutional structures enable brute physical possession in the case of property, or brute physical proximity in the case of marriage, to be replaced by a recognized set of relationships whereby people can be married even though they are not living with each other, and people can own property even though the property is far away from them. To achieve this remarkable intellectual feat, we must have what I have called status indicators. Just as the paper certificates, when they were redeemable in gold, were status indicators for value, so we have an acknowledged system of legally recognized marriages and property rights. And we have status indicators in the form of marriage certificates, wedding rings, an! d title deeds, for example. Even when I am a long way from my house or my wife, the institutional structures enable me to remain an owner or a husband, and, if need be, to demonstrate that position to others through the use of status indicators. In such cases, the institutional facts substitute

believed to be, or used as, or regarded as, etc., satisfying the definition. For these sorts of facts, it seems to be almost a logical truth that you cannot fool all the people all the time. If everybody always thinks that this sort of thing is money, and they use it as money and treat it as money, then it is money. If nobody ever thinks this sort of thing is money, then it is not money. And what goes for money goes for elections, private property, wars, voting, promises, marriages , buying and selling, political offices, and so on. In order to state this point precisely we need to distinguish between institutions and general practices on the one hand arid particular instances on the other, that is, we need to distinguish between types and tokens. A single dollar bill might fall from the printing presses into the cracks of the floor and never be used or thought of as the cracks of the floor and never be used or thought of as money at all, but it would still be money. In such a case a particular token instance would be money, even though no one ever thought it was money or thought about it or used it at all. Similarly, there might be a counterfeit dollar bill in circulation

do not believe that it is a friendship/date/cocktail party. Such institutional patterns could be codified if it mattered tremendously whether or not something was really a cocktail party or only a tea party. If the rights and duties of friendship suddenly became a matter of some grave legal or moral question, then we might imagine these informal institutions becoming codified explicitly , though of course, explicit codification has its price. It deprives us of the flexibility, spontaneity, and informality that the practice has in its uncodified form. It should be clear from these examples that there is a gradual transition and not a sharp dividing line between social facts in general and the special subclass of institutional facts. In my society "going for a walk with someone" names a social fact but not an institutional fact, because the label assigns no new status- functions. It just labels the intentionality and its manifestation. The characteristic institutional move, however, is that form of collective intentionality that constitutes the acceptance, recognition, etc., of one phenomenon as a phenomenon of a higher sort by imposing a collective status and a corresponding function upon it. The function is always internally related to the status in the sense that it could not be that status if it did not have that function. The criterion is always this: Does the assignment of the label carry with it the assignment of some new functions, for example, in the form of rights and

believed to be, or used as, or regarded as, etc., satisfying the definition. For these sorts of facts, it seems to be almost a logical truth that you cannot fool all the people all the time. If everybody always thinks that this sort of thing is money, and they use it as money and treat it as money, then it is money. If nobody ever thinks this sort of thing is money, then it is not money. And what goes for money goes for elections, private property, wars, voting, promises, marriages , buying and selling, political offices, and so on. In order to state this point precisely we need to distinguish between institutions and general practices on the one hand arid particular instances on the other, that is, we need to distinguish between types and tokens. A single dollar bill might fall from the printing presses into the cracks of the floor and never be used or thought of as money at all, but it would still be money. In such a case a particular token instance would be money, even though no one ever thought it was money money or thought about it or used it at all. Similarly, there might be a counterfeit dollar bill in circulation

90 The Construction of Social Reality War, we are evolving an institution of common law war, like common law marriage. Some of the Issues at Stake in the Analysis In this chapter we address one of the hardest questions of all. What is the logical structure of the creation of institutional facts? Related to that question are the questions, What sorts of facts can we create simply by collective agreement to count an X as having the status Y? And what are the possibilities and limitations of institutional facts? Because the whole system works only by collective acceptance, it would seem a priori that there is not much we could do with it, and it all looks very fragile, as if the whole system might just collapse at any time. Yet the institutional structure of society has precisely this form, so we need to find out its possibilities and limitations. Because I am trying to describe the logical structure of organized society, it may be well to pause at this point to explain what is involved and to make explicit at least part of what is at stake. How can "organized society" have a "logical structure"? After all, society is not a set of propositions or a theory, so what is this talk of logical structure? On my account, social and institutional reality contain representations, not only mental representations but even linguistic representations, as constitutive elements. These do have logical structures. I am attempting to lay bare the most fundamental of those logical structures. And what is at stake? It is tempting to think that such institutional structures as property and the state itself are maintained by the armed police and military power of the state, and that acceptance will be compelled where necessary. But in the United States, and in several other democratic societies, it is the other way around. The armed might of the state depends on the acceptance of systems of constitutive rules, much more than conversely. This was apparent at the time of the well-televised st! reet rio ts in Los Angeles in 1992. Looters walked out of stores carrying valuable prop-

The General Theory of Institutional Facts (Part I) 91 erty while the police pointed their guns at them and ordered them to stop. The looters simply ignored the police, with no further consequences . "Why are you doing this?" asked one reporter. "It's free," the thief replied. All this was watched by millions on television . The police power of the government is usable only against very small numbers, and even then on the assumption that nearly everyone else accepts the systems of status-functions. Once the number of lawbreakers is more than tiny, the police typically retreat to the station house, or put on a ceremonial show of acting as if they were enforcing the law, as in Los Angeles, or quite often arrest the law-abiding citizenry. In Berkeley during the same period of rioting and looting, a store owner was arrested because he had armed himself with the intent of defending his store, and this arrest occurred while looters robbed nearby stores unhindered by the police. In many democratic societies, once the number of lawbreakers reaches critical mass, the police force is largely for show. The point for our present discussion is that we cannot assume that the system of acceptance is backed by a credible system of force. For one thing the system of force is itself a system of acceptance . Police forces and armies, for example, are systems of status-functions. But more important for our present purposes, the system of force presupposes the other systems of status- functions. We cannot assume that Leviathan will come to our aid in a genuine crisis; on the contrary, we are in a state of nature all the time, but the state of nature is precisely one in which people do in fact accept systems of constitutive rules, at least nearly all the time. More spectacular examples are provided by the collapse of the Soviet empire in the annus mirabilis, 1989. Anyone who visited the I originally became aware of this during my first term as an undergraduate at Oxford, when I attended! the ann ual Guy Fawkes riots of that era. The Proctors and Bulldogs apprehended me, a passive spectator, rather than confront the actual participants, who were much too dangerous.

90 The Construction of Social Reality War, we are evolving an institution of common law war, like common law marriage. Some of the Issues at Stake in the Analysis In this chapter we address one of the hardest questions of all. What is the logical structure of the creation of institutional facts? Related to that question are the questions, What sorts of facts can we create simply by collective agreement to count an X as having the status Y? And what are the possibilities and limitations of institutional facts? Because the whole system works only by collective acceptance, it would seem a priori that there is not much we could do with it, and it all looks very fragile, as if the whole system might just collapse at any time. Yet the institutional structure of society has precisely this form, so we need to find out its possibilities and limitations. Because I am trying to describe the logical structure of organized society, it may be well to pause at this point to explain what is involved and to make explicit at least part of what is at stake. How can "organized society" have a "logical structure"? After all, society is not a set of propositions or a theory, so what is this talk of logical structure? On my account, social and institutional reality contain representations, not only mental representations but even linguistic representations, as constitutive elements. These do have logical structures. I am attempting to lay bare the most fundamental of those logical structures. And what is at stake? It is tempting to think that to think that such institutional structures as property and the state itself are maintained by the armed police and military power of the state, and that acceptance will be compelled where necessary. But in the United States, and in several other democratic societies, it is the other way around. The armed might of the state depends on the acceptance of systems of constitutive rules, much more than conversely. This was apparent at the time of the wel! l-televi sed street riots in Los Angeles in 1992. Looters walked out of stores carrying valuable prop-

The General Theory of Institutional Facts (Part I) 93 the surprising thing is how little of history is about class struggles. In the great upheavals of the twentieth century, for example, national loyalties proved much more powerful than class solidarity, and conationals of all classes slaughtered enemy nationals of all classes with passion and enthusiasm. International class solidarity counted for next to nothing. And in most of these great upheavals , the systems of constitutive rules that sustained the class distinctions were preserved, even though all sorts of other institutional changes took place; and in places where the institutional structures sustaining the class structure were destroyed-for example, Russia in the first war, China after the second-their destruction was not one of the war aims of their enemies. Imperial Germany was not out to create a Bolshevik state in Russia, nor was Maoism an objective of the Greater East Asia Coprosperity Sphere. The point I am trying to illustrate is that there is no simple set of relations among motivation, self-interest, institutional structure, and institutional change. Perhaps the most amazing form of status-function is in the creation of human rights. Prior to the European Enlightenment the concept of rights had application only within some institutional structure-property rights, marital rights, droit de seigneur, etc. But somehow the idea came to be collectively accepted that one might have a status-function solely by virtue of being a human being, that the X term was "human" and the Y term was "possessor of inalienable rights." It is no accident that the collective acceptance of this move was aided by the idea of divine authority: "they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness." The idea of human rights has survived the decline of religious belief, and has even become internationalized. The Helsinki Declaration on Human Rights ! is frequ ently appealed to, with varying degrees of effectiveness, against dictatorial regimes. Lately there has even been a movement for the recognition of animal rights. Both human and animal rights are cases of the imposition of status- function through collective intentionality.

Creating Institutional Facts 51 ample, is that the screwdriver just has the sheer physical structure to enable it to perform its function, but for the law school graduate to be an attorney, an additional authorization or certification is required to confer the status of attorney. Collective agreement about the possession of the status is constitutive of having the status, and having the status is essential to the performance of the function assigned to that status. An interesting class of cases are those where the entity in question has both a causal agentive function and correlated status- function. Consider, for example, the actual fence on portions of the border between Mexico and the United States. It is supposed to function causally as a physical barrier to crossing the border. But it is also supposed to mark a national boundary, something one is not supposed to cross unless authorized. Even in this case the status-function is in addition to the physical function, even though they both have the same ultimate objective. The point is that the Y term must assign some new status that the entities named by the X term do not already have, and this new status must be such that human agreement, acceptance, and other forms of collective intentionality are necessary and sufficient to create it. Now, you might think, that is not much of an apparatus to work with, but in fact, as we will see in detail, the mechanism is a powerful engine in the generation of social reality. SIXTH, finally there is a special relation between the imposition of these status-functions and language. The labels that are a part of the Y expression, such as the label "money," are now partly constitutive of the fact created. Odd as it may sound, in the creation of money, the linguistically expressed expressed concepts, such as "money," are now parts of the very facts we have created. I will explore this feature in the next chapter.

40 The Construction of Social Reality performs the function of indicating something beyond itself, namely, the limits of the territory. The line of stones performs the same function as a physical barrier but it does not do so in virtue of its physical construction, but because it has been collectively assigned a new status, the status of a boundary marker. I would like this step to seem a most natural and innocent development , but it is momentous in its implications. Animals can impose functions on natural phenomena. Consider, for example, the primates that use a stick as a tool to get bananas that are out of reach.~i And some primates have even developed traditions of agentive functions that are transmitted from one generation to the next. Thus, most famously Imo, a Japanese macaque, used water to get the sand off her potatoes and eventually salt water both to get the sand off and to improve the flavor. Thanks to Imo, "today," writes Kummer, "potato-washing in salt water is an established tradition which infants learn from their mother as a natural adjunct of eating potatoes.' 4 Anthropology texts routinely remark on the human capacity for tool using. But the truly radical break with other forms of life comes when humans, through collective intentionality , impose functions on phenomena where the function cannot be achieved solely in virtue of physics and chemistry but requires continued human cooperation in the specific forms of recognition, acceptance, and acknowledgment of a new status to which a function is assigned. This is the beginning point of all institutional forms of human culture, and it must always have the structure X counts as Y in C, as we shall see later. In an earlier version of this argument, I used the ethologists' example of groups acts by uttering the sentences. In these cases the acceptance of the Y status involves some form of creation of power such as authorization, permission, enablement. Other cases, as we will see, involve some Boolea! n functi on on these forms of power such as negation or conditionalization. So the question How many types of institutional facts could there be? boils down in large part to the question What sorts of power can we create just by collective agreement? Sheer physical power is unaffected by collective agreement. We can't add to our weight or arm-wrestling abilities by collective agreement. But we can and do increase people's wealth, or even give them the power of life and death over us, by collective agreement. The general form of the answer must be: We can with this mechanism create all and only those forms of power where the collective recognition or acceptance of the power is constitutive of having it. If this is the formal structure of the mechanism, then two puzzling features are automatically accounted for. First, the mechanism places no restrictions on subject matter so the enormous variety of institutional reality, from wives to warfare, and from cocktail parties to Congress, should seem less puzzling. Second, the mechanism so described does not require that the participants be aware of what is actually happening. They may think that the man is King only because the is divinely anointed, but as long as they continue to recognize his authority, he has the status-function of king, regardless of whatever false beliefs they may hold. There is an

interesting class of exceptions to the claim that all institutional facts involve power. Some institutional facts involve pure status with no further function. These are the cases where the status is purely honorific. If you are awarded a medal, given an honorary degree, voted the most popular person in your class, or become Miss Alameda County, there are in general no rights or powers associated with these positions. They are purely honorific.

The General Theory of Institutional Facts (Part 1) 97 Their opposites are matters of negative honors. Thus, if you are censured for your bad behavior, reprimanded by your superiors, or voted the least popular in your class, these are all negative honors. No further powers, positive or negative, need apply. Our question is, In the formula "X counts as Y in C," how many types of 'Y's are there? Because institutional facts are structured by collective intentionality and because there are strict limitations on the possibilities of creating institutional facts, we ought to be able to answer this question. So let us begin naively by listing some formal features of institutional reality. The Y status can be imposed on several different ontological categories of phemomena: People (e.g., chairmen, wives, priests, professors); objects (e.g., sentences, five dollar bills, birth certificates , driver's licenses); and events (elections, weddings, cocktail parties, wars, touchdowns). The people, objects, and events interact in systematic relationships (e.g., governments, marriages, corporations, universities, armies, churches). Often the Y status is imposed on people and groups of people in virtue of a set of preexisting preinstitutional relations among them. Thus a collection of people might constitute a city-state, or a man and woman might constitute a married couple, but such constitution is not simply in virtue of being a collection of people of the right size, but rather in virtue of the relations among the members of the collection. What then are the features of objects, events, and people that are imposed by the new status-functions? My first suggestion is that the category of people, including groups, is fundamental in the sense that the imposition of status-functions on objects and events works only in relation to people. This should not be surprising , since it is a general feature of agentive functions. It is not the five dollar bill as an object that matters, but rat! her that the possessor of the five dollar bill now has a certain power that he or she did not otherwise have. Just so, it is not the screwdriver as an object that matters, but rather that the possessor of the screwdriver now has a power that he or

98 The Construction of Social Reality This suggests what I think is in fact the case, that the content of the collective intentionality in the imposition of the status-function will typically be that some human subject, singular or plural, has some power, positive or negative, conditional or categorical. This will be directly the case where the status is imposed on an agent, as in, e.g., Jones is President, and indirectly the case where the status is imposed on an object, as in, e.g., this is a five dollar bill. Another formal feature to note is that the usual distinction between the internal and the external points of view applies to institutional facts. In this book we are interested primarily in the internal point of view, because it is only from the internal point of view of the participants that the institution can exist at all. The anthropologist from outside the institution may see the potlatch, for example, as performing functions of which the Kwakiutl participants are totally unaware, but the whole feast is a potlatch in the first place only because of the collective intentionality and the imposition of status-functions by the participants, and this, whether conscious or unconscious, can exist only from the internal first- person point of view. Even within the internal point of view there are some formal distinctions to be made. At the microlevel the individual sees money as a medium of exchange and store of value and lie or she sees marriage as a collective lifetime promise between a male and a female partner. But at a macrolevel, planners and organizers, even from an internal point of view, see the institutions as having different functions, though the status assigned in individual cases is the same. The bishop sees the function of marriage as glorityíng God and producing social stability and the central bank sees the supply of money as a way of controlling the economy. The important point is that the internal microlevel is ontologically primary. There i! s no way that the bishop, the head of the Federal Reserve Board, and the anthropologist can have their points of view without the lowest-level participants in the very trenches of money and marriage having the basic form of intentionality that constiThe

