Power and Social Ontology

Åsa Andersson

Åsa Andersson

Power and Social Ontology

BOKBOX PUBLICATIONS

First published April 2007
Production Infografen/Desktop, Malmö
Cover design Åsa Andersson, Kjell E. Eriksson & Lena Halldenius
Printed by MediaTryck, Lund 2007
ISBN 978–91–86980–39–9

Bokbox Publications
S:a Förstadsgatan 88b
SE–214 20 Malmö

bokbox@infografen.com | www.bokbox.se

Contents

Acknowledgements

This dissertation began its life one special Christmas, quite some time ago, when I stumbled on a book on the history of philosophy. I was immediately intrigued, and I have continued to be ever since. The reason why this dissertation turned out to be about social ontology is an inspiring course on this subject taught by John Searle. The topic fascinated me, and I am grateful to John Searle for illuminating and inspiring discussions about social ontology, and for central comments on individual chapters.

Three people have been crucial in giving this dissertation its particular shape, and I wish to thank my excellent advisors Lena Halldenius, Johan Brännmark, and Wlodek Rabinowicz for all their help. Every meeting with Lena moved the project forward due to her always central and constructive comments, and remarkable ability for seeing the big picture. Johan's great philosophical knowledge and useful suggestions on how to solve particular philosophical problems pertaining to my arguments have been an important resource as well. Wlodek's careful and detailed comments helped me avoid many philosophical mistakes, and significantly improved the text. I would also like to thank Wlodek for organizing the higher seminar in philosophy at Lund University and for encouraging me to present my chapters there.

Thanks go to the participants in this seminar for the time and effort they put into commenting on my texts: David Alm, David Bengtsson, Dan Egonsson, Ylva von Gerber, Victoria Höög, Magnus Jiborn,

Mats Johansson, Martin Jönsson, Andreas Lind, Björn Petersson, Toni Rønnow-Rasmussen, Caj Strandberg, Daniel Svensson, and other occasional participants.

My stay at the University of California, Berkeley was made possible by an invitation from Cathryn Carson at *The Office for History of Science and Technology* and a generous grant from the Fulbright Commission. Thanks to Cathryn, Diana Wear and the OHST community for inviting me back to Berkeley and for providing such a warm and welcoming atmosphere!

At Berkeley I was fortunate to meet Beatrice Sasha Kobow and together we initiated *The Berkeley Social Ontology Group*. I wish to thank the members of this group, Ben Boudreaux, Anders Hedman, Mahdi Gad, Jennifer Hudin, Beatrice Sasha Kobow, Andrew Moisey, John Searle, and Ásta Sveinsdóttir, for interesting discussions and valuable comments.

Some of these chapters were presented at conferences, e.g. *First CPNSS/LSE Graduate Conference on Philosophy of Social Science* and *Collective Intentionality V*, and the participants at these occasions provided helpful suggestions and interesting debates. This conference participation, among other things, was made possible by financial support from the following foundations: Crafoordska stiftelsen, Dagmar Perssons fond, Erik och Gurli Hultengrens fond för filosofi, Fredrika Bremer förbundet, Kungliga Vetenskapsakademien, Makarna Fornanders fond, Stiftelsen Fil dr. Uno Otterstedts fond, och Stiftelsen Lars Hiertas Minne.

I have met other inspiring people along the way. Amie L. Thomasson provided valuable comments on individual chapters and inspiring discussions about social ontology, and Dorothy Duff Brown gave excellent practical advice on how to write a dissertation. My editors, Kjell E. Eriksson and Lena Halldenius deserve special mentioning for proof reading, improving upon the language, and for turning this into a book!

Writing a dissertation has certain unforeseen "side-effects". One of the best was experiencing life in California and meeting new friends there. The only side-effect able to compete, and win, was meeting Tina. Tina, thanks for the philosophical discussions, your support, and for the fun we have had together during my breaks from dissertation writing!

My last thank you goes to my parents Ann-Marie and Per-Åke Andersson, not only for giving me that special book on Christmas Eve a long time ago, but most importantly for always encouraging and supporting me and my different projects, including this project which has now come to an end.

Malmö, March 2007
Åsa

CHAPTER 1

Introduction: Social power

It was a cold and foggy morning in winter when the king of France met his death. At 10:22 A.M. on 21 January 1793, the executioner dropped the guillotine's blade on the neck of Louis Capet, the former Louis XVI … The recently installed guillotine had been designed as the great equalizer; with it, every death would be the same, virtually automatic, presumably painless. The deputies hoped that killing Louis in this way, they would prove 'that great truth which the prejudices of so many centuries had stifled; today we have just convinced ourselves that *a king is only a man* and that no man is above the laws.' In these few words, the newspaper writer captured the meaning of the event in the most accessible terms: the French killed the king in order to *convince themselves* that the king was only a man like other men, that *the magic of kingship* which had been so powerful during so many centuries could be *effaced*. 'Capet is no longer! Peoples of Europe! Peoples of the world! Look carefully at *the thrones* and you will see that they are *nothing but dust*.'[1]

1 Lynn Hunt, *The Family Romance of the French Revolution* (London: Routledge, 1992), p. 1. (My italics).

Are the thrones nothing but dust? What kind of magic is involved in someone being the president, the prime minister or a king? What is the nature of the king's power, and how could it suddenly be effaced?

The problems of social ontology

Recently, a number of philosophers in the analytic tradition have begun to shift attention from the natural world towards social reality to answer questions like these.[2] The general topic is the metaphysics of the social world, for instance the nature of events like the French Revolution, entities like nations and peoples, and institutions such as monarchy and private property. The main question is: What is the nature and structure of social and institutional reality?

A number of questions are related to this topic: What *is* an institutional fact, e.g. the fact that Louis XVI was the king of France before the French Revolution? How are social and institutional facts possible? In what sense do social facts exist? How do we construct an objective social reality? Which are the basic building blocks of social reality? Is there a principle underlying all institutional reality? Which are the social phenomena? What is the nature of collective action? Can we discover social facts? How do social facts fit into our theory of the natural world?

These questions form the subject matter of social ontology. The theories by John Searle, Margaret Gilbert, Raimo Tuomela, Eerik Lagerspetz and others developed to answer these questions, have vastly improved our understanding of institutions, institutional facts, and other social phenomena, that is, phenomena we encounter, engage in, and are surrounded by on an everyday basis.

2 Margaret Gilbert, *On Social Facts* (Princeton: Princeton University Press, 1992), Eerik Lagerspetz, *Opposite Mirrors: An Essay on the Conventionalist Theory of Institutions* (Dordrecht: Kluwer Academic Publishers, 1995), Philip Pettit, *The Common Mind: An Essay on Psychology, Society, and Politics* (New York: Oxford University Press, 1993), David-Hillel Ruben, *The Metaphysics of the Social World* (London: Routledge & Kegan, 1985), John R. Searle, *The Construction of Social Reality* (New York: The Free Press, 1995), Raimo Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View* (Cambridge: Cambridge University Press, 2002).

But there is a central social concept – power – which has not been given sufficient attention due to certain assumptions these theories share.

The purpose of this study

The main purpose of this study is to give an account of social power. I offer a new approach to the conceptual analysis of social power by combining insights from philosophical analyses of power with developments in social ontology.

Social power is dependent on the existence of various kinds of social phenomena, such as institutions and social structures, in order to exist. Consequently, a precise analysis of these social phenomena can improve our understanding of social power, and the different forms it takes. For instance, the notion "collective intentionality" is central in understanding the kind of power Louis XVI had prior to the French Revolution, and how his power could suddenly be effaced. This kind of power cannot exist without a sufficient number of people believing it to exist; their collective beliefs are *constitutive* of this kind of power. Collective intentionality is constitutive of institutions as well. So, from an individual's point of view, the institution of monarchy and the power which comes with it are impossible to efface. But from the perspective of the collective, institutions are fragile; if a sufficient number of people decide to overthrow the king, his power will be effaced and the institution of monarchy abolished.

Searle's theory offers an illuminating analysis of institutional facts – such as the fact that Louis XVI was the king of France before the French Revolution – and the kind of power inherent to institutional facts: "deontic power". This is the type of power Louis XVI possessed prior to the revolution. Deontic power works through the perceptions of (normative) reasons. Recognizing someone as being the king means recognizing this person as having certain rights and obligations, i.e. deontic powers. Deontic powers provide agents with reasons for action. This type of power imposes external constraints on agents in the form of rights and obligations, and it is necessarily visible, or transpar-

ent in the sense that it could not exist without our collective beliefs in its existence. Deontic power is a central form of social power.

But there are other forms of power in social reality. For example, *deontic power* is not the only kind of power providing agents with reasons for action; there is also "*telic power*". Related to our social roles are certain ideals, or standards that we want to live up to. So, deontic normativity concerns what we can demand of each other, while telic normativity concerns ideals that we try to live up to and others expect us to live up to. Both deontic normativity and telic normativity involves a coercive dimension in this sense. Some forms of power can be an *effect* of how we organize our institutions, rather than being *inherent* to institutions in the way deontic powers are. For instance, we can imagine that the way institutions were set up after the French Revolution changed the power balance of different groups, enabling some groups to have power over other groups. Furthermore, some types of power can exist without people knowing it exists; it is *opaque*, or invisible. This contrasts to kinds of deontic power, which is necessarily *transparent*. Opaque forms of power can work on agents' minds without their knowledge, shaping their preferences. This type of power works through the imposition of *internal*, rather than *external*, constraints.

To sum up, works in this field offer too narrow analyses, if any, of social power. My aim is to provide a broader account, an account which can capture other forms of social power than deontic, e.g. opaque forms of social power, telic power and power as the imposition of internal constraints. To do so, I need to extend the investigation to areas which have been neglected so far: second-order social phenomena such as social structures, opaque kinds of social facts, i.e. kinds of facts which the members of a society do not know about, and different types of normativity.[3]

3 I do not mean to imply that this critique applies to *all* social ontologists, but it does apply to the central books in this field such as Searle's *The Construction of Social Reality* and Tuomela's *The Philosophy of Social Practices*. Amie Thomasson points out the importance of opaque kinds of social facts, and the problem these types of social facts pose for Searle's theory. Amie L. Thomasson, "Foundations for a Social Ontology," *ProtoSociology* 18-19 (2003).

Central assumptions

In order to understand *why* social structures and social power have previously not been analyzed, it will be helpful to identify certain assumptions the main theories – John Searle's construction of social reality, Raimo Tuomela's collective acceptance account of sociality and Margaret Gilbert's plural subject theory – in this field share. There are some important differences between these theories, but most share certain assumptions about social phenomena: the self-referentiality of social concepts[4], collective intentionality as the basic building block, and a consensus-based and cooperative view of social phenomena.

First, social concepts, in contrast to concepts that describe the natural world, are self-referential. Searle writes:

> 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.[5]

The self-referentiality of social concepts means that for something (S) to be an institutional fact, it has to be regarded, or thought of, or used as S. This means that our beliefs are partly constitutive of the phenomena in question.

Second, collective intentionality is constitutive of many social phenomena such as social groups and institutions. On Gilbert's account, a certain number of people are a social group if and only if they view themselves as a "plural subject", which requires that they have a collective belief or intention. The collective belief comes prior to something

4 Barry Barnes, "Social Life as Bootstrapped Induction," *Sociology* 17, no. 4 (1983), Searle, *The Construction of Social Reality,* Tuomela, *The Philosophy of Social Practices*.

5 Searle, ibid., p. 32.

being a social group. On Tuomela's and Searle's account of institutions, the participants having collective intentionality, or a shared we-attitude in the we-mode in Tuomela's terminology, is necessary for the existence of social institutions. These phenomena are collective-belief dependent, i.e. institutions partly exist by virtue of collective beliefs in their existence. However, the debate on collective intentionality does not revolve around the different ways in which things can be dependent on collective beliefs, or whether it is plausible to understand social groups and institutions in terms of collective intentionality, but rather around how to analyze this particular notion.

Third, most works presuppose a cooperation model in the following sense: The *paradigmatic* social phenomena are viewed as cases of cooperation and consensus rather than conflict, contestation, and power, that is, a cooperative view of social phenomena is implicitly taken for granted. The focus is to a large extent on cooperation in a two-person case, or in a small group, such as lifting heavy tables or walking together.

These assumptions, taken together, have the consequence of making certain important areas of the social world invisible and neglected: The cooperative and consensus-oriented view presupposed means that social power, conflict and contestation are viewed as special cases and not given much attention. The self-referentiality of social concepts and the relatively narrow focus in the debate on collective intentionality mean that the social phenomena mostly discussed are phenomena which are self-referential in a direct way, and hence directly dependent on collective beliefs for their existence, while social phenomena dependent on collective intentionality, such as opaque kinds of social structures, in an *indirect* way are noted in passing, if at all. Consequently, social power and second-order social phenomena such as social structures are excluded from the discussion.

Enriching the field of social ontology

But are these phenomena necessarily excluded or can we extend the scope of these theories to account for other social phenomena as well?

The theories to be discussed in this book vastly improves our understanding of the social phenomena they are trying to explain, and provide important theoretical tools, or building blocks, which can be used in explaining other social phenomena, or so I will argue. My main aim is constructive: I regard these building blocks as promising in analyzing different kinds of social phenomena, and I try to extend their use to areas not only instrumental for an analysis of social power, but also central in improving our understanding of social reality.

In fact, developing an account of social power *requires* an investigation of second-order social phenomena and normativity: Opaque forms of social power presuppose the existence of *opaque social structures*, and an important form of social power works through the perception of *normative* reason.