100 The Construction of Social Reality the imposition of institutional function. For reasons I tried to explain in Chapter 3, we cannot impose rights, obligations, etc., without words or symbols. 2. Deontic Powers: The Creation of Rights and Obligations The point of having deontic powers is to regulate relations between people. In this category, we impose rights, responsibilities, obligations, duties, privileges, entitlements, penalties, authorizations , permissions, and other such deontic phenomena. On our earlier suggestion, that in general the Y status confers (or denies) power, the obvious hypothesis would be that there are two broad categories of such status-functions. The first is where the agent is endowed with some new power, certification, authorization, entitlement , right, permission, or qualification granting the ability to do something he or she would not otherwise have had to do-or, what amounts to the same thing, prevented from doing something that would otherwise have been doable. Roughly speaking, the two major categories are those of positive and negative powers. To have a label, let us say that all deontic status-functions are matters of conventional power. This terminology enables us to distinguish conventional power from brute physical power, even though of course the two often go hand in hand; because often the point of giving conventional power is to authorize the use of brute physical power. Police power is an obvious example. If we take as our primary target of analysis not the social objects , such as money, governments, and universities, but the agents who operate on and within those objects, then the great divide in the categorization of institutional reality is between what the agent can do and what the agent must (and must not) do, between what the agent is enabled to do and what he or she is reThe

General Theory of Institutional Facts (Part I) 101 quired to do as a result of the assignment of status specified in the Y term. Here are some examples: John has one thousand dollars in the bank. Tom is a citizen of the United States. Clinton is President. Sally is an attorney. Sam owns a restaurant. Each of these assigns rights and responsibilities. The first example assigns to John the right to buy things or employ people with his money and the duty to pay taxes on interest earned by the money. The second example assigns to Tom the right, among many others , to vote in elections and the obligation, among many others, of getting a Social Security number. The third example assigns to Clinton the right to veto legislation and the responsibility of delivering a State of the Union address to Congress, etc. Notice also that institutional facts that assign rights and responsibilities can also be destroyed or eliminated in various ways. Here are some examples: Ann lost all her money. Ivan's fortune in rubles has become worthless through inflation . Nixon resigned from office. Coolidge's term expired. Sam got divorced. Sally's husband died. 3. Honor: Status for Its Own Sake, The point of honors (and dishonors) is to have statuses valued (or disvalued) for their own sake, rather than just for their further consequences. Examples are victory and defeat in games, and institutionally sanctioned forms of public honor and disgrace. Here are some examples:

level to an institutional level. That shift, as I have emphasized over and over, can exist only if it is represented as existing. But there can be no prelinguistic way to represent the N' element new status-functions oil entities that are not speech acts, for example, on people. Thus in these cases, in the formula "X counts as Y in C," the X element can already be a speech act. Consider, for example, the sort of speech acts people perform in a marriage ceremony. Performing such and such speech acts (the X term) in front of a presiding official (the C terra) now counts as getting married (the Y term). Saying those very same words in a different context, while making love, for example, will not constitute getting married. The Y term now assigns a new status to those speech acts. The promises made in the wedding ceremony create a new institutional fact, a marriage, because iti that context, making those promises counts as getting married. Furthermore, the whole notion of a "presiding official" specifies a context C that is the result of some previous imposition of function. The whole notion of an official is the notion of an institutional status imposed on some person according to the structure X counts as Y in C. In such a case the presence of the presiding official is the C term in the marriage ceremony, but that lie or she is the presiding official is the result of being the Y term in an earlier imposition of status-function. If we are right in thinking that marriage is typical of many instiThe

The General Theory of Institutional Facts (Part I) 103 great honor, and it is a procedural stage on the road to becoming President, and the whole thing could not exist without words or other sorts of symbols, as I explained in Chapter 3. 1 want to illustrate these points by showing how they apply to the case of games. Games are especially useful objects of study for this analysis because they provide a microcosm of larger social phenomena. Famously, Wittgenstein argued that there is no essence marked by the word "game." But all the same, there are certain common features possessed by paradigmatic games such as those in competitive sports-baseball, football, tennis, etc. In each case the game consists of a series of attempts to overcome certain obstacles that have been created for the purpose of trying to overcome them. Each side in the game tries to overcome the obstacles and prevent the other side from overcoming them. The rules of the game specify what the obstacles are and what can be done to overcome them, as well as what must and what must not be done. Thus in baseball the rules allow the batter to swing at the ball, but they do not require him to swing. However, after he gets three strikes he must leave the batter's box and let someone else bat. Most of the rules of the game have to do with rights and obligations (feature 2) but the overall aim is winning (feature 3) and many of the intervening steps are procedural (feature 4). For example, several of the rights and obligations are conditional. Thus if a batter has one strike or three balls, that does not so far give him any further rights or obligations, but it establishes conditional rights and obligations: two more strikes and he is out, one more ball and he is walked to first base. Such conditional rights and obligations are typical of institutional structures. For example , in American universities, after so many years of service you are entitled to be considered for a tenure position. `This answer to W! ittgenst ein on games was not invented by me. I do not know who first thought of it or where I first heard it, but it has become part of the oral tradition.

term, where X counts as Y in C, is We accept (S has power (S does A)). Normally speaking, one can perform a number of operations on this basic structure, and these operations exemplify several distinctions I have made. As mentioned earlier, there is a distinction between positive and negative conventional powers, the distinction between enablements and requirements. There is also a distinction between the creation and destruction of conventional powers. Examples of this are the distinctions between marriage

creation and the subsequent maintenance of an institutional fact. I by making thumping noises, then the function of the heart would be to make a thumping noise, and the noisier heart would be the better heart. If we valued death and extinction above all, then we would say that a function of cancer is to speed death. The function of aging would be to hasten death, and the function of natural selection would be

The Building Blocks of Social Reality 13 relative features inherit that ontological subjectivity. But this ontological subjectivity does not prevent claims about observer- relative features from being epistemically objective. Notice that in lb and 3b the observer-relative statement is epistemically objective ; in 2b it is subjective. These points illustrate the ways in which all three distinctions cut across each other: the distinction between the intrinsic and the observer relative, the distinction between ontological objectivity and subjectivity, and the distinction between epistemic objectivity and subjectivity. It is a logical consequence of the account of the distinction as I have so far given it that for any observer-relative feature F, seeming to be F is logically prior to being F, because-appropriately understood -seeming to be F is a necessary condition of being F. If we understand this point, we are well on the road to understanding the ontology of socially created reality. The Assignment of Function My main objective in this chapter is to assemble the apparatus necessary to account for social reality within our overall scientific ontology. This requires exactly three elements. The assignment of function, collective intentionality, and constitutive rules. (Later, in Chapter 6, to explain the causal functioning of institutional structures , we will introduce a fourth element, the Background of capacities that humans have for coping with their environment.) In explaining these notions I am perforce in a kind of hermeneutic circle. I have to use institutional facts to explain institutional facts; I have to use rules to explain rules, and language to explain language . But the problem is expository and not logical. In the exposition of the theory I rely on the reader's understanding of the phenomena to be explained. But in the actual explanation given, there for each other in a sentence without cllanginl; the truth value of the sentence. Sentences that fail t! his test are said to be intensional with respect to substitutability. Another expression used to name this sort of in-

the case that I have been required not to do these things. However, if we think deeply enough about these issues, we can see that the parallelism holds perfectly. The problem is one of scope. Conventional power exists only where there is some act or process of creation, so we have to think of both institutional enablements and requirements as inside the scope of the collective power creation operator. The way to understand the above biconditional is to understand each clause as inside the scope of the power creation operator, and so understood the parallelism ..ERR, COD:3..

collective acceptance that (- S is required (--- S does M. Examples will illustrate the point. When we make it the case that among the President's powers the President has the power to veto congressional legislation, we make it the case the among the President's powers he is not required not to veto such legislation. Similarly, when I am issued a driver's license, an authorization to drive, I acquire a status such that I am not required not to drive. There is a deep point implicit in this about the nature of conventional powers: They exist only where there is some act or process of creation. So the mere absence of a conventional power, marked by negation, is not equivalent to the presence of some other sort of conventional power, but we can still define both modes of conventional power in terms of one power plus negation , provided that both are understood as creations according to the formula. The two basic modes of an agent, and these can be defined in terms of each other plus negation. Furthermore, we can define destroying a power in terms of removing a previously existing conventional power. For example, when an employee is fired or a court grants a divorce, in each case a previously existing conventional power is destroyed by removing its acceptance. Thus "You're fired!" is equivalent to the removal of conventional power: We remove the powers (you ..ERR, COD:1.. a court grants a divorce, in each case a previously existing conventional power is destroyed by removing its acceptance. Thus "You're fired!" is equivalent to the removal of conventional power: We remove the powers (you are employed) and that is equivalent

the hierarchy of institutional facts. But if the procedural status-functions reduce to conditional deontic and honorific status-functions and can be explained in terms of the iteration of status-function hierarchies, then there is no separate class of procedural status-functions. Well, what about the honorific cases? It is best to think of them as limiting cases of the deontic. A status valued for its own sake,

110 The Construction of Social Reality and not for the power attaching to it, is a limiting case of a status- function. The honorific cases are, in a sense, degenerate cases of the deontic, because the creation of conventional meanings of sentences creates the power in speakers to perform speech acts with those sentences . So in the end we do not have four independent categories. But if it now turns out that everything is a deontic status-function, then the term "deontic" is no longer appropriate because it was designed to express a contrast that can no longer be maintained. The upshot is that from the point of view of logical structure, we cannot maintain the categories of Symbolic, Deontic, Honorific, and Procedural. We simply have creations and destructions of conventional powers. Some of these powers are symbolic, some are purely honorific, some are negative, and some are conditional . Moreover, some are collective and some are individual, some are imposed at the ground floor on brute phenomena, others are imposed on entities that already have conventional powers . As far as subject matter is concerned, we are left with two broad categories of the linguistic, narrowly construed in terms of actual sentences and speech acts, and the nonlinguistic, which includes money, property, marriage, and everything else in institutional reality. Conclusion Our discussion of the logical structure of institutional reality supports the following hypothesis. I do not know if it is true and I cerThe

General Theory of Institutional Facts (Part I) ill tainly have not demonstrated it, but it is worth further exploration , and it accounts for the data we have considered so far: There is exactly one primitive logical operation by which institutional reality is created and constituted. It has this form: We collectively accept, acknowledge, recognize, go along with, etc., that (S has power (S does A)). We can abbreviate this formula as We accept (S has power (S does A)). Let us call this "the basic structure." Other cases of status- functions are cases where Boolean operations are performed on the basic structure, or cases where the structure emerges as part of a system of such iterated structures, or cases where the "power" assigned by the structure is purely honorific. Thus, for example, the requirement that I pay my taxes is defined in terms of negation on the basic structure. We accept (S is required (S pays taxes)) iff We accept (---S has power (-,-S pays taxes)). Having one strike on a batter in a baseball game is a matter of conditionalization and iteration on the basic structure. We accept (S has one ..ERR, COD:1..

112 The Construction of Social Reality I am of course oversimplifying enormously in order to make the underlying logical structure visible. There are lots of other features involved in being out in a baseball game besides just having to leave the field. For example, three outs and the whole side is out. But the idea I am trying to get across is that in the end all these features cash out in terms of conventional powers, and conventional powers are variations on and iterations of the basic structure. I believe that our investigation of the logical features of the intentional content of the Y status-function, in the formula X counts as Y has begun to show that the enormous complexity of the body of institutional reality has a rather simple skeletal structure . This is riot surprising, given the rudimentary apparatus we have to work with. We have nothing but the ability to impose a status , and with it a function, by collective agreement or acceptance. But I do not wish to give the impression that I think I have got to the bottom of these issues. Even if I am right so far, this discussion is only a beginning.

5 The General Theory of Institutional Facts Part II: Creation, Maintenance, and the Hierarchy The Creation and Maintenance of Institutional Facts In Chapter 4 we explored the logical structure of institutional facts. With this account of structure in hand, we now have enough material to state a general theory of the creation, maintenance, and identification of institutional facts. In the statement of the general theory I will summarize some of the material of earlier chapters in order to extend it. In this account we need to distinguish four elements: the institution, its use in the creation of facts, their continued existence, and their indication. First, there is the institution that permits the creation of institu- 113

116 The Construction ó f Social Reality cases require that certain types of institutional facts be created by acts whose performances are themselves institutional facts. Thus the creation of new property rights typically requires the act of buying/selling or an act of giving, for example. In all these cases new status-functions are imposed on phenomena that already have had status-functions imposed on them. A special case of this type of creation of institutional fact is the use of explicit performative utterances. In such cases a new status-function is imposed on a speech act, the function of imposing a status-function. Thus when the chairman of the parliament says, "I hereby declare the parliament in session," a new status-function is imposed on the speech act, the status-function of making it the case that the parliament is in session. But as a result, the actual assemblage of people now has a status-function imposed on it, that of being a parliament in session, and as such has the power of passing laws. In principle, there does not appear to be an upper limit to this type of iteration of imposed status-function on imposed status- function. Thus in an election the individual expressions of preference of the voters count as voting in an election. A sequence of such speech acts, when certified by the authorities, counts as an election. Getting a sufficient number of votes counts as winning. Winning and being sworn in count as becoming mayor of a city. One general principle is this: To the extent that the new institutional status is of major importance, we are more inclined to require that it be created by explicit speech acts performed according to strict rules. And these speech acts are themselves institutional facts. Thus a war is on because it was declared, we are husband and wife because we got married, Clinton is president because he was elected and has been sworn in. Some institutional facts that typically require speech acts for their creation may also come! to exis t without any speech act, simply by a social fact persisting over a period of time. Thus if there are laws that so provide, a "common law marriage" may come to exist without a marriage ceremony, and property rights may be transferred by "adverse possession" without any sale or gift.

The General Theory of Institutional Facts (Part II) 117 The Continued Existence of Institutional Facts The secret of understanding the continued existence of institutional facts is simply that the individuals directly involved and a sufficient number of members of the relevant community must continue to recognize and accept the existence of such facts. Because the status is constituted by its collective acceptance, and because the function, ..ERR, COD:1..

property even though the property is a long way away from them. Whatever the advantages and disadvantages, the logically more primitive arrangements have evolved into institutional structures with collectively recognized status-functions. Just as in the case of money, we have imposed, by collective intentionality, new status- functions on things that cannot perform those functions without that collective imposition. However, one special feature of these cases is that often the function is imposed by way of performing explicit speech acts. In such cases the speech act itself is an instance of a status-function imposed on a status-function; and it is ..ERR, COD:1.. as being married . Saying "I declare the parliament open" counts as opening the parliament, and for the parliament to have been opened and not subsequently closed counts as its being in session. Status Indicators Since institutional facts exist only by

Language and Social Reality 61 other conventional devices that mean something or express something or represent or symbolize something beyond themselves, in a way that is publicly understandable. I want that to sound very vague and general at this point, because it is, so far, designed only to specify the feature of language that I want to claim has a constitutive role in institutional reality. Language, as I am using the notion here, essentially contains entities that symbolize; and in language, as opposed to prelinguistic intentional states, such intentionalistic capacities are not intrinsic to the entities but are imposed by or derived from the intrinsic intentionality of humans. Thus the sentence "I am hungry " is part of language because it has representational or symbolic capacities by convention. But the actual feeling of hunger is not part of language because it represents its conditions of satisfaction intrinsically. You do not need language or any other sorts of conventions to feel hungry. We need first Facts Brute Physical Facts ------> (There is snow on Mt. Everest) Intentional (I want a drink of water) Mental Facts (I am in pain) Singular (I want a drink of water) Nonintentional (I am in pain) Collective=Social Facts (The hyenas are hunting a lion) Assignment of Function" (The heart functions to pump blood) Nonagentive Functions (The heart functions to pump blood) All Others (The hyenas are hunting a lion) Agentive Functions (This is screwdriver) Casual Agentive Functions (This is a screwdriver) Status Functions=Institutional Facts (This is money) Linguistic (That is a promise) Nonlinguistic (This is money) Functions are always ultimately assigned to brute phenomena, hence the line from the Assignment of Function to Brute Physical Facts.

The General Theory of Institutional Facts (Part II) 125 c. We can distinguish institutional facts by logical operations. In Chapter 4 I suggested that the basic structure was one of imposed power, according to the structure We accept (S has power (S does A)). Such basic structures are reported, for example, by "Sally has twenty dollars" or "Jones is our leader." But there are logical operations such as negation and conditionalization performed on the basic structure. For example, a negation of the power in the content of the institutional

126 The Construction of Social Reality type of function-on lower-level phenomena. The story that I told about money illustrates this point. Money gradually evolves in ways that we are not aware of. It is not the case that one fine day we all decided to count bits of paper as money; rather, the form that the collective intentionality takes is that we begin to accept such promissory notes as media of exchange, and we continue collectively to accept them. Some cases involve explicit intentionality , but that seems to me only one type of case. One way to impose a function on an object is just to start using the object to perform that function. The presuppositions of the use of entities that have a function are often in the form of Background phenomena that are simply taken for granted. Furthermore even in cases where the function is assigned in collective acts of intentional imposition, the subsequent use of the entities in question need not contain the intentionality of the original imposition. One person, or perhaps a group of people, invent tools, say, screwdrivers and hammers, for example. In such a case, they create types of devices on which they impose a certain function by collective intentionality. But subsequent generations are simply brought up in a culture containing screwdrivers and hammers. They never think about the imposition of collective intentionality ; they simply take it for granted that these are certain types of useful tools. What was once the explicit imposition of function in a collective intentional act is now assumed as part of the Background. In Chapter 6 we will explore the Background and its relation to causal explanations of social phenomena.

6 Background Abilities and the Explanation of Social Phenomena Constitutive Rules and Causation I have said that the structure of human institutions is a structure of constitutive rules. I have also said that people who are participating in the institutions are typically not conscious of these rules; often they even have false beliefs about the nature of the institution , and even the very people who created the institution may be unaware of its structure. But this combination of claims poses a serious question for us: Under these conditions, what causal role can such rules possibly play in the actual behavior of those who are participating in the institutions? If the people who are participating in the institution are not conscious of the rules and do not appear to be trying to follow them, either consciously or unconsciously , and if indeed the very people who created or participated 127

rules of a Universal Grammar, and these rules are so deeply unconscious that there is no way that a child could become conscious of their operation.' This move is very common in cognitive science. Fodor says that to understand any language we all have to know the Language of Thought.2 And this language is so deeply unconscious that we can never become conscious of its operation. I am very dissatisfied with these accounts . Since Freud we have found it useful and convenient to speak glibly about the unconscious mind without paying the price of explaining exactly what we mean. Our picture of unconscious mental states is that they are just like conscious states only minus the consciousness. But what exactly is that supposed to mean? I have not seen a satisfactory answer to that question-certainly not in Chomskv or Fodor and not even in Freud. To put the point crudely, I believe that in most appeals to the unconscious in Cognitive Science we really have no clear idea what we are talking about." However, in this chapter I am not primarily interested in the

130 The Construction o f Social Reality is no objection to identifying that capacity as, e.g., "the ability to speak English" without knowing the details of its neurophysiological realization. Enabling is meant, then, to be a causal notion. We are not talking about logical conditions of possibility but about neurophysiological structures that function causally in the production of certain sorts of intentional phenomena. Intentional states: I will assume that intentionality is unproblematic for the sake of this discussion, though 1 realize it is in fact a matter of much debate. Specifically, I am going to assume that my arguments to show that all intentional states are either actually or potentially conscious are sound' and therefore I will confine my discussion to conscious forms of intentionality. Finally,fùnction: We will see shortly that there is a variety of different types of functioning of the Background. I will try to explain these under the general heading of the varieties of enabling. The simplest argument for the thesis of the Background is that the literal meaning of any sentence can only determine its truth conditions or other conditions of satisfaction against a Background of capacities, dispositions, know-how, etc., which are not themselves part of the semantic content of the sentence. You can see this if you think about any sentence at all, but it is perhaps most obvious with sentences containing simple English verbs like "cut," "open," or "grow." Think, for example, of the occurrence of the word "cut" in sentences such as "Sally cut the cake" or "Bill cut the grass" or "The tailor cut the cloth"; or think of the verb "grow" in sentences such as "The American economy is growing" or "My soil is growing" or "The grass is growing." In a normal literal utterance of each of these sentences, each verb has a constant meaning. There is no lexical ambiguity or metaphorical usage involved. But in each case the same verb will determine different truth conditio! ns or co nditions of satisfaction generally, because what counts as cutting or growing will vary with the context. If you consider the sentence "Cut the grass!" you know that this is to be interpreted differently from "Cut the cake!" If somebody tells me to cut the cake

132 The Construction of Social Reality only functions, that is, it only determines conditions of satisfaction , against a set of Background abilities, dispositions, and capacities that are not part of the intentional content and could not be included as part of the content. My discussion of the Background is related to other discussions in contemporary philosophy. I think that much of Wittgenstein's later work is about what I call the Background. And if I understand him correctly, Pierre Bourdieu's important work on the "habitus" is about the same sort of phenomena that I call the Background . In the history of philosophy, I believe Hume was the first philosopher to recognize the centrality of the Background in explaining human cognition, and Nietzsche was the philosopher most impressed by its radical contingency. Nietzsche saw, with anxiety, that the Background does not have to be the way it is. How does the Background work? I want to give you a feel for how Background capacities, though they are not and could not be construed as further intentional contents, nonetheless form the necessary preconditions for the functioning of intentional contents . One way to do this is to list several types of Background functions. First, as already argued, the Background enables linguistic interpretation to take place. I have claimed that the meaning of any sentence radically under- determines its truth conditions, because the literal meaning of the sentence only fixes a set of truth conditions given certain Background capacities. Notice that in the examples the words have a common semantic content. The word "cut" does keep a common meaning in our examples, but we don't interpret the sentences at the level of bare semantic content; interpretation rises to the level of our Background abilities. We immediately and effortlessly interpret these sentences in the stereotypical appropriate way. Second, the Background enables perceptual interpretation to take place.

Background Abilities and the Explanation of Social Phenomena 133 What goes for semantics goes for perception. It is a familiar point that given certain Background skills, we are able to see things as certain sorts of things. Remember Wittgenstein's example of the figure that can be seen as either a duck looking to the left or a rabbit looking to the right, up at the sky.' We are able to see the figure as either a duck or a rabbit, because we bring to bear on the raw perceptual stimulus a set of Background skills; in this case we bring the ability to apply certain categories. And what goes for this case goes for perception in general. I see this as a chair, this as a table, that as a glass, indeed any normal case of perception will be a case of perceiving as, where the perceiver assimilates the perceived object to some more or less familiar category. These two pervasive functions, namely, the role of the Background in facilitating linguistic interpretation and the role in facilitating perceptual interpretation, are extended to consciousness generally: Third, the Background structures consciousness. It is an interesting fact about consciousness that our conscious experiences come to us with what we might call an aspect of familiarity . Even if I am in a strange locale, in the jungles of Mexico or in Africa, though the houses and the dress of the people look different from the way they look in Europe or in the United States still, those are familiar to me as houses and those are familiar as people; this is clothing; that is the sky; this is the earth. All nonpathological forms of consciousness are experienced under the aspect of familiarity. And this is a function of our Background capacities . Because all intentionality is aspectual, all conscious intentionality is aspectual; and the possibility of perceiving, that is, the possibility of experiencing under aspects requires a familiarity with the set of categories under which one experiences those aspects . The abili! ty to ap ply those categories is a Background ability. We find this third feature of the Background by extending the first two features, namely, the features that the Background is essential to semantic interpretation ..ERR, COD:3..

Background Abilities and the Explanation of Social Phenomena 135 and linguistic categories extend to long sequences of events. I not only perceive things as houses, cars, and people but I also possess certain scenarios of expectation that enable me to cope with the people and objects in my environment; and these include a set of categories for how houses, cars, and people interact, or how things proceed when I walk into a restaurant, or what happens when I shop in a supermarket, for example. More grandly, people have a series of expectations about bigger categories in their life, such as the category of falling in love, or getting married and raising a family, or going to a university and getting a degree. La Rochefoucauld says somewhere that very few people would fall in love if they never read about it; and nowadays, we would have to add if they never saw it on television or in the movies. What they get from television, movies, and reading is, of course, in part a set of beliefs and desires. The point at present, however, is that beliefs and desires only fix conditions of satisfaction against a Background of capacities that are not themselves beliefs or desires. So another manifestation of the Background is in what I call the dramatic categories that extend over sequences of events and structure those sequences into narrative shapes. Fifth, each of us has a set of motivational dispositions, and these will condition the structure of our experiences. Let us suppose that you are obsessed by Oriental rugs, sports cars, and fine wines. Then you will experience the streets of Paris or New York in a different way from the person who is obsessed by cloud formations and Arizona cactus. There are lots of opportunities for the collector of fine wines and Oriental rugs, not so much for Arizona cactus. Of course, collectors of Oriental rugs do have conscious beliefs and desires about Oriental rugs. I believe that Kazaks cost a lot more than Hamadans, for example, and I belie! ve that all antique rugs nowadays cost too much. I would like to own a Chi-Chi. These and other beliefs and desires help to structure my experiences. But the important thing for the present discus-

70 The Construction of Social Reality creation of institutional facts has no existence apart from its representation , we need some way of representing it. But there is no natural prelinguistic way to represent it, because the Y element has no natural prelinguistic features in addition to the X element that would provide the means of representation. So we have to have words or other symbolic means to perform the shift from the X to the Y status. I believe these points can be made clearer by calling attention to the deontic status of institutional phenomena. Animals running in a pack can have all the consciousness and collective intentionality they need. They can even have hierarchies and a dominant male; they can cooperate in the hunt, share their food, and even have pair bonding. But they cannot least in part, a declaration : it creates the institutional status by representing it as existing. It does not represent some prelinguistic natural phenomenon. We can treat the X object itself as having the Y status by convention , as we can treat coins as money, or the line of stones as a boundary, but to do that is already to assign a linguistic status, because the objects now are conventional public symbols of something beyond themselves; they symbolize a deontic status beyond the physics. And all the cases I can think of where the X term is in this way self-identifying have the essential features of words: the type-token distinction applies, the X elements are readily recognizable , they are easily thinkable, and we see them as symbolizing the Y status by convention. From the time of preliterate societies to the present, there have been lots of conventional markers that are not words but function just like words. Here are half a dozen examples: In the Middle Ages felons had their right palms branded to identity them as such. This is why we have to raise our right hand while taking an oath in court, so everybody can see that we are not felons. Priests had a bald spot s! haved at the top of their head to mark the fact that they were priests. Kings wore crowns, husbands and In a seminar , I am ready for people to raise their hand and accuse me of infinite regress arguments or fallacies of composition, but I do not have the reverse readiness. If in the deep snow at the top of Red Dog Ridge, I encountered a bunch of people seated at university desks, raising their hands and saying such things to me as "There is an infinite regress in one of your arguments," I would be astounded by that. Such things could happen, but they definitely are not the sort of thing that the Background makes me ready for. A lot of comedy is based on just such incongruities. Seventh, the Background disposes me to certain sorts of behavior. I am disposed to laugh at certain kinds of jokes and not others, I am d isposed to speak at a certain level of loudness and not at another , I am disposed to stand at a certain distance from people

1 The Building Blocks of Social Reality The Metaphysical Burden of Social Reality This book is about a problem that has puzzled me for a long time: there are portions of the real world, objective facts in the world, that are only facts by human agreement. In a sense there are things that exist only because we believe them to exist. I am thinking of things like money, property, governments, and marriages. Yet many facts regarding these things are "objective" facts in the sense that they are not a matter of your or my preferences, evaluations , or moral attitudes. I am thinking of such facts as that I am a citizen of the United States, that the piece of paper in my pocket is a five dollar bill, that my younger sister got married on December 14, that I own a piece of property in Berkeley, and that the New York Giants won the 1991 superbowl. These contrast with such 1

140 The Construction of Social Reality acting causally to produce that particular syntactic structure. And when the mature adult performs speech acts, in any language, when she makes a promise or gives an order, we are to think of the rules of speech acts as functioning unconsciously in the production of the behavior. Now, which of those is the right way to think of the Background ? I am not satisfied with either. Here is the problem as I see it. If we think of the Background intentionalistically, then we have abandoned the thesis of the Background. We arrived at that thesis in the first place only because we found that intentionality goes only so far. The intentionality is not self-interpreting. But if, on the other hand, we say that the rules play no causal role at all in the behavior, then we must say that the Background is such that this is just what the person does, he just behaves that way. For example , he produces these kinds of sentences and not other kinds. He simply acts the way he does, and that is the end of the story. Wittgenstein often talks in this latter way. He says there just is an ungrounded way of acting.' We reach the point where we just do it. We talk this way and not that way. We accept this and not that. But Wittgenstein's approach is very unsatisfying, because it does not tell us what the role of the rule structure is. We want to say that institutions like money, property, syntax, and speech acts are systems of constitutive rules, and we want to know the role of that rule structure in the causal explanation of human behavior. I talk and I buy things with money as naturally as I walk, but talk and money seem to have a rule structure that walking does not seem to have. Another way in which a closely related issue comes out in contemporary intellectual life is in the current debate between the two competing paradigms in cognitive science. One is the paradigm of the traditional, von Neumann serial information processing , where a computer imp! lements a set of linear steps of a program. The other is the more recent development of parallel distributed processing, or neuronal net modeling, where there is a meaningful input and a meaningful output, but in between

the structure of the Background and the structure of social institutions is to see that the Background can be causally sensitive to the specific forms of the constitutive rules of the institutions without actually containing any beliefs or desires or representations of those rules. To see this, let us start with a simple example. Suppose a baseball player learns how to play baseball. At the beginning he actually learns a set of rules, principles, and strategies. But after he gets skilled, his behavior becomes much more fluent, much more melodic, much more responsive to the demands of the situation. In such a case, it seems to me, he is not applying the rules more skillfully; rather, he has acquired a set of dispositions