My question is how second-order social phenomena, such as social structures and opaque kinds of social facts, i.e. phenomena not directly dependent on collective intentionality fit into this picture? I argue that the scope of Searle's theory is wider than previously acknowledged. Using the distinction between a macro-level and a micro-level, I argue that it can account for opaque social phenomena like inflation: opaque kinds of social facts (macro-phenomena) can be reduced to transparent institutional facts (micro-phenomena).

Normativity is another vital area for understanding social power and the social world. To explain agents' actions in a social setting, we need to understand their reasons for actions, and central reasons come from recognizing various institutional rights and obligations, i.e. deontic powers. But there are other types of normativity, besides deontic, in social reality, and I focus on two such kinds, telic and moral. These other types of normativity also provide agents with reasons for action and these reasons can conflict with reasons deriving from deontic powers.

This extends the investigation in the following sense: the kind of normativity discussed in social ontology so far is the kind which follows logically from accepting the constitutive rules of an institution. If there is an institution of promising, and you have made a promise, by definition you are now under an obligation to keep the promise. But we might also want to ask questions about the institution of promising or the institution of monarchy itself; can it be justified?

Can we explain moral normativity by the tools available in theories about social phenomena? Or can only the kind of normativity which follows logically from accepting the constitutive rules of institutions be assimilated? More generally, what conceptual space is there for a moral dimension within theories of the social world?[6] I apply the tools of social ontology to a new area – moral reality – and I examine the meta-ethical thesis that moral facts are a special kind of social facts.

A subsidiary aim is to enrich the field of social ontology by investigating central areas of the social world which have been neglected so far: normativity, second-order social phenomena such as social structures, and opaque kinds of social facts. I suggest that the concepts used in analyzing some social phenomena such as institutions and institutional facts are quite powerful; they can also increase our understanding of other types of social phenomena, such as moral facts and opaque kinds of social facts.

My critical discussion of the different theories, mainly Gilbert's, Searle's, Tuomela's and Kutz's, is centered around the different ways something can be missing analytically in a philosophical theory of the social world. For example, I examine the objection that Searle's account cannot capture abstract social objects and opaque kinds of social facts, which is a charge of limited scope, and that most accounts of collective action are circular, which is an example of an inadequate analysis of the fundamental building block of social reality. Furthermore, I argue that both Searle and Gilbert assume too much in their analyses of collective intentionality and that we can offer a simpler account. I also investigate these views from the perspective of social power, and I argue that once one pays attention to social power, Tuomela's main claim – institutions require shared we-attitudes in the we-mode to exist – is put into question.

The aim of the critical discussion is not only to identify certain important internal problems to these theories, but also to show how they

6 This question is part of a larger issue: how far does social ontology reach? For example, it seems plausible that institutions can be constructed by us, but what about e.g. values? In other words, what type of phenomena can we construct by collective intentionality and why? How do we draw the line between things which can be constructed by us and things which cannot? I will not discuss these latter questions though, except indirectly by considering the thesis; moral facts are social facts.

can complement each other. In this way I want to provide a better understanding of social phenomena by improving upon these theories.

Outline of the argument

In the first five chapters, I assemble the theoretical tools which are necessary in giving an account of social power. In chapter 6, I propose a definition of social power, and I offer a taxonomy of different types of social power. In chapter 7, I apply the tools of social ontology to a new area, the moral dimension, by considering the thesis that moral facts are social facts.

In chapter 2, the aim is to develop an account of collective intentionality which is useful in analyzing social power and which can serve as the fundamental building block for institutions and other social phenomena. I begin by considering the conceptually possible positions, and then critically examine some central accounts, such as Gilbert's plural subject theory, and Michael Bratman's view on joint intention and action. There are two problems which most of the analyses share; they are too narrow, and circular. Most accounts are too narrow since they focus on a few highly interdependent agents acting together in an egalitarian setting. The requirements for collective action are designed to fit examples of such groups, meaning these requirements are often too strong to account for individuals in large and hierarchical groups acting together. Furthermore, most accounts face a serious circularity charge: the analyses presuppose the individuals participating in the collective action have intentions with the content to do one's part of the collective action. So, the theorists presuppose the notion of collective action in defining collective action.

I suggest that Christopher Kutz's minimalist account of collective action in combination with Björn Petersson's view of a collectivity as a causal agent can help to avoid these problems, since they do not proceed from these assumptions. Kutz's account is especially apt for explaining individuals acting together in large and hierarchical set-

tings, but it does not manage to meet the circularity charge, which Petersson's view does.[7]

The objective of chapter 3 is to understand the nature of institutional facts and deontic power. To do so, I critically examine John Searle's theory of social reality. From only three building blocks – collective intentionality, constitutive rules and our capacity to impose functions on objects or persons – Searle offers an illuminating analysis of institutional facts and deontic power. Searle makes an interesting and bold claim; the form of constitutive rules "X counts as Y in context C" is the underlying principle of institutional reality. I examine internal problems of Searle's theory based on simplicity and scope; his analysis of institutional facts is not applicable to abstract social objects, and his account of collective intentionality assumes too much.

The improvements from chapter 2 are used to make Searle's basic building block – collective intentionality – simpler and more precise: Simpler in the sense of not assuming an additional kind of intention but rather an individual intention with irreducible collective content, and more precise in offering an analysis instead of regarding collective intentionality as a primitive notion. I pay special attention to a feature of this theory not much noted by commentators: desire-independent reasons for action. On Searle's account, society is made possible by rational agents recognizing deontic powers, creating desire-independent reasons for action.

In chapter 4, two important concepts are developed: "social statuses" and "social practices". Raimo Tuomela's collective acceptance account of sociality provides an analysis of social practices which can complement Searle's theory in an interesting way. The conceptual relation is this: Tuomela analyzes an important subclass of Searle's social facts – social practices – extending the investigation beyond institutions and institutional facts.

Tuomela offers a theory of institutions and I compare and contrast this to Searle's account. These theories are similar in the respect that collective intentionality is constitutive of institutions, but Tuomela

7 Christopher Kutz, "Acting Together," *Philosophy and Phenomenological Research* 61, no. 1 (2000), Björn Petersson, "Collectivity and Circularity." Forthcoming in *Concepts of Sharedness: New Essays on Collective Intentionality*, eds. Katinka Schulte-Ostermann, Hans Bernhard Schmid, Nikos Psarros, (Frankfurt: Ontos Verlag, 2007) (page references not available).

adds a stronger requirement; institutions require shared we-attitudes in the we-mode in order to exist. I argue that this central claim is put into question once sufficient attention is given to social power.

I proceed from Tuomela's notion of a "social status" and take it in a new direction; some social statuses can transform into deontic powers, and some social statuses display telic normativity rather than deontic. This will turn out to be relevant for social power since telic normativity can provide agents with reasons for action, reasons which can conflict with reasons based on deontic powers.

In chapter 5, I consider the question: Can opaque kinds of social facts be captured using the tools of Searle's theory? I critically examine Amie Thomasson's important objection that Searle's theory cannot account for opaque kinds of social facts due to the self-referentiality of social concepts. I propose a solution to this problem, and my response draws on the distinction between social micro-phenomena and social macro-phenomena. I argue that opaque kinds of social facts, such as inflation, can be reduced to facts at the micro-level, i.e. institutional facts.

This chapter goes beyond the previous chapters in discussing social macro-phenomena such as social structures, in contrast to social micro-phenomena, such as institutional facts. It also goes beyond the previous chapters in discussing *opaque*, in contrast to *transparent,* kinds of social facts. The relevance is that social structures are a presupposition of some forms of power, and these structures are often opaque. So, understanding these phenomena is necessary for developing an account of social power. I end this chapter by offering a definition of "social structure".

Chapter 6 is the heart of this book. Here, I present my account of social power. In order to develop an account of social power, I respond to four central questions about power: Is "power" the *power to* do something or having *power over* someone? Is power about *having power* or *exercising power*? Does a power relation necessarily involve a *conflict of interest*? Does a power relation require an *intention* on behalf of the power-holder?

Based on my replies to these questions, I propose an analysis of social power: An agent A has social power if and only if A has an ability, which is existentially dependent on collective intentionality, to effect a specific outcome. I offer a taxonomy of different types of social power,

based on the phenomena previously examined. For example, the existence of opaque forms of social power is dependent on *opaque social structures*, while deontic powers depend on the existence of *institutions*. I distinguish between two main forms of power, normative and causal. The former works through the perceptions of normative reasons while the latter does not. So, normativity is a central notion in understanding social power. The various forms of social power have a common element in their dependence on collective intentionality, which is reflected in my definition.

In chapter 7, I turn the question around, asking: Is all normativity about power? Or is there a specific kind of normativity, moral? I propose an alternative meta-ethical position; moral facts are social facts. I do not offer a full defense of this position, but I sketch the main advantages and difficulties with this position, and I suggest some responses to these difficulties, based on the developments in previous chapters.

I draw attention to some important advantages with this position: First, we are able to explain how moral judgments can be true or false since they are taken to correspond to social facts. Second, viewing moral facts as social facts means locating them within our theory of the social world. This helps to explain their nature and how they exist. Consequently, it demystifies them. And the cost for denying the existence of the so-called moral facts is significantly raised; denying the existence of the so-called moral facts also means denying the existence of other types of social facts and the special subclass of institutional facts, such as the fact that Louis XVI was the king of France before the French Revolution.

CHAPTER 2

Collective intentionality

Introduction

Many social phenomena are constituted by collective intentionality. For example, people displaying collective intentionality is a necessary condition for the existence of social institutions on both Searle's and Tuomela's account. Furthermore, social groups are defined in terms of collective intentions.[8] Gilbert's and Searle's answer to the question "what makes a sum of individuals a social group?" is that individuals have a we-intention according to Searle, and a joint commitment according to Gilbert. They disagree on how to characterize the kind of we-thought which constitutes a social group, but agree that there must be a collective intention, in contrast to an individual intention. Collective intentionality is a, or perhaps even the, central concept in theories about social institutions, social groups, and social phenomena in general.[9] Due to this role, collective intentionality has been referred to as "the fundamental building block of social reality" and joint com-

8 Collective intentionality is the general notion, while collective intentions and actions are specific concepts falling under this general notion, along with e.g. collective beliefs.

9 The terminology is not yet well established; John Searle speaks of collective intentionality and we-intentions (the former is the general notion, while the latter is an example of the former), while Raimo Tuomela analyses we-intentions and Margaret Gilbert shared intentions which are partly understood in terms of joint commitments. Michael Bratman analyses shared intentions. Christopher Kutz analyses collective intention and action, which is a wider notion than Bratman's shared intentions. I keep the current terminology since there are some important differences between these notions.

mitment, Gilbert's favored interpretation of collective intentionality, is referred to as "the social atom".[10] To understand many social phenomena then, we need to understand collective intentionality.

Collective intentions and actions are important instances of collective intentionality and understanding the nature of collective intention and action is no doubt vital for social ontology. A comprehensive social ontology needs a clear idea of what it means for individuals to do things together.

There are more specific reasons, in relation to the purpose of this thesis, for focusing on collective intentionality. Collective intentionality is regarded as a central concept in these theories of the social world, e.g. our collective intentions and actions are constitutive of institutions and the kind of power inherent to institutions. In order to increase our understanding of this type of power, it is crucial to offer an analysis of this key concept.

The two main theories of institutions and institutional facts have difficulties with this notion; Searle posits collective intentionality as a primitive notion, while Tuomela's account of we-intentions is open to a serious circularity charge.[11] Viewing collective intentionality as primitive does not mean that we cannot say anything about this concept, i.e. that it is uninformative, but it is still problematic. In a conceptual structure, some concepts are more plausibly regarded as primitive than others, e.g. due to their place and role in the structure and whether or not we have an intuitive understanding of them. For instance, concepts which do not play a key role and which we already have an intuitive understanding of are less problematic to regard as primitive. By contrast, collective intentionality is a key concept and it plays a central role in Searle's theory of social reality. Furthermore, it is unclear whether we have an intuitive understanding of this notion.

My contention is that we might not have to choose between regarding collective intentionality as primitive or offering a circular analysis: I will suggest that we can improve our understanding of collective intentionality and consequently of a form of social power by actually

10 Margaret Gilbert, "The Structure of the Social Atom: Joint Commitment as the Foundation of Human Social Behavior," in *Socializing Metaphysics: The Nature of Social Reality*, ed. Frederick F. Schmitt (Lanham: Rowman & Littlefield, 2003), Searle, *The Construction of Social Reality.*.

11 I discuss Searle's and Tuomela's analyses in the next two chapters.

offering an analysis, an analysis which is less vulnerable to the circularity charge than Tuomela's account.

However, the most intense discussion so far concerns how to understand collective intention and action itself, without any particular focus on the relevance of this notion for social groups and/or institutions. Most philosophers in this debate agree that collective action, in contrast to interdependent individual actions, requires that the participants have a collective intention, but they offer different analyses of the latter notion.

Even though the analyses of collective intention have increased our understanding of collective intention and action *to some extent*, most accounts are too narrow in some respects to be the basic concept in a theory of social institutions and social groups.

The reason why most accounts are too narrow is twofold. First, the focus on the specific problem of how to share an intention means that the issue of authority is excluded. J. David Velleman explains:

> There is nothing problematic about first-person-plural intentions in themselves. One person can decide or plan the behavior of a group, for example, if he holds authority or control over the behavior of people, other than, himself. … But shared intention is not supposed to be a matter of one person's deciding or planning the activities of a group; it's supposed to be a matter of shared *intending*, in which each member of the group participates equally in forming and maintaining the intention, fully recognizing the others as equal participants.[12]

If you are the leader of a group you can regard the other persons' intentions and actions as instrumental to reaching the goal and the special problem of truly *sharing an intention* does not arise. But if you are part of an egalitarian group, the task is to do something together and hence to *share an intention*. Most accounts are designed to explain how it is possible for individuals to share an intention, assuming an egalitarian setting.