Background Abilities and the Explanation of'Social Phenomena 143 1. The rules are never self interpreting, and 2. They are never exhaustive, and 3. In fact in many situations, we just know what to do, we just know how to deal with the situation. We do not apply the rules consciously or unconsciously. We don't stop and think, consciously or unconsciously, "Ah ha! Money is a case of the imposition of function through collective intentionality according to a rule of the form 'X counts as Y in C' and requires collective agreement." Rather, we develop skills that are responsive to that particular institutional structure. We can understand these points better if we consider some analogous explanatory strategies. There is an obvious analogy between what I have been saying and certain problems in evolutionary biology. From a philosophical point of view, the marvelous thing about Darwinian evolutionary biology was not only that it drove teleology out of the biological explanation of the origin of species but that it gave us a new kind of explanation, a form of explanation that inverts the order of the explanatory apparatus. So, in pre-Darwinian biology, we would say, for example, "The fish has the shape that it does in order to survive in water." In evolutionary biology we perform an inversion on that intentional or teleological explanation, where we substitute two levels of explanation . First, the causal level: We say the fish has the shape that it has because of its genetic structure, because of the way the genotype , in response to the environment, produces the phenotype. Second, the "functional" level: We say that fish that have that shape are more likely to survive than fish that do not. Thus, we have inverted the structure of the explanation. The original structure was, the fish has this shape in order to survive; now we have inverted it: the fish is going to have this shape anyway, but fish that

is sensitive to the rule structure of the institution. To tie this down to a concrete case, we should not say that the experienced baseball player runs to first base because he wants to follow the rules of baseball, but we should say that because the rules require that he run to first base, he acquires a set of Background habits, skills, dispositions that are such that when he hits the ball, he runs to first base. Let me give a thought experiment that will illustrate the line of explanation I am proposing. Suppose there were a tribe where children just grew up playing baseball. They never learn the rules as codified rules but are rewarded or criticized for doing the right thing or the wrong thing. For example, if the child has three strikes, and he says "Can't I have another chance?" he is told, "No, now you have to sit down and let someone else come up to bat." We can suppose that the children just become very skillful at play-

Background Abilities and the Explanation of Social Phenomena 145 ing baseball. Now also suppose that a foreign anthropologist tries to describe the culture of the tribe. A good anthropologist might come up with the rules of baseball just by describing the behavior of these people and what they regard as normative in baseball situations . But it does not follow from the accuracy of the anthropological description that the members of this society are consciously or unconsciously following those rules. Nonetheless, those rules do play a crucial role in the explanation of their behavior, because they have acquired the dispositions that they have, precisely because those are the rules of baseball. This was intended as a fantasy example, but in real life we are in a very similar situation regarding the rules of syntax or the rules of speech acts. Only someone who is a speech act theorist, as I am, would ever bother to codify the rules of speech acts. As the child grows up she finds out, for example, that if she makes a promise, she has to keep it, and if she breaks it she is severely criticized . The child acquires a certain know-how that enables her to cope with the institution. And what goes for baseball and promising seems to me to go for syntax as well. I am proposing, then, that in learning to cope with social requires exactly three elements. The assignment of function, collective intentionality, and constitutive rules. (Later, in Chapter 6, to explain the causal functioning of institutional structures , we will introduce a fourth element, the Background of capacities that humans have for coping with their environment.) In explaining these notions I am perforce in a kind of hermeneutic circle. I have to use institutional facts to explain institutional facts; I have to use rules to explain rules, and language to explain language . But the problem is expository and not logical. In the exposition of the theory I rely on the reader's understanding of the phenomena to b! e explai ned. But in the actual explanation given, there is no circularity. The first piece of theoretical apparatus I need I will call the "assignment (or imposition) of function." To explain this, I begin by noting the remarkable capacity that humans and some other animals

Background Abilities and the Explanation of Social Phenomena 147 termine those aspects under which the system is normative. It is precisely because of the rule that making a promise counts as undertaking an obligation that we recognize that certain kinds of behavior within the institution of promising are acceptable and certain other kinds are remiss. So there are in fact constitutive rules functioning causally, and we do in fact discover those rules in the course of our analysis. But it does not follow from the accuracy of the anthropological description that the members of this society are consciously or unconsciously following those rules. Nonetheless, those rules do play a crucial role in the explanation of their behavior, because they have acquired the dispositions that they have, precisely because those are the rules of baseball. This was intended as a fantasy example, but in real life we are in a very similar situation regarding the rules of syntax or the rules of speech acts. Only someone who is a speech act theorist, as I am, would ever bother to codify the rules of speech acts. As the child grows up she finds out, for example, that if she makes a promise, she has to keep it, and if she breaks it she is severely criticized . The child acquires a certain know-how that enables her to cope with the institution. And what goes for baseball and promising seems to me to go for syntax as well. I am proposing, then, that in learning to cope with social reality, we acquire a set of cognitive abilities that are everywhere sensitive to an intentional structure, and in particular to the rule structures of complex institutions, without necessarily everywhere containing representations of the rules of those institutions. To summarize: We can acknowledge the extremely complex, rule-governed structures of human institutions, and we can also acknowledge that those rule-governed structures play a causal role in the structure of our behavior, but I want to propose that in ma! ny cases it is just wrong to assume, and certainly unsupported by the evidence that has been presented in the course of these discussions , that our behavior matches the structure of the rules because we are unconsciously following the rules. Rather, we evolve a set of dispositions that are sensitive to the rule structure. Somebody might object, "Aren't you really saying that it is 'as if' we were following the rules. But then that doesn't really explain

7 Does the Real World Exist? Part l: Attacks on Realism So far I have tried to analyze the nature and structure of those facts that, in a sense I attempted to explain, are dependent on human agreement or acceptance. The whole analysis presupposes a distinction between facts dependent on us and those that exist independently of us, a distinction I originally characterized as one between social and institutional facts on the one hand and brute facts on the other. It is now time to defend the contrast on which the analysis rests, to defend the idea that there is a reality totally independent of us. Furthermore, throughout the book I have been presupposing that in general our statements when true correspond to facts, and it is now also time to defend this presupposition . These defenses are made more pressing by the current philosophical scene in which it is common both to deny the existence of a reality independent of human representations and to 149

150 The Construction of Social Reality deny that true statements correspond to facts. This chapter and the next are about realism; the final chapter is about the correspondence theory of truth. A thorough discussion of these problems would require at least another book, but for the purposes of this book I need at least a brief exposition of certain presuppositions behind our contemporary commonsense scientific world view because the rest of this book, not to mention that world view, depends on these presuppositions. These last three chapters are efforts at philosophical housekeeping, trying to clean up the mess, so to speak. Some Presuppositions of Our Contemporary World View In order to understand what is at stake, we need to get some of the presuppositions of our world view out into the open, where we can have a look at them. A formal feature of our world view is the distinction between objectivity and subjectivity that I tried to explain in Chapter 1. In addition to the usual problems of vagueness and marginal cases-problems that are not serious-this distinction is systematically ambiguous between an epistemic and an ontological sense. In light of the distinction between epistemic objectivity/subjectivity and ontological objectivity/subjectivity , we can identify the following structural features of our world view. 1. The world (or alternatively, reality or the universe) exists independently of our representations of it. This view I will call "external realism." I will refine its formulation later. 2. Human beings have a variety of interconnected ways of having access to and representing features of the world to themselves . These include perception, thought, language, beliefs, and desires as well as pictures, maps, diagrams, etc. Just to have a general term I will call these collectively "representations." A feature

Does the Real World Exist? (Part I) 151 of representations so defined is that they all have intentionality, both intrinsic intentionality, as in beliefs and perceptions, and derived intentionality, as in maps and sentences. 3. Some of those representations, such as beliefs and statements , purport to be about and to represent how things are in reality . To the extent that they succeed or fail, they are said to be true or false, respectively. They are true if and only if they correspond to the facts in reality. This is (a version of) the correspondence theory of truth. 4. Systems of representation, such as vocabularies and conceptual schemes generally, are human creations, and to that extent arbitrary . It is possible to have any number of different systems of representations for representing the same reality. This thesis is called "conceptual relativity." Again, I will refine its formulation later. 5. Actual human efforts to get true representations of reality are influenced by all sorts of factors-cultural, economic, psychological , and so on. Complete epistemic objectivity is difficult, sometimes impossible, because actual investigations are always from a point of view, motivated by all sorts of personal factors, and within a certain cultural and historical context. 6. Having knowledge consists in having true representations for which we can give certain sorts of justification or evidence. Knowledge is thus by definition objective in the epistemic sense, because the criteria for knowledge are not arbitrary, and they are impersonal . Knowledge can be naturally classified by subject matter, but there is no special subject matter called "science" or "scientific knowledge ." There is just knowledge, and "science" is a name we apply to areas where knowledge has become systematic, as in physics or chemistry. In light of the distinction between the epistemic and ontological

152 The Construction of Social Reality senses of the objective/subjective distinction, we can say: Proposition 1 (external realism) is very close to the view that there is an ontologically objective reality. The two claims are not exactly equivalent, because the claim that there is a reality independent of representations (external realism) is not exactly equivalent to the claim that there is a reality completely independent of minds (ontological objectivity). The reason for this distinction is that some mental states, such as pains, are ontologically subjective, but they are not representations. They are representation independent but not mind independent. Ontological objectivity implies external realism, because mind independence implies representation independence. But not conversely. Pains, for example , can be representation independent without being mind independent. Proposition 2 implies that ontological subjectivity gives us epistemic access to all the reality to which we have access, whether ontologically subjective or objective, whether epistemically subjective or objective. Proposition 5 says epistemic objectivity is often hard to obtain; and Proposition 6 says that if we have genuine knowledge, we have epistemic objectivity by definition. I hope the reader finds these six propositions so obvious as to wonder why I am boring him or her with such platitudes, but I have to report that a great deal of confusion surrounds them. Propositions 1 and 3, realism and the correspondence theory, respectively , are often confused with each other; worse yet, they are both often supposed to have been refuted. Several philosophers think that proposition 4, conceptual relativity, creates a problem for realism; some think that it refutes it. Many philosophers think that proposition 3, the correspondence theory, has been independently refuted. Several literary theorists think that proposition 5 creates a problem for the very possibility of objective knowledge as stated in! proposi tion 6, and perhaps even refutes realism as articulated by proposition 1. So I fear there is nothing to do but slow down and go over at least some of these matters in low gear. Let us begin by asking,

Does the Real World Exist? (Part 1) 153 What Is Realism? As a preliminary formulation, I have defined realism as the view that the world exists independently of our representations of it. This has the consequence that if we had never existed, if there had never been any representations-any statements, beliefs, perceptions, thoughts, etc.-most of the world would have remained unaffected. Except for the little corner of the world that is constituted or affected by our representations, the world would still have existed and would have been exactly the same as it is now. It has the further consequence that when we all die, and all our representations die with us, most features of the world will remain totally unaffected; they will go on exactly as before. For example, let us assume that there is a mountain in the Himalayas that I represent to myself and others as "Mount Everest." Mount Everest exists independently of how or whether I or anyone else ever represented it or anything else. Furthermore, there are many features of Mount Everest, for example, the sort of features that I represent if I make a statement such as "Mt. Everest has snow and ice near its summit," which would have remained totally unaffected if no one had ever represented them in any fashion and will not be affected by the demise of these or any other representations. One might put this point by saying that there are many language-independent features, facts, states of affairs, etc.; but I have put the point more generally in terms of "representations ," because I want to note that the world exists independently not only of language but also of thought, perception, belief, etc. The point is that, in large part, reality does not depend on intentionality in any form. In the history of philosophy the word "realism" has been used with a wide variety of meanings. In the medieval sense, realism is the doctrine that universals have a real existence. Nowadays one hears talk of "modal realism," "ethical real! ism," "i ntentional realism ," "mathematical realism," and so on. For the purposes of this discussion I am stipulating that "external realism" and "realism"

154 The Construction of Social Reality ("ER" for short) name the view sketched in the previous paragraph . I use the metaphor of "external" to mark the fact that the view in question holds that reality exists outside of, or external to, our system of representation. Before examining arguments for and against realism we need to distinguish it from other views with which it any theory of truth because it is a theory of ontology and not of the meaning of "true." It is not a semantic theory at all. It is thus possible to hold ER and deny the correspondence theory.' On a normal interpretation, the correspondence theory implies realism since it implies that there is a reality to which statements correspond if they are true; but realism does not by itself imply the correspondence theory, since it does not imply that "truth" is the name of a relation of correspondence between statements and reality. Another misconception is to suppose that there is something epistemic about realism. Thus, for example, Hilary Putnam writes2 the whole content of Realism lies in the claim that it makes sense to think of a God's Eye View (or better a view from nowhere). But that is not the content of realism as normally construed. On the contrary, the whole idea of a "view" is already epistemic and ER is not epistemic. It would be consistent with realism to suppose that any kind of "view" of reality is quite impossible. Indeed, on one interpretation, Kant's doctrine of things in themselves is a conception of a reality that is inaccessible to any "view." I realize that since the seventeenth century the most common arguments against realism have been epistemic-"all we can ever really know are our own sense data," that sort of thing-but the thesis under attack, realism, is not as it stands an epistemic thesis at all. I will

Does the Real World Exist? (Part 1) 155 have more to say later about the epistemic arguments against realism. A third mistake, also common, is to suppose that realism is committed to the theory that there is one best vocabulary for describing reality, that reality itself must determine how it should be described. But once again, ER as defined above has no such implication. The view that the world exists independently of our there is a privileged vocabulary for describing it. It is consistent with ER to claim the thesis of conceptual relativity (proposition 4), that different and even incommensurable vocabularies can be constructed for describing different aspects of reality for our various different purposes. To summarize these points: realism, as I am using the term, is not a theory of truth, it is not a theory of knowledge, and it is not a theory of language. If one insists on a pigeonhole, one could say that realism is an ontological theory: It says that there exists a reality totally independent of our representations. In the philosophical tradition there is a pervasive further ambiguity in the notion of realism that I need to expose and remove. Typically philosophers who discuss these issues treat them as if they concerned how the world is in fact. They think the issues between , say, realism and idealism are about the existence of matter or about objects in space and time. This is a very deep mistake. Properly understood, realism is not a thesis about how the world is in fact. We could be totally mistaken about how the world is in every detail and realism could still be true. Realism is the view that there is a way that things are that is logically independent of all human representations. Realism does not say how things are but only that there is a way that they are. And "things" ..ERR, COD:1..

156 The Construction of Social Reality the issues could not be about such specific claims. Realism could not be a theory asserting the existence of Mt. Everest, for example; because if it should turn out that Mt. Everest never existed , realism remains untouched. And what goes for Mt. Everest goes for material objects in general. But what if it should turn out that material objects do not exist or even that space and time do not exist? Well, in a sense it already has turned out that way, because we now think of material objects as collections of "particles " that are Mount Everest has snow and ice near the summit or that hydrogen atoms have one electron, which are facts totally independent of any human opinions. Years ago I baptized some of the facts dependent on human agreement as "institutional facts," in contrast to noninstitutional, or "brute," facts.' Institutional facts are so called because they require human institutions for their existence . In order that this piece of paper should be a five dollar bill, for example, there has to be the human institution of money. Brute facts require no human institutions for their existence. Of course, in order to state a brute fact we require the institution of language, but the fact stated needs to be distinguished from the statement of it. The question that has puzzled me is, How are institutional facts possible? And what exactly is the structure of such facts? But ill the intervening years some curious things have happened. Many people, including even a few whose opinions I respect, have argued that all of reality is somehow a human creation, that there are no brute facts, but only facts dependent on the human mind. Furthermore, several people have argued against our commonsense idea that there are facts in the world that make our statements true and to which they correspond when they are true, I will also defend (a version of) the correspondence theory of truth (Chapter 9). The last three chapters, therefore, are co! ncerned with defending certain general assumptions about reality, representation, knowledge, and truth. Some of the questions I am trying to answer in the main argument of the book (Chapters 1-6) are, How can there be an objective reality that exists in part by human agreement? For example,

in making [the] past as well as the present and the future.' There are several disquieting things about all these attacks on realism . The first is that the arguments against our commonsense idea that there exists an independent reality are often vague and obscure. Sometimes no clearly stated arguments are even presented . Second, the alternative views, the views that are supposed to be presented in opposition to realism, are often equally obscure and unclearly stated. Even among analytic philosophers many recent discussions of realism are symptomatic of the general looseness that has set in ..ERR, COD:1..

160 The Construction of Social Reality some objections of mine, he apparently takes it all back: he says that all he meant by the apparently spectacular declaration that there is nothing outside of texts is impossibility in thinking such a thought without language. It is easy to imagine that the course of evolution might produce beings who can think of complex arithmetical relations without using symbols. Another sort of case involves language as a matter of logical necessity , because the linguistic expression of the thought is essential to its being the thought that it is. For example, consider the thought "Today is Tuesday the 26th of October." Such a thought requires a quite definite set of words or their synonyms in English and other languages because the content of the thought locates a day in relation to a specific verbal system for identifying days and months. That is why my dog cannot think "Today is Tuesday the 26th of October." We who are in possession of the relevant vocabulary can translate the expression "Tuesday the 26th of October" into French but not into another radically different calendar, such as the Mayan. The Mayans, using their system, could have identified an actual

Does the Real World Exist? (Part I) 161 where klurgs are of great religious significance, where they can be delineated only by sacred virgins working under water and their obliteration merits the death penalty. But if "klurg" is a new concept with previously unheard-of truth conditions, there is no limit to how many new concepts we can form. Because any true description of the world will always be made within some vocabulary , some system of concepts, conceptual relativity has the consequence that any true description is always made relative to some system of concepts that we have more or less arbitrarily selected for describing the world. So characterized, conceptual relativism seems completely true, indeed, platitudinous. However, several philosophers have supposed that it is inconsistent with external realism, and consequently , that if we accept conceptual relativism, we are forced to deny realism. But if this claim were really true, we ought to be able to state the two theses precisely enough for the inconsistency to be quite obvious. Let external realism be the view that: ER1: Reality exists independently of our representations of it. Let the relevant thesis of conceptual relativism be the view that: CR1: All representations of reality are made relative to some more or less arbitrarily selected set of concepts. So stated, these two views do not even have the appearance of inconsistency . The first just says that there is something out there to be described. The second says that we have to select a set of concepts and a vocabulary to describe it. So why would anyone suppose that the second entails the negation of the first? The answer is that if we accept conceptual relativism, and try to conjoin it with realism, we appear to get inconsistencies. Consider the following example from Putnam.' Imagine that there is some part of the world as shown in Figure 7.1. How many objects are there in this miniworld? Well, according to Carnap's system of arithmetic (and ac! cording to common

believed to be, or used as, or regarded as, etc., satisfying the definition. For these sorts of facts, it seems to be almost a logical truth that you cannot fool all the people all the time. If everybody always thinks that this sort of thing is money, and they use it as money and treat it as money, then it is money. If nobody ever thinks this sort of thing is money, then it is not money. And what goes for money goes for elections, private property, wars, voting, promises, marriages , buying and selling, political offices, and so on. In order to state this point precisely we so on. In order to state this point precisely we need to distinguish between institutions and general practices on the one hand arid particular instances on the other, that is, we need to distinguish between types and tokens. A single dollar bill might fall from the printing presses into the cracks of the floor and never be used or thought of as money at all, but it would still be money. In such a case a particular token instance would be money, even though no one ever thought it was money or thought about it or used it at all. Similarly, there might be a counterfeit dollar bill in circulation

that the criterion for counting objects has been set in two different ways. Thus the same sentence, e.g., "There are exactly three objects in the world," can now be used to make two quite different and independent statements, one of which is true, one false. But the real world does not care how we describe it and it remains the same under the various different descriptions we give of it. Some of the examples of conceptual relativism given in the literature are more arcane and complicated than the ones I have given, but the principle they employ is the same, and I cannot see that anything is gained by the complexity. They all are designed to show that different conceptual systems will generate different and apparently inconsistent descriptions of the same "reality." As far as I can see there is nothing in any of them that is inconsistent with external realism. The appearance of inconsistency is an illusion

in kilograms. External realism allows for an infinite number of true descriptions of the same reality made relative to different conceptual schemes. "What is my aim in philosophy? To teach you to turn disguised nonsense into obvious nonsense."" It is disguised nonsense to say that conceptual relativism implies antirealism, obvious nonsense to say that I cannot , at the same time, weigh both 160 (in pounds) and 73 (in ..ERR, COD:1..

that I believe that you believe, etc., is that it same reality, but, in fact, inconsistent with each other? The answer is no. The Mercator projection is just inaccurate about the relative size of Brazil and Greenland. It is a well-known fact that certain models, e.g., Aristotelian physics and the Mercator projection, are mistaken about or distort certain features of the world. All true statements about the world can consistently be affirmed together. Indeed, if they could not consistently be affirmed together, they could not all be true. Of course, we are always confronted with the problems of vagueness, indeterminacy, family resemblance, open texture, contextual dependency, the incommensurability of theories, ambiguity, the idealization involved in theory construction, alternative interpretations, the underdetermination of theory by evidence, and all the rest of it. But these are features of our systems of representation, not of the representation -independent reality that some of these systems can be used, more less adequately, to represent. Often the same sentence can be used to assert a truth in one conceptual scheme and a falsehood in another conceptual scheme. But this, as we have seen over and over, does not show a genuine inconsistency. The Verificationist Argument Twentieth-century philosophy has been obsessed with language and meaning, and that is why it is perhaps inevitable that some-

and you are ex hypothesi making claims that go beyond what you experience. For example, I claim to know there is a desk in front of me now. What does such a claim mean? Well, all I have direct knowledge of are these tactile and visual experiences, and all I-or anyone else-could ever have direct knowledge of are more such experiences. So what does my original claim amount to? Either it amounts to the claim that there are actual and possible experiences ("sense data" in the twentieth- century jargon, "ideas" and "impressions" in that of the seventeenth and eighteenth centuries), or if something more is claimed, then it must be a claim about something totally unknowable and inaccessible to any investigation. Such a claim is empirically empty. The conclusion is obvious: experience is constitutive of reality. This argument occurs in several authors and bad for real estate values. I want this distinction to seem quite obvious, because it is going to turn out that social reality in general can be understood only in light of the distinction. Observer-relative features are always created by the intrinsic mental phenomena of the users, observers, etc., of the objects in question. Those mental phenomena are, like all mental phenomena, ontologically subjective; and the observer-

The Building Blocks of Social Reality 13 relative features inherit that ontological subjectivity. But this ontological subjectivity does not prevent claims about observer- relative features from being epistemically objective. Notice that in lb and 3b the observer-relative statement is epistemically objective ; in 2b it is subjective. These points illustrate the ways in which all three distinctions cut across each other: the distinction between the intrinsic and the observer relative, the distinction between ontological objectivity and subjectivity, and the distinction between epistemic objectivity and subjectivity. It is a logical consequence of the account of the distinction as I have so far given it that for any observer-relative feature F, seeming to be F is logically prior to being F, because-appropriately understood -seeming to be F is a necessary condition of being F. If we understand this point, we are well on the road to understanding the ontology of socially created reality. The Assignment of Function My main objective in this chapter is to assemble the apparatus necessary to account for social reality within our overall scientific ontology. This requires exactly three elements. The assignment of function, collective intentionality, and constitutive rules. (Later, in Chapter 6, to explain the causal functioning of institutional structures , we will introduce a fourth element, the Background of capacities that humans have for coping with their environment.) In explaining these notions I am perforce in a kind of hermeneutic circle. I have to use institutional facts to explain institutional facts; I have to use rules to explain rules, and language to explain language . But the problem is expository and not logical. In the exposition of the theory I rely on the reader's understanding of the phenomena to then ex hypothesi we are postulating something for which we can have no epistemic basis. I believe both strands are mistaken. Let us consider each in turn. It! is inde ed the case that whenever one consciously perceives anything, one has certain experiences. For example, for every visual perception there is a corresponding visual experience . In the formal mode of speech, to report "I see the table" implies "I am having a certain sort of visual experience." But from the fact that the visual experience is an essential component of the visual perception, it does not follow that the visual experience

Does the Real World Exist? (Part I) 171 follow. From the fact that the epistemic basis for my knowledge is my present experiences, it does not follow that all I can know are my experiences. On the contrary, the way we described the example was precisely as a case where my experiences give me access to something that is not itself an experience. It is a familiar point in philosophy that in general empirical claims go beyond the epistemic bases on which they are made. There would not be much point, for example, in making scientific hypotheses if they were just summaries of the available evidence. However, at this point, the defender of the antirealist position will want to say the following: In presenting these answers to the antirealist argument, you have tacitly presupposed that you are really perceiving mind- independent objects in the real world, but that is precisely what you are not entitled to assume. The whole point of the argument is that you could be having exactly these experiences and there not be any desk there. But if that is the case, then it doesn't matter whether we think of the experiences as providing the "evidence" for your "conclusion" that there is a desk there. The point is that the only basis that you have for your confidence that there is a desk there is the presence of these sense data, and if the desk is supposed to be something over and above the sense data, they would not be sufficient to justify that confidence because you could be having exactly these experiences and be totally mistaken. The postulation of an external reality is essentially the postulation of something unknowable and ultimately unintelligible. What is the answer to this? In this discussion I am not trying to answer general skepticism. That is a set of questions that goes beyond the scope of this book. So for the sake of this argument let us just grant that I might be having exactly these experiential contents and be having a total hallucination. I might be subject to a! ll the h orrors of traditional epistemology: I might be a brain in a vat,

172 The Construction o f Social Reality I might be deceived by an evil demon, I might be dreaming, etc. But it does not follow that my claim that there is a desk in front of me is simply a summary of the experiences that prompt me to make the claim. That is, even if skepticism is right, and I am systematically mistaken, what I am mistaken about are the features of the real world. The possibility of being systematically mistaken about those features does not show that my claims about them are just summaries of statements about my sense experiences. These brute facts, but only facts dependent on the human mind. Furthermore, several people have argued against our commonsense idea that there are facts in the world that make our statements true and to which they correspond when they are true, I will also defend (a version of) the correspondence theory of truth (Chapter 9). The last three chapters, therefore, are concerned with defending certain general assumptions about reality, representation, knowledge, and truth. Some of the questions I am trying to answer in the main argument of the book (Chapters 1-6) are, How can there be an objective reality that exists in part by human agreement? For example,

174 The Construction of Social Reality directly, because there is no nonrepresentational standpoint from which we can survey the relations between representation and reality, and because there is not even the possibility of assessing the adequacy of our representations by measuring them against things in themselves, talk of a transcendent reality must be just so much nonsense. All the reality we can ever really get at, have access to, is the reality that is internal to our system of representations. Within the system there is a possibility of realism, internal realism, but the idea of a reality outside the system is as empty as Kant's notion of the Ding on sich, a thing in itself, beyond the grasp not only of our knowledge but of our language and thought. What external realism offers us is an unthinkable something, indescribable , inaccessible, unknowable, unspeakable, and ultimately nonsensical. The real problem with such a realism is not that it is false, but that it is ultimately unintelligible. What are we to make of this argument? Once again, if we try to state it as an explicit argument, with a set of premises and a conclusion , it is hard to see how the conclusion is supposed to follow. Premise: Any cognitive state occurs as part of a set of cognitive states and within a cognitive system. From this premise it is

176 The Construction of Social Reality sentation is always made from within a certain conceptual scheme and from a certain point of view. So, for example, if I describe the substance in front of me as water, the same piece of reality is represented as if I describe it as H2O. But, of course, I am representing the same stuff under a different aspect if I represent it as water than if I represent it as H.,O. Strictly speaking, there is an indefinitely large number of different points of view, different aspects, and different conceptual systems under which anything can be represented. If that is right, and it surely is, then it will be impossible to get the coincidence between truth and reality after which so many traditional philosophers seem to hanker. Every representation has an aspectual shape. It represents its target under certain aspects and not others. In short, it is only from a point of view that we represent reality, but ontologically objective reality does not have a point of view.

8 Does the Real World Exist? Part ll: Could There Be a Proof of External Realism? Realism as a Background Condition of Intelligibility I have said that certain standard arguments against realism are invalid. Are there any arguments to be given in its favor? There is something puzzling about demanding an argument to show that the world exists independently of our representations of it. I realize that Kant thought it a scandal that there was no such proof, and Moore thought he could give proof just by holding up his two hands. But, one feels, in the way that Kant posed his demand nothing could have satisfied it, and Moore's attempt to satisfy it somehow "misses the point." Yet, at the same time, one feels that one ought to satisfy Kant's demand, and that at some level Moore was surely right. He certainly did have two hands, and if he had two hands then the external world exists. Right? What is going on? 177

178 The Construction o f Social Reality We need to explain both our urge to prove external realism and our sense that any proof begs the question. The demand for a proof of external realism is a bit like the demands one used to hear in the 1960s for a proof of rationality- "What is your argument for rationality?"-in that the very posing of the challenge somehow presupposes what is challenged. Any attempt to provide an "argument" or "proof " already presupposes standards of rationality because the applicability of those standards is constitutive of something's being an argument or proof. In a word, you can't prove rationality by argument because arguments already presuppose rationality. There are a number of such general frameworks where the demand to justify the framework from within the framework is always senseless and yet somehow seems incumbent upon us. Thus, although one can prove that a particular argument is valid or rational within the criteria of rationality and validity, one cannot prove within those criteria that rationality is rational or that validity is valid. Similarly, one can establish that a given sequence of words is a grammatical or ungrammatical English sentence, but one cannot establish that English as a language is grammatical or ungrammatical, because English sets the standard for grammaticality in English. The effort to establish external realism by some sort of "argument" would be analogous to one of these efforts. It would be as if one tried to establish that representation represents. One can show that this or that claim corresponds or fails to correspond to how things really are in the "external world," but one cannot in that way show that the claim that there is an external world corresponds to how things

They think the issues between , say, realism and idealism are about the existence of matter or about objects in space and time. This is a very deep mistake. Properly understood, realism is not a thesis about how the world is in fact. We could be totally mistaken about how the world is in every detail and realism could still be true. Realism is the view that there is a way that things are that is logically independent of all human representations. Realism does not say how things are but only that there is a way that they are. And "things" ..ERR, COD:1.. more than a list of cases of scientific confirmation and disconfirmation. But if, on the other hand, the convergence argument is to be a genuine metatheory about the sociology of scientific research, a theory to the effect that, as a matter

2 The Construction of Social Reality facts as that Mount Everest has snow and ice near the summit or that hydrogen atoms have one electron, which are facts totally independent of any human opinions. Years ago I baptized some of the facts dependent on human agreement as "institutional facts," in contrast to noninstitutional, or "brute," facts.' Institutional facts are so called because they require human institutions for their existence . In order that this piece of paper should be a five dollar bill, for example, there has to be the human institution of money. Brute facts require no human institutions for their existence. Of course, in order to state a brute fact we require the institution of language, but the fact stated needs to be distinguished from the statement of it. The question that has puzzled me is, How are institutional facts possible? And what exactly is the structure of such facts? But ill the intervening years some curious things have happened. Many people, including even a few whose opinions I respect, have argued that all of reality is somehow a human creation, that there are no brute facts, but only facts dependent on the human mind. Furthermore, several people have argued against our commonsense idea that there are facts in the world that make our statements true and that statements are true because they correspond to the facts. So conscious states, and, second, the view that reality is socially constructed , that what we think of as "the real world" is just a bunch of things constructed by groups of people. To have labels, let us call the first view "phenomenalist idealisrn," and the second "social constructionism." There is a simple transcendental argument against phenomenalist idealism. I said that a transcendental argument is one that assumes a certain condition obtains and then tries to show the presuppositions of that condition. In this case, however, the "condition " has to do with our practices and the "presupposition" is what we, from ou! r own fi rst-person point of view, must presuppose when we engage in those practices. The condition is that we do in fact attempt to communicate with each other by making certain sorts of utterances in a public language and the presupposi-

184 The Construction of Social Reality tion is external realism. To spell this out a little bit more precisely: the assumption we are making is that there is a normal way of understanding utterances, and that when performing speech acts in a public language, speakers typically attempt to achieve normal understanding. The point we are attempting to show is that for a large class (to be specified further) a condition of intelligibility for the normal understanding of these utterances is that there is a way that things are that is independent of human representations. The consequence is that when we attempt to communicate to achieve normal understanding with these sorts o f utterances we must presuppose external realism. Notice that we are not trying to prove the truth of external realism . I do not believe there could be a non-question-begging argument for ER. But we can show that when we engage in certain sorts of talk we presuppose external realism. Tó develop the argument of "normal understanding." For most speech acts there is a commonsense or normal understanding. Often this is given by disquotation; for example , the normal understanding of the utterance "I have two hands" is that it asserts that the speaker has two hands. But wherever there is disquotation there must always be further ways of describing normal understanding. Thus in the normal understanding of "I have two hands," for example, there must be a possible description of what a ..ERR, COD:1..