Second, presupposing a cooperative and consensus-oriented view means that focus is on small and egalitarian groups. Consequently, the

12 J. David Velleman, "How to Share an Intention," *Philosophy and Phenomenological Research* 57 no. 1 (1997), p. 34.

requirements for collective action are designed to fit examples of such groups, which means that these requirements often are too strong to account for large and hierarchical groups. Due to these limitations, it is problematic to build a theory of the ontology of the social world on these accounts.

Above, I use the phrase "to some extent" to point to the fact that most views in this area are open to a serious circularity charge: the accounts presuppose that the individuals participating in the collective action have intentions with the content to do one's part of the collective action. That is, the theorists presuppose the notion of collective action in defining collective action. Consequently, this type of analysis does not help us to clarify the *meaning* of collective action.

Conditions of adequacy

The purpose of this chapter is to give an account that is not vulnerable to these problems, an account more plausibly referred to as "the fundamental building block" of social reality. This account needs to be able to meet the circularity charge and thus to provide the meaning of collective action. Furthermore, it should be able to account for individuals in small and egalitarian settings as well as in large and hierarchical settings acting together. This is important since we need an account of social groups which can accommodate different types of social groups (recall the view that social groups are constituted by collective intentions), and to be able to explain how large-scale institutions are created and maintained by the collective intentions and actions of individuals who are situated in a hierarchical relation to each other, or are rather independent from one another.

To anticipate, an account of collective action should meet the following conditions of adequacy: first, provide the meaning of collective action, second, distinguish collective action from mere interdependent individual actions, third, account for collective action in both egalitarian and hierarchical contexts, and fourth, account for both small and large groups.[13]

13 The next section is devoted to explaining the relevance of distinguishing collective action from mere interdependent individual actions.

To fulfill these requirements, I suggest combining Christopher Kutz's minimalist account of collective action with Björn Petersson's approach which employs the notions of causal agency and dispositions rather than joint intentions to explain collective action. The reason for this combination is that Kutz's account is especially apt for explaining individuals acting together in large and hierarchical settings, but it does not manage to meet the circularity charge, which Petersson's view does.

A few remarks about the structure of this chapter: I begin by explaining what the problem of collective action is. I go on to present a scheme of the various positions and discuss some of the main views. Although I discuss the differences between these views, I focus on certain assumptions these views share, such as analyzing collective action in terms of a jointly intentional collective action, presupposing a group intention and a high degree of interdependence between the participants in the collective action. These assumptions lead to the circularity problem and make it difficult to account for different types of collective actions. I end by suggesting that Kutz's position in combination with Petersson's view can help to avoid these problems, since they do not proceed from these assumptions.

The problem of collective action

The general problem is this: How are collective actions to be characterized? Suppose two agents want to do something together, such as go for a walk, write a book, or overthrow the king.[14] What makes this a collective action? What kind of beliefs about the others must each individual have and what type of actions must each perform to act collectively?

Christopher Kutz way of stating the problem of collective action is helpful:

14 The example of walking together refers to the well-known article by Margaret Gilbert, "Walking Together: A Paradigmatic Social Phenomenon," *Midwest Studies in Philosophy* 15 (1990).

> Take the philosophers' chestnut, 'Russell and Whitehead wrote the *Principia Mathematica*.' This sentence is puzzling, for while it is true as a compound, its conjuncts state falsehoods: it is false that Russell wrote the *Principia*, for he only helped to write it; and likewise for Whitehead. Perhaps we should say that the group, 'Russell and Whitehead,' wrote the *Principia*. But groups are composed of nothing more than their members, so how can the group 'Russell and Whitehead' have done something that neither Russell nor Whitehead did? This is the challenge of collective action: bridging the gap between the statements true of the group and the statements true of its members.[15]

What then makes a statement of the kind "Russell and Whitehead wrote the *Principia*" true? A common answer is that the participants have a joint intention to perform the collective act. Acting together is thus partly explained in terms of joint intention, but there is a substantial disagreement over how to analyze joint intention.

The reason why most theorists assume that a joint intention is required to explain collective action is that standard individualistic action theory seems insufficient to explain a strong sense, i.e. a non-distributive sense of 'we performed act x together', of collective action.

Analyses of collective action often start by contrasting cases of individual interdependent actions and jointly intentional actions to appeal to our intuitions that there is a strong sense of collective action in the latter case. First, consider three ways of understanding the expression "we will perform act x". It can be taken in a distributive sense, simply meaning each individual member of e.g. a family will perform act x, or it can be taken to mean that a representative of a family will perform act x. We can also understand it in a non-distributive, or strong sense; we as a family will perform act x. The real question is how this strong sense is to be analyzed. We can imagine three scenarios: each individual member of the family has an individual intention to perform act x, but there is no interdependence, that is, the members do not have any beliefs about the other members' intentions and they are not responsive to each others' actions. The second scenario is that each individual have an individual intention and there is interdependence, the family

15 Kutz, "Acting Together", p. 1-2.

members have beliefs about each other's intentions and respond to each other's actions. In the third scenario, each family member either have an individual intention with collective content "I intend that we perform act x", i.e. a joint intention, or an intention of the form "we-intend to perform act x".[16]

I take it that most of us have the intuition that there is a substantial difference between the second and third scenario. Most theorists take this as a substantial distinction and go on to claim that this strong sense of collective action cannot be explained by standard individualistic action theory; individual intentions supplemented with beliefs about other people's intentions and means-end reasoning. Rather, to explain this strong sense of collective action, a joint intention is required. Take Michael Bratman's analysis as an example. He suggests that a collective action is constituted by our shared intention. For us to have a shared intention, each of us must have an intention with the content "I intend that we J".[17] But if the content of the intention is construed individualistically it fails to add up to a collective action.[18] To see this, consider an example provided by Björn Petersson:

> Suppose I want the window smashed. When I note your presence on the street, I think that if you act in a certain way, the window can be smashed as a result of both our acts, and I form an intention accordingly. What I intend in this case is merely to get the window smashed, while predicting that your actions will be components in the process leading to that result. This prediction may rest upon my knowledge that your intentions are similar to mine, and that our subplans are likely to mesh in a way that enables me to reach my goal. There is mutuality and interdependence, in line with Bratman's requirements. Still, I would say nothing in this picture captures 'sharedness' or 'collectivity' in any sense distinct from what we can construe in terms of standard individualistic theory of action. What we have is a complex set

16 The former is Bratman, Kutz's and Tuomela's view and the latter is Searle's.

17 Michael E. Bratman, "I Intend that We J," in *Faces of Intention: Selected Essays on Intention and Agency* (Cambridge: Cambridge University Press, 1999).

18 John Searle makes the same point, i.e. a set of individual intentions supplemented with beliefs about other people's intentions are not sufficient for collective action, against a *mistaken* interpretation of Tuomela and Miller's analysis. I discuss this argument in the next chapter.

of individual intentions, beliefs about other people's intentions, and means-end reasoning.[19]

The general task is to characterize what a collective action in this strong sense amounts to. On most accounts, the aim of such a characterization is partly to explain what the difference between individual interdependent actions and collective actions consists in, and thus to establish that there is indeed a strong sense of collective action.

I use the phrase "most accounts", since an individualist could deny that there is a substantial difference between the two cases, that is, deny that there are collective actions in a strong sense. Such a position would amount to collective actions being analyzed in terms of individuals' intentions where the content of these intentions refers only to actions of individuals, supplemented with mutual beliefs about other people's intentions. The answer to objections of the type that an individualist analysis fails to add up to a collective action would be met by simply denying that there is a difference between individual interdependent actions and the strong sense of collective actions.

But people seem to be making this distinction intuitively and most theorists assume it, so I will use it as a condition of adequacy.

Joint intention

Michael Bratman suggests a useful way of classifying the different positions on joint intention:[20] First, a joint intention can either be seen as consisting in *intentions of individuals* related in a certain way or as a feature of *a group* which does not consist in and is not reducible to intentions of the individual participants. If we take the former position, we can either understand each individual's intention as only referring to their own role in the joint enterprise, e.g. I clean the kitchen and he cleans the living room, or each individual's intention as referring to the joint activity itself, e.g. my intention concerning our cleaning and your intention concerning our cleaning. This leaves us with three positions

19 Petersson, "Collectivity and Circularity."

20 Michael Bratman, Keynote lecture at *Collective Intentionality V*, Helsinki, Finland, August 2006.

that I refer to as "the individualist", "the mixed" and "the collectivist approach".[21]

The individualist approach states that a joint intention is the intention of individuals related in a certain way, and that the content of their intentions involves only actions of the individual participants. Bratman, in his early work, offers a version of this view.

The mixed approach holds that the joint intention is the intention of individuals related in a certain way, but the content of these intentions refer to a joint activity or the group. The intention has an irreducible collective content. This is the most common position; Bratman, Kutz, and Tuomela share this view but they offer different versions of it. Searle's approach falls into this category as well, with the important difference that a we-intention for him is a *separate kind of intention*; it is not simply that the *content* of the intention refers to a joint intention or activity.

The collectivist views joint intention as a feature of the group which is irreducible to the intentions of individuals. The content of the joint intention involves the joint activity or group. Margaret Gilbert's plural subject theory is an example of this view.[22]

21 The fourth position would amount to saying that a joint intention is a feature of the group and that this feature is irreducible to and does not consist in the individual participants' intentions but still that the content of this intention involves only actions of the individual participants. This is implausible; if the group has an intention in this strong sense, it cannot be the case that the content of this group intention only involves the intentions of individuals.

22 There are other differences between these views. First, it is not clear that the philosophers have the same concept in mind, e.g. Bratman analyses *shared* intention, while Searle analyzes what it is for an individual agent to have a we-intention, but gives no conditions for what makes such a we-intention *shared*. Gilbert wants to explicate our *everyday concept*, while Bratman wants to find a concept that fills the role of explaining coordination, planning, and bargaining. Some deny that the circularity problem is substantive, e.g. Kutz and Bratman in his later writings, while others view this as a central problem, e.g. Björn Petersson and Bratman in his early writings. Some aim at providing an analysis in terms of necessary and sufficient conditions of shared intention (Bratman) while others explicitly deny that this is their aim (Gilbert). A central difference for my purposes concerns whether or not to include relations of authority and large groups, e.g. Bratman explicitly discusses small groups and excludes relations of authority, while Kutz takes large groups and relations of authority as central.

The collectivist view: Plural subject theory

Gilbert's plural subject theory promises both to explain collective action and social groups. Before investigating her view, it is helpful to consider the aim and context of her writings. Gilbert's overall project is to *explain sociality* by developing *plural subject theory*. According to Gilbert, analytic philosophers, e.g. David Lewis, have investigated *some* paradigmatic social phenomena such as social conventions but not *sociality as such*. Rather, it was the "founding fathers" of sociology, Max Weber, Georg Simmel and Emile Durkheim who contributed most to the issue of sociality as such. Gilbert's work is particularly interesting, I think, since she tries to develop a whole theory around the notion of joint commitment rather than to focus only on the analysis of this notion. Another of her aims is to argue against the prevalent Weberian, that is, individualistic, stance in the philosophy of social science. Instead, she takes the side of Simmel and Durkheim, arguing for a holistic account of social phenomena: "… collective ways of acting, thinking, and feeling … have at their foundation not a set of detached individuals but individuals associated or unified through a joint commitment."[23]

In *On Social Facts*, Gilbert starts to develop plural subject theory.[24] Her aim is to explicate our everyday concepts of the social and to answer the question: which are the social phenomena? The main claim is that many of our everyday collectivity concepts such as collective action, social groups, social rules, and social conventions have the notion of a plural subject at its core. Many central social phenomena are plural subject phenomena. A further claim is that the *glue* of the social world is people's perceptions of themselves as members of plural subjects.

Joint intention is a plural subject phenomenon. Gilbert writes:

> People often speak of what we intend when they mean to refer to something other than what we both or all intend. They seem to imply that there is what we might call a 'collective' or 'shared'

23 Margaret Gilbert. *Sociality and Responsibility: New Essays in Plural Subject Theory.* (Lanham: Rowman & Littlefield, 2000), p. 10.

24 Gilbert, *On Social Facts*.

> intention. But what might reasonably be so-called? More to the point, what is it we mean to refer to when we say that we intend in this collective sense?[25]

Her answer is that we refer to a plural subject. Joint intention is thus understood in terms of plural subjects. Plural subject theory can be states as follows: "Generalizing: for any set of people, *P1*, … *Pn*, and any psychological attribute *A*, *P1*, … *Pn* form the plural subject of *A*-ing if and only if they are jointly committed to *A*-ing as a body."[26] Hence, we need to understand what a *joint commitment* is and what it means to be jointly committed *as a body*.

Joint commitment

The closest we come to a statement of the components of a joint commitment is when Gilbert explains the genesis of joint commitment. In forming joint commitments: "… each party must express to every other party his or her personal readiness to be jointly committed in the relevant way."[27] A joint commitment to overthrow the king is formed when *each of the relevant parties is willing to share* in overthrowing the king, this willingness is *mutually expressed*, and there is *common knowledge* among the parties about this. That is, the *formation* of a joint commitment has these three components, but Gilbert denies that this is an *analysis* of joint commitment.