Does the Real World Exist? (Part 11) 185 analogy with the following: "I have two diamond necklaces and I keep them both in a bank vault in Switzerland and I have two hands and I keep them in the same bank vault." But where in the sentence does it say or imply that Moore's hands are not to be kept in a bank vault or even that they are attached to his body? This is one of the things that we simply take for granted. There is no limit to the number of such Background and Network presuppositions that we have to make in order to understand even such a simple utterance as Moore's. Thus, for example , suppose that we took it for granted that if Moore has two hands, they are attached to his body all right, but they are growing out of his left ear. Or perhaps that they are attached to his arms, but his body has shrunk to the size of a grain of sand, and his two hands have grown to be each as big as the Atlantic Ocean. Again, suppose we assumed that if people have hands, they flash in and out of existence like an intermittent flashlight beam. With such crazy alterations in the Background, we would understand the sentence quite differently from the way we currently understand it. The point is that in our normal understanding we take a great deal for granted, but many of these conditions on our normal understanding cannot be thought of as truth conditions on the utterance without considerable distortion. These are the sorts of conditions that help us to fix the truth conditions of our utterances. They are not themselves part of those truth conditions . The claim I now want to substantiate is, External Realism is a Background presupposition on the normal understanding of a very large class of utterances. But it differs from many other Background presuppositions in that it is both pervasive and essential. It is pervasive in the sense that it applies to a very large class of utterances ; it is essential in the sense that we cannot preserve normal understanding of these utterances! without it. To see that it is pervasive, notice that it applies to a large range of quite different kinds of utterances such as

of any institution. Institutional facts, on the other hand, require special human institutions for their very existence. Language is one such institution; indeed, it is a whole set of such institutions . And what are these "institutions"? To answer this question, I introduced another distinction, the distinction between what I call "regulative" and "constitutive" rules.' Some rules regulate antecedently existing activities. For example, the rule "drive on the right-hand side of the road" regulates driving; but driving can exist prior prior to the existence of that rule. However, some rules do not merely regulate, they also create the very possibility of certain activities . Thus the rules of chess do not regulate an antecedently existing activity. It is not the case that there were a lot of people pushing bits of wood around on boards, and in order to prevent

ontological theory: It says that there exists a reality totally independent of our representations. In the philosophical tradition there is a pervasive further ambiguity in the notion of realism that I need to expose and remove. Typically philosophers who discuss these issues treat them as if they concerned how the world is in fact. They think the issues between , say, realism and idealism are about the existence of matter or about objects in space and time. This is a very deep mistake. Properly understood, realism is not a thesis about how the world is in fact. We could be totally mistaken about how the world is in every detail and realism could still be true. Realism is the view that there is a way that things are that is logically independent of all human representations. Realism does not say how things are but only that there is a way that they are. And "things" ..ERR, COD:1.. as it does for statements about mountains, dogs, and electrons. What is special about these latter sorts of statements is that they purport to make reference to publicly accessible phenomena, in these examples, publicly accessible physical objects. But for such cases

Mt. Everest has snow and ice near the summit, and external reality has never existed. what I say is literally puzzling. We do not know how to understand it in the normal way, because the second clause doesn't just contradict the first clause but denies a condition that is taken for granted in the normal understanding of the first. Berkeley and other idealists recognized something very much like this point. Berkeley saw that it was a problem for his account that if each person refers only to his or her own ideas when speaking , then there is a question about how one succeeds in communicating with others. Berkeley's answer was that God guarantees successful communication. This, I believe both Berkeley and I would agree, is not a case of normal understanding in my sense. When I say "snow is white" or "my dog has fleas," I am not normally taken to be relying on God, since even an atheist can attempt to communicate in a public language. Berkeley saw that the price for abandoning external realism was an abandonment of normal understanding, and he was willing to pay the price. One objection to some of the current challenges to realism is that they want to abandon external realism without paying the price. The price of the abandonment of realism is the abandonment of normal understanding . If someone wishes to abandon normal understanding , he or she owes us an account of what sort of understanding is possible.

of an intrinsic teleology in nature, and that functions are therefore intrinsic, is always subject to a variant of Moore's open- question argument: What is so functional about functions, so defined ? Either "function" is defined in terms of causes, in which case there is clothing intrinsically functional about functions, they are just causes like any others. Or functions are defined in terms of the furtherance of a set of values that we hold-life, survival, reproduction , health-in which case they are observer relative. I realize that many biologists and philosophers of biology will to social constructionism . What it shows so far is that for a large class of utterances, each individual utterance requires for its intelligibility a publicly accessible reality. I have further characterized that reality as representation independent. But there is still an ambiguity. Talk of money and marriages is talk of a publicly accessible reality, and such phenomena are `'representation independent" in the sense that this twenty dollar bill or this marriage between Sam and Sally exists independently of your or my representations of it. After all, statements about money meet the conditions that there are facts independent of the speech act that makes them satisfied or unsatisfied , e.g., "You owe me five dollars" presupposes an independently existing reality as much as does "Mt. Everest has snow and ice near the summit." But marriages and money, unlike mountains and atoms, do not exist independently of all representations, and this distinction needs to be made explicit in the account. The argument so far might be interpreted to allow that all of reality is socially constructed in the way that, for example, money is socially constructed. Facts about money can be epistemically objective even if the existence of money is socially constructed, and, therefore , to that extent, ontologically subjective. To complete the argument we need to show that within the class of speech acts that r! efer to a reality beyond themselves there is a subclass whose normal understanding requires a reality independent of all representation. The simplest way to show that is to show that a socially constructed reality presupposes a reality independent of all social constructions, ..ERR, COD:1..

Does the Real World Exist? (Part 11) 191 cially constructed without presupposing some even rawer materials out of which they are constructed, until eventually we reach a bedrock of brute physical phenomena independent of all representations . The ontological subjectivity of the socially constructed reality requires an ontologically objective reality out of which it is constructed. To the "transcendental argument" of the previous section-a public language presupposes a public world-we add a "transcendental argument" in this section-a socially constructed reality presupposes a nonsocially constructed reality. By this stage in the argument I hope the point is obvious. In a sense, one of the main aims of this book has been to spell it out. Because the logical form of the creation of socially constructed reality consists in iterations of the structure X counts as Y in C, the iterations must bottom out in an X element that is not itself an institutional construction. Otherwise you would get infinite regress or circularity. It is a logical consequence of the main argument of the book that you cannot have institutional facts without brute facts. To conclude the discussion of realism I would like also to show that there is a contrast between the conditions on our normal understanding of statements about brute physical facts and those about institutional facts. To show that there is a class of speech acts that presuppose for their intelligibility a reality beyond all representations, let us once again use "Brute Force" and observe the consequences of putting the counterfactual supposition of the denial of the condition into the representation itself. Consider, e.g., the claims 1. Mt. Everest has snow and ice near its summit, and its negation, 2. It is not the case that Mt. Everest has snow and ice near its summit . Speech acts of the sort exemplified by claims 1 and 2, so I will argue, purport to state facts that are "ontologically objective" and

192 The Construction of Social Reality therefore "representation-independent" in the sense that I have tried to explain. In this respect they differ from, e.g., the claim 3. You owe me five dollars, and its negation, 4. It is not the case that you owe me five dollars. We can see the difference if we put the counterfactual supposition into the claims, as follows: A. In a world that is like ours, except that representations have never existed in it, Mt. Everest has snow and ice near the summit , and B. In a world that is like ..ERR, COD:3..

as part of the conditions of their normal intelligibility. You can see this by considering the normal understanding of sentences where 1, 2, 3, and 4 are embedded in sentences expressing a counterfactual supposition of the nonexistence of any representations, A, B, C, and D. On our normal understanding, the truth ..ERR, COD:1.. the world and therefore do require the existence of representations as part of the conditions of their normal intelligibility. You can see this by considering the normal understanding of sentences where 1, 2, 3, and 4 are embedded in sentences expressing

62 The Construction of Social Reality a sentence of English. A being that did not have a language could not think that thought. The most obvious cases of language- independent thoughts are noninstitutional, primitive, biological inclinations and cognitions not requiring any linguistic devices. For example, an animal can have conscious feelings of hunger and thirst and each of these is a form of desire. Hunger is a desire to eat and thirst a desire to drink, and desires are intentional states with full intentional contents; in the contemporary jargon, they are "propositional attitudes." Furthermore, an animal can have prelinguistic perceptions and prelinguistic beliefs derived from these perceptions. My dog can see and smell a cat run up a tree and form the belief that the cat is up the tree. He can even correct the belief and form a new belief when he sees and smells that the cat has run into the neighbor's yard. Other cases of prelinguistic; thoughts are emotions such as fear and rage. We ought to allow ourselves to be struck both by the fact that animals can have prelinguistic thoughts and by the fact that some thoughts are language dependent and cannot be had by prelinguistic beings. With these distinctions in mind, let us restate the thesis we are trying to examine. I have argued that some facts that do not on the surface appear to be language dependent-facts about money and property, for example-are in fact language dependent. But how could they be language dependent since, unlike English sentences , money and property are not words nor are they composed of words? It is a sufficient condition for a fact to be language dependent that two conditions be met. First, mental representations, such as thoughts, must be partly constitutive of the fact; and second, the representations in question must be language dependent. It follows immediately from the structure of constitutive rules that the first of these conditions is met by institutional facts. From the fact tha! t the st atus function specified by the Y term chapters, therefore, are concerned with defending certain general assumptions about reality, representation, knowledge, and truth. Some of the questions I am trying to answer in the main argument of the book (Chapters 1-6) are, How can there be an objective reality that exists in part by human agreement? For example,

Does the Real World Exist? (Part II) 197 So what difference does it make whether or not one says that one is a realist or an antirealist? I actually think that philosophical theories make a tremendous difference to every aspect of our lives. In my observation, the rejection of realism, the denial of ontological objectivity, is an essential component of the attacks on epistemic objectivity, rationality, truth, and intelligence in contemporary intellectual life. It is no accident that the various theories of language, literature, and even education that try to undermine the traditional conceptions of truth, epistemic objectivity, and rationality rely heavily on arguments against external realism. The first step in combating irrationalism -not the only step but the first step-is a refutation of the arguments against external realism and a defense of external realism as a presupposition of large areas of discourse.

9 Truth and Correspondence My investigation into the nature of social reality has proceeded by investigating the status of the facts in virtue of which our statements about social reality are true. As a final matter of philosophical housekeeping, in order to justify that procedure I will in this chapter defend the idea that truth is a matter of correspondence to facts. In earlier chapters I asked questions about the nature and structure of such facts as the fact that this is a five dollar bill or that I am a citizen of the United States. If skeptical arguments against the existence of facts or against the correspondence between true statements and facts were really valid, then this aspect of my enterprise would at the very least need to be recast. My conception of social reality does not logically require the correspondence theory of truth-someone could reject the correspondence theory and still accept my analysis-but the overall picture I, in fact, hold proceeds by way of external realism through the 199

to score six points without language, because points are not something that can be thought of or that can exist independently of words or other sorts of markers. And what is true of points in games is true of money, governments, private property, etc., as we will see. The lessons from this example can now be extended to instituLanguage

Truth and Correspondence 205 or events, and correspondence is a matching or picturing relation between the elements of the statement and the elements of the fact is absurd. Once we have identified the statement and the fact, we have nothing further to do by way of comparing them, because the only way to identify a fact is to make a true statement. Once we have answered the question "Which fact?" we have already established truth, because, according to Strawson, there are not two independent entities, the true statement and the fact. Rather, "facts are what statements (when true) state; they are not what statements are about."' Facts are not things in the world independent of language ; rather, the ..ERR, COD:1.. the correspondence theory of truth has gone hand in hand with the picture theory of meaning, the theory that sentences have the meanings they do because they are conventionalized pictures of facts. The classic statement of this conception is in Wittgenstein's

function of the heart is to pump blood," we are doing something more than recording these intrinsic facts.

that there is no problem about negatives, hypotheticals , etc. The true statement that the cat is not on the mat corresponds to the fact that the cat is not on the mat. What else? And what goes for negative statements goes for all the rest. If it is true that if the cat had been on the mat, then the dog would have had to have been in the kitchen, then it must be a fact that if the cat had been on the mat, then the dog would have ..ERR, COD:3.. "victory" is the internal accusative for "win" and "blow" the internal accusative for "strike." In none of these cases are there genuine relations between the entity named by the subject of the sentence and the pseudoentity referred to by the direct

Truth and Correspondence 209 ing "The cat is on the mat," so it seems that the word "true" is redundant . For this reason the disquotation criterion has inspired the "redundancy theory of truth," the theory that the word "true" is redundant, describing nothing. Several philosophers who are impressed by the redundancy argument have pointed out that "true" is not quite redundant, because we still need it as a shorthand for stating infinite sets of disquotations, for saying such things as, e.g., "From true premises only true conclusions can be validly derived." But they nonetheless adhere to a "deflationary" or "minimalist" theory of truth, the theory that says there is really no property or relation denoted by "true." The entire content of the notion of truth is given by disquotation.12 The first criterion, the correspondence criterion, makes it look as if there is a genuine relation between two independently identified entities-the statement and the fact, and "true" describes this relation. Disquotation appears to imply the redundancy theory, or at least the deflationary theory, and redundancy theories and deflationary theories are standardly supposed to be inconsistent with the correspondence theory. And we have seen in our discussion of Strawson's views that there are very serious objections to the correspondence theory . So the defender of the correspondence theory is left with two sets of questions: First, can we make a substantive conception of the correspondence theory consistent with the disquotation criterion ? By "a substantive conception" I mean a conception according to which there really are nonlinguistic facts in the world and statements are true because they really do stand in certain relations to these facts, relations that we variously describe as fitting, matching, stating, or corresponding to the facts. And second, can we answer Strawson's objections to the correspondence theory? To answer these questions I will make some general observations abou! t the or dinary use of the expressions "true" and "fact" and about how they might have evolved their present meaning. My investigation at this point is a Wittgensteinian-style enterprise into the language games we play with these words, and its aim is