Still, one might think that a joint commitment could be reduced to these three components, and view this as an *analysis* of joint commitment. If this were intended as an analysis, it would be circular since Gilbert is relying on the notion of joint commitment for her account of what a joint commitment consists in. Recall that the agents must express their willingness to share in a joint commitment in forming a joint commitment. However, Gilbert claims that the relation only obtains in one direction, i.e. each individual's willingness, mutual ex-

25 Gilbert, *Sociality and Responsibility: New Essays in Plural Subject Theory*, p. 8.
26 Margaret Gilbert, *Living Together: Rationality, Sociality, and Obligation* (Lanham: Rowman & Littlefield, 1996), p. 8.
27 Gilbert, *Sociality and Responsibility: New Essays in Plural Subject Theory*, p. 5.

pression of willingness and common knowledge are required for a joint commitment, but the relation does not obtain in the other direction, i.e. a joint commitment cannot be reduced to these three components.

Joint commitment is the central notion in plural subject theory and it is important to get as clear a picture as possible of what a joint commitment amounts to. But if we take Gilbert's account as an analysis, it does not help us to understand the meaning of joint commitment since it presupposes this very notion.

Gilbert does however provide us with a list of special features of joint commitment. The three features are ontological holism, conceptual holism, and inherent normativity. Gilbert is an *ontological holist* in the sense that plural subjects or groups do exist in their own right: "A joint commitment is the commitment *of two or more individuals considered as a unit or a whole*."[28] There are such things as plural subjects which are something *more* than merely the sum of individual agents related in a specific way. The way Gilbert intends the expression "to be jointly committed *as a body*" to be interpreted is in line with her ontological holism; "as a body" is used interchangeably with the expression "to be jointly committed *as a single person*".[29]

Joint commitment is a holistic concept: "Not only does the concept of the plural subject of a goal, for instance, not break down into the concept of a set of personal goals. The concept of a joint commitment that lies at its core does not break down into the concept of a set of personal commitments."[30] This is an expression of Gilbert's *conceptual holism*.

Joint commitments are *inherently normative*. Whenever there is a joint commitment, the members of the plural subject have certain rights and obligations they would not otherwise have had. These rights and obligations follow from the very *structure* of joint commitments. By contrast, Bratman's and Kutz's accounts are descriptive and they claim that one would have to invoke some moral principle to explain if and why people have rights and obligations when engaged in joint activity.

This is indeed a strong position that Gilbert advocates: In addition to individual subjects there are plural subjects. This position is

28 Gilbert, *Living Together: Rationality, Sociality, and Obligation*, p. 2.
29 Ibid., p. 348.
30 Ibid., p. 2.

stronger than Searle's; he is positing an extra kind of intention, but no extra kinds of subjects. It is also stronger than Bratman's, Kutz's and Tuomela's positions. According to them, we do not need to posit an extra kind of intention to explain collective actions, but only individual intentions with irreducibly collective content. My contention is that we do not need such a strong position as Gilbert's to explain collective actions. In the next section, I argue that a version of the mixed approach manages to explain collective actions in a strong sense.

There might however be other reasons for assuming the existence of plural subjects. Gilbert argues that the three features of joint commitment – ontological holism, conceptual holism, and inherent normativity – have a number of *explanatory* consequences. These features can both explain how statements about groups acting can be literally true and the normative aspect of social phenomena.

According to Gilbert, a joint commitment unifies the participants in a way that makes it intelligible to talk about *our* acts, that is, groups can really act. The statement "the board of directors stole the money" is literally true, and is not to be translated into statements about either an aggregate of individuals acting or as representatives of a group acting. A possible advantage of plural subject theory is that it can explain how statements about groups as agents can be *literally* true. Furthermore, joint commitments are inherently normative and rights and obligations thus follow from the structure of joint commitment. This means that the *normative* dimension of social phenomena can be explained, without invoking any external moral principle, or other notion.

But again, I think these things can be explained by the tools suggested by the mixed approach. Consider the normative aspect of social phenomena. This can be explained by language or other conventions. If you make the statement "let's go for a walk together", you have put yourself under an obligation by performing a certain type of speech act. The existence of this obligation is explained by the use and functions of language and not because you have formed a joint commitment. Rather than assuming a plural subject, it is sufficient to assume some individuals with a collective intention having performed certain types of speech acts to explain the existence of this obligation.

Parallel, we can explain the fact that statements about groups can be literally true without assuming the existence of plural subjects. Rather than combining ontological holism with conceptual holism, which is

Gilbert's view, we can combine ontological individualism with conceptual holism, which is the mixed approach: A social group is a number of individuals with a collective intention. The existence of a collective intention bridges the gap between statements true of the individuals and statements true of the group. Hence, statements about the group can be literally true.

Gilbert does however provide us with a nice example, "the restaurant case", which suggests that there is a stronger collective standpoint than the mixed approach allows. She claims that there is a central narrow sense of "we" in our everyday talk which can plausibly be taken to refer to a plural subject. I take it that it would mean that individuals having a collective intention are not sufficient to explain this stronger sense of "we". Gilbert writes:

> A group of people are eating together in a restaurant at the conclusion of an academic conference. Two of their number, TonY and Celia, are engaged to be married. The restaurant is famous for its sweet pastries, and at one point, TonY asks Celia 'Shall we share a pastry?' Celia nods agreement. Then one of the other men, Bernard, turns to Sylvia, who is sitting on his right, and whom he hardly knows, and asks 'Shall *we* share a pastry?' She finds his use of 'we' inappropriate. (In fact one could say that she resents it; she finds it presumptuous.) She tries to show this by replying: 'I'm willing to share something with you, yes.'[31]

Gilbert argues that the explanation of Sylvia's felt inappropriateness is the semantics of "we". Bernard is using "we" in an inappropriate way; he is using it in the stronger sense which refers to a plural subject, even though Bernard and Sylvia have not formed a plural subject. By contrast, there is no sensed inappropriateness of using "we" in this strong sense when it comes to the engaged couple, presumably because they are a plural subject.

But it is problematic to rely too much on this case since our linguistic intuitions seem to differ a lot; while Gilbert takes this case to show that there is a strong sense of "we" – a plural subject sense – by arguing that this felt inappropriateness is *semantic*, others might simply explain

31 Gilbert, *On Social Facts*, p. 175.

Sylvia's felt inappropriateness in different ways, e.g. Bernard is making a move on her and she is not interested in him. A further difficulty is that Gilbert's position involves ascribing intentions to other entities than individual subjects, which the mixed approach does not.

The mixed approach

The mixed approach states that joint intention is an intention of individuals related in a special way, and the content of the intention refers to the joint intention, or group. This content is irreducibly collective. Various theorists share this view, but they offer different interpretations of it. It is important to note that Tuomela's account is in fact a version of this view, even though many critics have taken it to be an individualist/reductionist analysis. For Bratman, Kutz and Tuomela, *the content of the intention* refers to our collective activity, while Searle's account states that a we-intention is a *separate kind of intention*.

Let us begin by contrasting Gilbert's account to Michael Bratman's analysis of shared intention. I will argue that Bratman *can* end up in a *preferable* middle position between the individualist and the collectivist position. Due to this middle position, he can avoid two objections posed to the other accounts; that individual intentions fail to add up to a joint intention (objection to an individualist account) and that we do not need to assume the existence of plural subjects to explain collective actions (objection to a collectivist account). The result of this section is that a version of this view is the most promising account, given that it can provide the meaning of collective action and explain different types of collective actions.