210 doesn't just contradict the first clause but denies a condition that is taken for granted in the normal understanding of the first. Berkeley and other idealists recognized something very much like this point. Berkeley saw that it was a problem for his account that if each person refers only to his or her own ideas when speaking , then there is a question about how one succeeds in communicating ..ERR, COD:1.. speculations about how those usages might have evolved. "True" comes from the same etymological root as "trust" and "trustworthy," and all these from the Indo-European root "deru" for "tree," suggesting uprightness and reliability generally. There are not only true statements but

that make our statements true and to which they correspond when they are true, I will also defend (a version of) the correspondence theory of truth (Chapter 9). The last three chapters, therefore, are concerned with defending certain general assumptions about reality, representation, knowledge, and truth. Some of the questions I am trying to answer in chapters, therefore, are concerned with defending certain general assumptions about reality, representation, knowledge, and truth. Some of the questions I am trying to answer in the main argument of the book (Chapters 1-6) are, How can there be an objective reality that exists in part by human agreement? For example,

Truth and Correspondence 215 picture generated by disquotation is that there is no property of truth at all: "Snow is white" is true iff snow is white. "Grass is green" is true iff grass is green, and so on for every indicative sentence . On this view, there is no common property of truth, nothing in common is white" and "Grass is green" in virtue of which they are both true. I want to call attention to what a wildly counterintuitive result this is. Most philosophers would not think of saying about other sorts of formal terms such as number words, e.g., "two," or formal evaluative terms, e.g., "good," that nothing whatever can be said about what they mean other than that certain purely syntactical constraints are imposed on their application. But many philosophers are content to adopt redundancy or deflationary conceptions of truth. They claim there is nothing whatever in common to ..ERR, COD:1..

that is, you need to be able to distinguish among "Leave the room!," an order, "Will you leave the room?," a question, and "You will leave the room," a prediction. These are three different speech acts with three different illocutionary forces, but all contain the same propositional content: that you will leave the ..ERR, COD:1.. and "You will leave the room," a prediction. These are three different speech acts with three different illocutionary forces, but all contain the same propositional content: that you will leave the room. Because the different illocutionary forces relate the propositional content

other side of statements, a word for "action" is not enough and even words for "object" and "event" will not be enough. Why not? Because the disquotation criterion for success in achieving fit requires that the conditions on the world side of the word-to-world fit be specified by using a syntactical form appropriate for expressing whole propositions. In short, you need a word for "fact." You need a word for the nonlinguistic correlate of the statement in virtue of which, or because of which, the statement is true, and that word must take syntactic completions appropriate to match statements; they must have a form like "the fact that. . . ," where what follows the "that" is just the expression of the propositional content of the statement. Facts don't need statements in order to exist, but statements need facts in order to be true. So now in your invented language you have words for "true," "statements," and "fact." It would be nice to have a general verb to describe the relations between them, a verb that was neutral about all the specific forms of statements and the variety of ways in which true statements relate to facts. About as general and empty a verb for this as you can come up with in English is "correspond ," so it would be useful to have a word equivalent to this, and you can then state the definitional relations between these notions by saying something equivalent to

Truth and Correspondence 219 Statements are true if and only if they correspond to the facts. I believe that this thought experiment, though it leaves out many complexities, describes the situation we are actually in with our use of the words "true," "statement," and "fact." Summary and Conclusion I will now draw together the various threads of this discussion. I want to summarize the foregoing in a way that will explain some of the methodological features of the earlier chapters. 1. "True" is the adjective for assessing statements (as well as, e.g., beliefs, that like statements have the mind-to-world or word- to-world direction of fit). Statements are assessed as true when they are trustworthy, i.e., when the way they represent things as being is the way that things really are. 2. The criterion of reliability is given by disquotation. This makes it look as if "true" is redundant, but it is not. We need a metalinguistic predicate for assessing success in achieving the word-to-world direction of fit, and that term is "true." 3. The assignment of "true" to statements is not arbitrary. In general, statements are true in virtue of conditions in the world that are not parts of the statement. Statements are made true by how things are in the world that is independent of the statement. We need general terms to name these how-things-are-in-the- world, and "fact" is one such term. Others are "situation" and "state of affairs." 4. Because statements determine their own truth conditions and because the term "fact" refers to that in virtue of which statements are true, the canonical way to specify the fact is the same as the way to specify the statement, by stating it. This specification requires a whole clause; hence, both statements and facts are

220 The Construction of Social Reality specified propositionally, "the fact that. . ." and "the statement that . . . ," but facts are not thereby linguistic in nature. 5. Because the identity of the fact is dependent on the specific features of the fact being the same as those specified by the corresponding statement and in virtue of which the corresponding statement is true, it is false to suppose that the context "the fact that p" must preserve identity of reference under substitution of logically equivalent sentences for p. For further discussion of this point, see the Appendix to this chapter. 6. What about the substitution of coreferring expressions? In some cases, substitution of coreferring expressions can preserve identity of fact. Because Tully was identical with Cicero, then intuitively , the fact that Tul ly was an orator is the very same fact as the fact that Cicero was an orator. Why? Because exactly the same state of affairs in the world makes each statement true, and "fact" is defined as that which makes a statement true. But in general, substitution of coreferring definite descriptions does not yield reference to the same fact. Intuitively, the fact that Tully was an orator is a different fact from the fact that the man who denounced Catiline was an orator, even though Tully is the man who denounced Catiline. Why? Because the latter fact requires that someone have denounced Catiline for its existence, and the existence of the former fact has no such requirement. 7. Facts are not the same as true statements. There are several ways to demonstrate this. Here are two. First it makes sense to speak of facts functioning causally in a way it does not make sense to speak of true statements functioning causally. Second, the relation of a fact to statements is one-many since the same fact may be stated by different statements. For example, the same fact is stated by "Cicero was an orator" and "Tully was an orator."

The General Theory of Institutional Facts (Part I) 81 the italicized expressions in the previous sentence express institutional concepts, and the facts reported all presuppose systems of constitutive rules operating through time. To develop the analysis further, let us try to tell a story about marriage and property analogous to the one we told about money. Such institutions originate in the sheer physical and intentional facts involved in cohabitation and physical possession, respectively . Property begins with the idea that I have got this, it is mine. Marriage begins with people simply living with each other, and in the case of monogamous marriage, having a sexual monopoly on each other. Why are we not satisfied with these arrangements? Why is it not enough that I possess this in the sense that I have physical control over it and why is it not enough that we just live together? Well, for some people and perhaps for some simple societies it is enough; but many of us think we are better off if there is a system of collectively recognized rights, responsibilities, duties , obligations, and powers added onto--and in the end able to substitute for-brute physical possession and cohabitation. For one thing, we can have a much more stable system of expectations if we add this deontic apparatus; for another, we don't have to rely on brute physical force to sustain the arrangements; and for a third, we can maintain the arrangements even in the absence of the original physical setup. For example, people can remain married even though they have not lived with each other foryears, and they way away from them. Whatever the advantages and disadvantages, the logically more primitive arrangements have evolved into institutional structures with collectively recognized status-functions. Just as in the case of money, we have imposed, by collective intentionality, new status- functions on things that cannot perform those functions without that collective imposition. However, one sp! ecial fe ature of these cases is that often the function is imposed by way of performing explicit speech acts. In such cases the speech act itself is an instance of a status-function imposed on a status-function; and it is ..ERR, COD:1.. identical with Diogenes and snow is white)." ("Logical equivalence" is a technical term. Two statements are logically equivalent iff they have the same truth value in every model. On this definition there exists a semantics for definite descriptions according to which

the fact that grass is green. But this result would show that for any two true statements, the first corresponds to the fact stated by the second. Any two true statements can be stuck in for "Snow is white" and "Grass is green" to show that any true statement corresponds to any and all facts. Therefore the notion of correspondence is empty and the correspondence theory of truth has been refuted. What are we to make of this argument? I think it is implausible and the most that such an argument shows is the falsity of its presuppositions . 15 In this case, it seems to me the most the argument could show is the falsity of assumption 2b,, that logically equivalent sentences can be substituted salva veritate in contexts such as Step 1. Quite apart from this example, 2b has counterintuitive consequences . For example, according to 2b, from the fact that the statement that (snow is white) corresponds to the fact that (snow is white), ..ERR, COD:1..

226 The Construction of Social Reality completely extensional with respect to substitutability of coreferring expressions for "X" and "Y" The problem is with the nonextensionalitiy of the expression "the fact that b." That expression does not preserve sameness of reference under substitution of logically equivalent sentences. But why should it? Why should facts about snow be identical with, be the very same facts as, facts about Diogenes or anybody else? Where the fact that snow is white is concerned, Diogenes has nothing to do with it. Intuitively the idea that those two facts are really the same seems out of the question. I conclude that the slingshot argument does not refute the correspondence theory.

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228 Conclusion ing terms between biology and culture are, not surprisingly, consciousness and intentionality. What is special about culture is the manifestation of collective intentionality and, in particular, the collective assignment of functions to phenomena where the function cannot be performed solely in virtue of the sheer physical features of the phenomena. From dollar bills to cathedrals, and from football games to nation-states, we are constantly encountering new social facts where the facts exceed the physical features of the underlying physical reality. However, though there is a continuum from the chemistry of neurotransmitters such as seretonin and norepinephrine to the content of such mental states as believing that Proust is a better novelist than Balzac, mental states are distinguished from other physical phenomena ire that they are either conscious or potentially so. Where there is no accessibility to consciousness, at least in principle, there are no mental states. Similarly, though there is a continuity in collective behavior between lions attacking a hyena and the Supreme Court making a constitutional decision, institutional structures have a special feature, namely, symbolism. The biological capacity to make something symbolize-or mean, or express-something beyond itself is the basic capacity that underlies not only language but all other forms of institutional reality as well. Language is itself an institutional structure because it involves the imposition of a special kind of function on brute physical entities that have no natural relation to that function. Certain sorts of sounds or marks count as words and sentences, and certain sorts of utterances count as speech acts. The agentive function is that of representin& in one or other of the possible speech act modes, objects and states of affairs in the world. Agents who can do this collectively have the fundamental precondition of all other institutional structures: Money, property, marriage,! governm ent , and universities all exist by forms of human agreement that essentially involve the capacity to symbolize.

in the Philosophy ó f Mind, especially chap. 6. 6. I discuss some of these in John R. Searle, "Collective Intentions and Actions," in Intentions in Communication, P. Cohen, J. Morgan , and M. E. Pollack, eds. Cambridge, Mass.: Bradford Books, MIT Press, 1990). 7. 1 do not wish to suggest that my views are uncontroversial or unchallenged . There arc several other powerful conceptions of collective intentionality. See especially M. Gilbert, On Social Facts (London: Routledge, _1989); M. Bratman, "Shared Cooperative Activity ," Philosophical Review 101, no. 2 (1992), 327-41; and R. Tuomela and K. Miller, "We-intentions," Philosophical Studies 53 (1988), 367-89. 8. Searle, Speech Acts. 9. A related distinction was introduced by J. Rawls, "Two Concepts of Rules," Philosophical Review 64 (1955). 10. E.g., Anthony Giddens, The Constitution of Society: Outline of the Theory of Structuration (Berkeley: University of California Press, 1984), pp. 19ff. Chapter 2. Creating Institutional Facts 1. John R. Searle, Expression and Meaning: Studies in the Theory of .Speech Acts (Cambridge and New York: Cambridge University Press, 1979), chap. 1. 2. I attempt to explain the relationship between the individual component and the collective component of collective intentionality ..ERR, COD:3..

Endnotes Endnotes 231 More recently, E. O. Wilson writes, "Tool using occurs sporadically among the species of higher primates, mostly to a degree no greater than in other vertebrate groups. However the chimpanzee has a repertory so rich and sophisticated that the species stands qualitatively above all other animals and well up the scale toward man." Sociobiology: The New Synthesis (Cambridge, Mass.: Harvard University Press, 1975), p. 73. 4. Werner Kummer, Primate Societies (Chicago: Aldine, 1971), p. 118. 5. This situation, by the way, still exists with British currency. On the British twenty pound note it says, "I promise to pay the bearer on demand the sum of twenty pounds." It is signed by the chief cashier of the Bank of England. 6. I will use the expressions "X term," "Y term," and "C term" to refer indifferently either to the actual entities that are the values of these three variables or to the verbal expressions that we substitute for the expressions "X," "Y," and "C." I realize that there is always a danger of a use-mention confusion, but I believe the context will make it clear whether I am referring to an expression or to an entity referred to by that expression. In cases where there might be a confusion, I will make the distinction explicit by using, for example, the distinction between "the X expression" and "the X element." The first of these will refer to an expression; the second will refer to an actual entity. Chapter 3. Language and Social Reality 1. Donald M. Broom, The Biology of Behavior: Mechanisms, Functions and Applications (Cambridge: Cambridge University Press, 1981), p. 196-197 Chapter 4: The General Theory of Institutional Facts Part I: Iteration, Interaction, and Logical Structure 1. For extended further discussion see John R. Searle, Speech Acts: An Essay in the Philosophy of Language (Cambridge: Cambridge

Endnotes 233 3. Quoted by N. Goodman, Of Mind and Other Matters (Cambridge, Mass.: Harvard University Press, 1984), p. 36. 4. H. R. Maturana, F. J. Varela, Autopoiesis and Cognition, The Realization of the Living (Dordrecht: D. Reidel, 1980). 5. Terry Winograd, "Three Responses to Situation Theory," Center for the Study of Language and Information, Report No. CSLI-87- 106, 1987, and Terry Winograd and Fernando Flores, Understanding Computers and Cognition (Norewood, N.J.: Ablex, 1986), chap. 5. 6. G. Levine, "Looking for the Real: Epistemology in Science and Culture," in G. Levine, ed., Realism and Representation: Essays on the Problem of Realism in Relation to Science, Literature and Culture , (Madison: University of Wisconsin Press, 1993), p. 13. 7. J. Derrida, Limited Inc. (Evanston, Ill.: Northwestern University Press, 1988), p. 136. 8. Putnam, Realism with a Human Face, p. 96ff. H. Putnam, The Many Faces of Realism (LaSalle, Ill.: Open Court, 1987), p. 18ff. 9. N. Goodman, Of Mind and Other Matters, p. 36. 10. Putnam, Reason, Truth and History (Cambridge: Cambridge University Press, 1981), p. xi. The phrase is repeated in The Many Faces of Realism, p. 1. 11. Ludwig Wittgenstein, Philosophical Investigations, (Oxford: Basil Blackwell, 1953), part. 1, para. 464 (my translation). 12. 1 apologize for the brevity of this discussion. I have discussed these same issues in greater detail in chap. 2 of Intentionality. For the best argument against the sense datum theory, see J. L. Austin, Sense and Sensibilia (New York: Oxford University Press, 1962). 13. Ludwig Wittgenstein, Tractatus Logico-Philosophicus (London: Routledge and Kegan Paul, 1922). Chapter 8. Does the Real World Exist? Part IL Could There Be a Proof of External Realism? 1. Putnam, attacking realism, describes it as the view that "Truth is supposed to be radically nonepisternic." Meaning and the Moral

234 Endnotes Sciences, London: Routledge &, Kegan Paul, 1978, p. 125. But realism is the claim that reality is radically nonepistemic. And if it should turn out that the concept of "truth" is not radically nonepistemic, then we should simply have to get another concept that was, for we need a nonepistemic term to describe the correspondence between our statements and the radically non- epistemic real world. Chapter 9. Truth and Correspondence 1. t have to say "in general" because, for example, some statements are self-referential, e.g., "This sentence is in English." 2. It is related to, but not the same as, Tarski's Convention T. See Alfred Tarski, "Der Wahrheitsbegriff in den formalisierten Sprachen," Studia Philosophica (1935) 261-405; translated as "The Concept of Truth in Formalized Languages" in Alfred Tarski, Logic, Semantics, Metamathematics (Oxford: Clarendon Press, 1956). 3. J. L. Austin, "Truth," and P. F. Strawson, "Truth," Proceedings of the Aristotelian Society 34 (1950). Reprinted in Pitcher, ed., Truth (Englewood Cliffs: N.J.: Prentice Hall, 1964). 4. Strawson, in Pitcher, Truth, p. 32. 5. Ibid., p. 40, italics in the original. 6. Ludwig Wittgenstein, Tractatus Logico-Philosophicus (London: Routledge and Kegan Paul, 1922). 7. Strawson, in Pitcher, Truth, p. 38. 8. Op. cit., p. 41 9. "What is a fact? A fact is a thought that is true." Gottlob Frege, "The Thought," in. P. F. Strawson, ed., Philosophical Logic (Oxford: Oxford University Press, 1967), p. 35. 10. Strawson, in Pitcher, Truth, p. 38. 11. Such statements can no doubt be paraphrased in ways that do not mention facts, but that is beside the point. The point here is ..ERR, COD:1..

Endnotes 235 that they make sense in a way that attributing causal powers to statements does not. 12. For examples of these views, see F. P. Ramsey, "Facts and Propositions ," Proceedings of the Aristotelian Society supp. vol. 7 (1927), reprinted in Pitcher, ed., Truth; P. Horwich, Truth (Oxford: Basil Blackwell, 1990), and W V O. Quine, Pursuit of Truth, rev. ed. (Cambridge, Mass.: Harvard University Press, 1992). 13. For more on this distinction, see J. R. Searle, Intentionality (Cambridge and New York: Cambridge University Press, 1983), p. 13. 14. Here is the entire argument as stated by Davidson: The principles are these: if a statement corresponds to the fact described by an expression of the form 'the fact that p', then it corresponds to the fact described by 'the fact that q' provided either (1) the sentences that replace 'p' and 'q' are logically equivalent, or (2) 'p' differs from 'q' only in that a singular term has been replaced by a coextensive singular term. The confirming argument is this. Let's' abbreviate some true sentence. Then surely the statement that s corresponds to the fact that t, where 's' and 't' are any true sentences. Inquiries into Truth and Interpretation (Oxford: Clarendon Press, 1984), p. 42. 15. There are a number of criticisms of the slingshot argument. I believe the one closest in spirit to mine is in J. Barwise and J. Perry, Situations and Attitudes (Cambridge, Mass.: MIT Press, 1983).

is no opposition between culture and biology; culture is the form that biology takes. There could not be an opposition between culture and biology, because if there were, biology would always win. Different cultures are different forms that an underlying biological substructure can be manifested in. But if that is right, then there ought to be a more or less continuous story that goes from an ontology of biology to an ontology that includes cultural and institutional forms; there should not be any radical break. The thesis I have been arguing is that there is no radical break. The connect- 22

Endnotes Chapter 1. The Building Blocks of Social Reality 1. J. R. Searle, "What Is a Speech Act," in Black, Max ed. Philosophy in America (Ithaca, N.Y: Cornell University Press, London: Allen N. Unwin, 1965); and J. R. Searle, Speech Acts, An essay in the Philosophy of Language, (New York: Cambridge University Press, 1969) The notion of "brute fact" in this sense is due to G.E.M. Anscombe, "On Brute Facts," Analysis 18, no. 3 (1958). 2. For an argument for the last two claims, i.e., that the notion of deep unconscious rule following is incoherent and that computation is observer-relative, see John R. Searle, The Rediscovery of the Mind (Cambridge, Mass., London: MIT Press, 1992), chaps. 7 and 9, respectively. 3. L. Wright, "Functions" in The Philosophical Review 82, no. 2 (April 1973), 137-68. See also P. Achinstein, "Functional Explanation" in The Nature of Explanation (New York: Oxford University Press 1983), pp. 263-90. 229

232 Endnotes University Press, 1969), and John R. Searle, Expression and Meaning . Studies in the Theory of Speech Acts (Cambridge: Cambridge University Press, 1979). Chapter 6. Background Abilities and the Explanation of Social Phenomena 1. N. Chomsky, Reflections on Language (New York: Pantheon, 1975). 2. J. A. Fodor, The Language of Thought (New York: Crowell, 1975). 3. For further discussion, see John R. Searle, The Rediscovery of the Mind, (Cambridge, Mass.: MIT Press, Cambridge MA and London , 1992), chap. 7. 4. John R. Searle, Intentionality., An Essay in the Philosophy of Mind (New York: Cambridge University Press, 1983), and op. cit. supra. 5. Searle, The Rediscovery of the Mind, chap. 7. 6. The example, I believe, is originally due to Robyn Carston, "Implicature , Explicature and Truth-Theoretic Semantics," in S. Davis, ed., Pragmatics: A Reader (Oxford: Oxford University Press, 1991), pp. 33-51. 7. Ludwig Wittgenstein, Philosophical Investigations (Oxford: Basil Blackwell, 1953), part 11, sec. xi. 8. Ibid., part 1, para. 201. 9. Ibid., Part 1, para. 324ff and passim. 10. Daniel Dennett, The Intentional Stance (Cambridge, Mass.: MIT Press, 1987). Chapter 7. Does the Real World Exist? Part I: Attacks on Realism 1. An example of a realist philosopher who rejects the correspondence theory is Peter Strawson. See his "Truth" Proceedings of the Aristotelian Society, supplementary volume 24 (1950). 2. H. Putnam, Realism With a Human Face (Cambridge, Mass.: Harvard University Press, 1990), p. 23.

Conclusion One way to taxonomy is no simple task because several different and crisscrossing distinctions need to be recognized. With some hesitation, I provide a simplified version of the hierarchical relations between the different types of fact in Figure 5.1. Our original distinction between brute and institutional facts Figure 5.1 Hierarchical Taxonomy of (Certain Types of) Facts Facts Brute Physical Facts ------> (There is snow on Mt. Everest) Intentional (I want a drink of water) Mental Facts (I am in pain) Singular (I want a drink of water) Nonintentional (I am in pain) Collective=Social Facts (The hyenas are hunting a lion) Assignment of Function" (The heart functions to pump blood) Nonagentive Functions (The heart functions to pump blood) All Others (The hyenas are hunting a lion) Agentive Functions (This is screwdriver) Casual Agentive Functions (This is a screwdriver) Status Functions=Institutional Facts (This is money) Linguistic (That is a promise) Nonlinguistic (This is money) Functions are always ultimately assigned to brute phenomena, hence the line from the Assignment of Function to Brute Physical Facts.

Conclusion One way to get at the underlying thrust of what I have been arguing in this book is this: On my view the traditional opposition that we tend to make between biology and culture is as misguided as the traditional opposition between body and mind. Just as mental states are higher-level features of our nervous system, and consequently there is no opposition between the mental and the physical , the mental is simply a set of physical features of the brain at a higher level of description than that of neurons; so there is no opposition between culture and biology; culture is the form that biology takes. There could not be an opposition between culture and biology, because if there were, biology would always win. Different cultures are different forms that an underlying biological substructure can be manifested in. But if that is right, then there ought to be a more or less continuous story that goes from an ontology of biology to an ontology that includes cultural and institutional forms; there should not be any radical break. The thesis I have been arguing is that there is no radical break. The connect- 227

in the Philosophy ó f Mind, especially chap. 6. 6. I discuss some of these in John R. Searle, "Collective Intentions and Actions," in Intentions in Communication, P. Cohen, J. Morgan , and M. E. Pollack, eds. Cambridge, Mass.: Bradford Books, MIT Press, 1990). 7. 1 do not wish to suggest that my views are uncontroversial or unchallenged . There arc several other powerful conceptions of collective intentionality. See especially M. Gilbert, On Social Facts (London: Routledge, _1989); M. Bratman, "Shared Cooperative Activity ," Philosophical Review 101, no. 2 (1992), 327-41; and R. Tuomela and K. Miller, "We-intentions," Philosophical Studies 53 (1988), 367-89. 8. Searle, Speech Acts. 9. A related distinction was introduced by J. Rawls, "Two Concepts of Rules," Philosophical Review 64 (1955). 10. E.g., Anthony Giddens, The Constitution of Society: Outline of the Theory of Structuration (Berkeley: University of California Press, 1984), pp. 19ff. Chapter 2. Creating Institutional Facts 1. John R. Searle, Expression and Meaning: Studies in the Theory of .Speech Acts (Cambridge and New York: Cambridge University Press, 1979), chap. 1. 2. I attempt to explain the relationship between the individual component and the collective component of collective intentionality in John R. Searle, "Collective Intentions and Actions," in Intentions in Communication, P. ..ERR, COD:3..

Introduction xiii idea that there is a real world independent of our thought and talk, and to defending the correspondence conception of truth, the idea that our true statements are typically made true by how things are in the real world that exists independently of the statements . I think that realism and a correspondence conception are essential presuppositions of any sane philosophy, not to mention of any science, and I wanted to make clear some of my reasons for thinking so. But what was originally intended as fairly short introductory material developed a life of its own, as is usually the case with such large philosophical questions. When the first chapter grew to three I decided to move all of this material to the back of the book, lest it overbalance my main argument. Chapters 7 and 8 are discussions of realism, Chapter 9 is a defense of a version of the correspondence conception of truth.

Creating Institutional Facts 47 tuses that can be assigned by the Y term, therefore, are seriously limited by the possibilities of having functions where the performance of the function contains an element that can be guaranteed simply by collective agreement or acceptance. This is, perhaps, the most mysterious feature of institutional facts, and I will have a good deal to say about it later. THIRD, the process of the creation of institutional facts may proceed without the participants being conscious that it is happening according to this form. The evolution may be such that the participants think, e.g., "I can exchange this for gold," "This is valuable," or even simply "This is money." They need not think, "We are collectively imposing a value on something that we do not regard as valuable because the relation of the X and Y terms in the structure where we simply count X things as Y things. In our toughest metaphysical moods we want to ask "But is an X really a Y?" For example, are these bits of paper really money? Is this piece of land really somebody's private property ? Is making certain noises in a ceremony really getting married ? Even, is making noises through the mouth really making a statement or a promise? Surely when you get down to brass tacks, these are not real facts. We do not have this sense of giddiness where the agentive function is performed entirely in virtue of physical features. Thus, we do not have any metaphysical doubts about whether or not this is really a screwdriver, or this is really a car, because the sheer physical features of the objects in question enable them to function as screwdrivers or cars. At this point I am simply describing the structure whereby institutional reality actually works in real human societies. Because this step is crucial for my argument, I will go through it slowly, using the example of U.S. paper money; and since I hope to be able to generalize certain features of the in the United States and Europe . We ofte! n hear h ow dreadful contemporary intellectual life is, but I have to say from my own experience that one of the great pleasures of the present era is that one can go just about anywhere in the world and lecture, in English, to audiences that are sympathetic, intelligent, helpful and sophisticated in analytic philosophy . I cannot exaggerate the extent to which I have benefited from the comments of students, friends, colleagues, and total strangers. I really can't thank all of the people who made helpful comments, simply because I do not remember all of them. Among those I do remember, I am especially grateful to Pierre Bourdieu, Herman Capellen, Hubert Dreyfus, Gilbert Harman,

xii Introduction these particles are organized into systems that are conscious biological beasts, such as ourselves? Because these questions concern what might be thought of as problems in the foundations of the social sciences, one might suppose that they would have been addressed and solved already in the various social sciences, and in particular by the great founders of the social sciences in the nineteenth century and the early parts of the twentieth century. I am certainly no expert on this literature, but as far as I can tell, the questions I am addressing in this book have not been satisfactorily answered in the social sciences. We are much in debt to the great philosopher- sociologists of the nineteenth and early twentieth centuries-one thinks especially of Weber, Simmel, and Durkheim-but from such acquaintance with their works as I have, it seems to me that they were not in a position to answer the questions that puzzle me, because they did not have the necessary tools. That is, through no fault of their own, they lacked an adequate theory of speech acts, of performatives, of intentionality, of collective intentionality , of rule-governed behavior, etc. This book is an attempt to answer a set of traditional questions using resources that I and others have developed while working on other related questions. A word about the organization of the book. The main argument is in the first half, Chapters 1 through 5. In these chapters I attempt to develop a general theory of the ontology of social facts and social institutions. The main question is, How do we construct an objective social reality? I apologize for a certain amount of repetition in these chapters, but in the nature of the case I was forced to go over and over the same ground to try to make sure I was getting it right. In Chapter 6 I try to locate the explanatory force of the constitutive rules of human instititions, given the puzzling fact that the agents in question are typically unconscious of the! rules. To do that I have to explain my notion of the "Background " of nonconscious nonrepresentational capacities and abilities that enable us to cope with the world. In early drafts of the book I devoted an initial chapter to defending realism, the

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Introduction We live in exactly one world, not two or three or seventeen. As far as we currently know, the most fundamental features of that world are as described by physics, chemistry, and the other natural sciences. But the existence of phenomena that are not in any obvious way physical or chemical gives rise to puzzlement. How, for example, can there be states of consciousness or meaningful speech acts as parts of the physical world? Many of the philosophical problems that most interest me have to do with how the various parts of the world relate to each other-how does it all hang together?-and much of my work in philosophy has been addressed to these questions. The theory of speech acts is in part an attempt to answer the question, How does a mental reality, a world of consciousness, intentionality, and other mental phenomena, fit into a world consisting entirely of physical particles in fields of force? This book extends the investigation to social reality: How can there be an objective world of money, property, marriage, governments, elections, football games, cocktail parties and law courts in a world that consists entirely of physical particles in fields of force, and in which some of

PHILOSOPHY In The Construciton of Social Reality, eminent philosopher John Searle examines the structure of social reality (or those portions of the world that are facts only by human agreement, such as money, marriage, property, and government), and contrasts it to a brute reality that is independent of human agreement. Searle shows that brute reality provides the indisputable foundation for all social reality, and that social reality, while very real, is maintained by nothing more than custom and habit. PRAISE FOR THE CONSTRUCTION OF SOCIAL REALITY "Bursting with plain and necessary right-headedness . . . All this is explained with Searle's customary clarity and straightforwardness. The prose is spiky and simple. No stone is left unkicked. Polemical arrows thud into soft targets." -THE NEW REPUBLIC "Philosophy at its best, however, still labors to get our thinking back into relationship with reality or `being,' and Mr. Searle's book is a worthy contribution to this impor- tant endeavor." F Fp THE FREE PRESS -THE WASHINGTON TIMES JOHN R. SEARLE -is the Mills Professor of Philosophy at the University of California, Berkeley. Among his books are Speech Acts, Evpression and Meaning, The Campus War IntentionalitY, The Rediscovery of the Mind, and Minds, Brains and Science, based on his acclaimed series of Reith Lectures. ~~1~ I~l.fllll Cover painting:Henri Matisse. Dance (First Version), Paris (1909), courtesy of the Museum of Modern Art. New York. Gift of Nelson A. Rockefeller in Honor of Alfred H. Barr. Jr. Author photograph by Ann Selders 01970000

Introduction We live in exactly one world, not two or three or seventeen. As far as we currently know, the most fundamental features of that world are as described by physics, chemistry, and the other natural sciences. But the existence of phenomena that are not in any obvious way physical or chemical gives rise to puzzlement. How, for example, can there be states of consciousness or meaningful speech acts as parts of the physical world? Many of the philosophical problems that most interest me have to do with how the various parts of the world relate to each other-how does it all hang together?-and much of my work in philosophy has been addressed to these questions. The theory of speech acts is in part an attempt to answer the question, How do we get from the physics of utterances to meaningful speech acts performed by speakers and writers? The theory of the mind I have attempted to develop is in large part an attempt to answer the question, How does a mental reality, a world of consciousness, intentionality, and other mental phenomena, fit into a world consisting entirely of physical particles in fields of force? This book extends the investigation to social reality: How can there be an objective world of money, property, marriage, governments, elections, football games, cocktail parties and law courts in a world that consists entirely of physical particles in fields of force, and in which some of

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