Bratman's "I intend that we J"

One of the most influential accounts of joint intention is Michael Bratman's analysis. This analysis contrasts with Gilbert's account in at least three important respects. First, it is *ontologically individualist* rather than holist: "Shared intentions are intentions of the group.

But I argued that what they consist in is a public, interlocking web of the intentions of the individuals."[32] Second, Bratman aims at giving necessary and sufficient conditions for shared intention, while Gilbert explicitly rejects that this is her aim. Third, Bratman's analysis is descriptive, meaning that joint intentions are not inherently normative, unlike Gilbert's joint commitments.

According to Bratman: "We intend to J if and only if (1) (a) I intend that we J and (1) (b) you intend that we J; (2) I intend that we J in accordance with and because of 1a, 1b, and meshing subplans of 1a and 1b, and you intend similarly; (3) (1) and (2) are common knowledge between us."[33]

I discuss two objections which both focus on the first condition "I intend that we J". The first objection questions in what sense *I* can intend *our* actions. The second objection claims that on an individualist construal of 'we' this account does not manage to uphold the distinction between non-collective and collective action, but on a collective construal of "we", the analysis is circular.

The first objection questions condition (1) in a few different ways. Frederick Stoutland argues that "I intend that we J" is inconsistent with the idea that I can only intend my own actions (OA condition).[34] However, both J. David Velleman and Bratman note that there is nothing problematic in the idea that I can intend our activities. A group leader can, for instance, intend that the group builds a bridge. Hence, Stoutland's OA condition is too strong.

Velleman's concern with Bratman's first condition is slightly different. He objects that Bratman's account is inconsistent with the idea that "I may only intend what I think my so intending settles", i.e. the settle condition (S). Velleman describes the problem like this: "Yet how can I frame the intention that 'we' are going to act, if I simultaneously regard the matter as being partly up to you? And how can I continue to regard the matter as partly up to you, if I have already decided that

32 Bratman, "I Intend that We J", p. 143.

33 Michael E. Bratman, "Shared Intention," in *Faces of Intention: Selected Essays on Intention and Agency* (Cambridge: Cambridge University Press, 1999), p. 121.

34 Frederick Stoutland, "Why are Philosophers of Action so Anti-Social?," in *Commonality and Particularity in Ethics*, eds. S. Heinämaa, L. Alanen, T. Wallgren (New York: St. Martin's Press Inc, 1997). Note that Gilbert's account does not face this problem since a joint commitment is not the composite of two individual commitments.

we really *are* going to act? The model seems to require the exercise of more discretion than there is to go around."[35]

Bratman's answer is to argue that (S) is construed too strongly unless it allows for "other-agent conditional mediation". To make this point clear, he asks us to imagine a person, Abe, pumping water into a house. Can Abe settle the matter whether or not water is pumped into the house even if his pumping is dependent on other agents? In the first scenario, there is a mechanical switch that is turned on whenever Abe begins to pump. In this case, Abe does settle the matter. Now, imagine that another person turns on the switch as soon as and because Abe begins to pump, but Abe is unaware of this person. One would presumably still say that Abe settles the matter. But, what if Abe is not only dependent on the person with the switch, but also on another person, Diane? Diane will start to help pumping as soon as she realizes that Abe *intends* to pump. That is, Diane's action is *conditional* on Abe's intention: If he intends to pump, she will start pumping. This is the "other agent conditional mediation". Does Abe still settle the matter? Bratman argues that if Abe is in a position to *reliably predict* Diane's actions, then Abe does settle the matter of water being pumped into the house: "These examples suggest that plausible S or C conditions on intention should allow that control can be mediated by another agent and that this mediation can itself be conditional on that very intention."[36] That is, the settle condition needs to allow for such other agent conditional mediation. Hence, Bratman's account is consistent with the S condition more plausibly construed.[37]

There is another difficulty with the first condition: How is "I intend that *we* J" to be construed? If "we" is taken to imply a jointly intentional action, the account can distinguish collective actions from mere interdependent individual actions but it is circular, and if not, it avoids circularity but it does not manage to uphold the distinction between collective and non-collective actions (recall the smashing window case).

In sum, Bratman's account, on the non-reductionist interpretation, is preferable to an individualist account since it manages to rule out

35 Velleman, "How to Share an Intention", p. 35.

36 Bratman, "I Intend that We J.", p. 152.

37 There is reason to be a bit hesitant about Bratman's solution, since Diane is regarded more like a *mechanism* than an *agent*.

the kind of problems that "the smashing window case" demonstrates; a set of individual intentions supplemented with mutual beliefs does not add up to a we-intention. I think Bratman's account is preferable to Gilbert's as well, since Bratman need not and does not assume the existence of plural subjects. Rather, joint intentions consist in intentions of individuals. In this way, Bratman *can* end up in a middle position, i.e. conceptual holism and ontological individualism, between an individualist and a collectivist account. This interpretation amounts to the idea that each individual agent has an intention with irreducible collective content, rather than a plural subject having this intention. On this construal, he avoids some difficulties facing the other two approaches, but two difficulties remain: First, the account is circular on the non-individualist construal. Second, it is designed to explain collective action in small, egalitarian highly cooperative settings and is thus too narrow for my purposes. I now turn to these two problems, starting with the latter.

Kutz's minimalist account of collective action

Christopher Kutz's view of collective action promises a way of incorporating individuals acting together in hierarchical and diffuse social contexts, thus solving the latter problem. He understands collective action in terms of individuals having *overlapping participatory intentions*, i.e. an intention to do one's part of a collective act. "Overlapping" means that the agents must intend to participate in the same joint enterprise, such as contributing to increasing the company's profit. A "participatory intention" is an individual instrumental intention with an irreducible collective content, since the content refers to a joint enterprise, e.g. increasing the company's profit. Kutz writes: "Participatory intentions can thus be seen as merely a species of ordinary, instrumental intentions, differentiated by the group-oriented content of the goal they specify."[38] Collective action is a species of individual

38 Kutz, "Acting Together," p. 12.

action. The *content* of the intention has two parts; one's *individual role* in contributing to a *collective end*, such as working more hours to increase the company's profit. Similar to Bratman's view, the content of the intention refers to the joint enterprise/collective end which means that the analysis is circular, a problem I will come back to. Kutz's solution to the problem of collective action, i.e. how to bridge the gap between statements true of individuals acting and of groups acting is that "[s]tatements about joint action are true, when they are true, in virtue of agents' overlapping participatory intentions and their consequent individual actions."[39]

Participatory intentions are not a separate kind of intention as on Searle's account, but are similar to Bratman's account in the respect of being individual intentions with an irreducible collective content. As Kutz puts it: you can have reducible form (contra Searle) but irreducible content (contra an individualist approach). Nonetheless Kutz's account differs from Bratman's in one important respect: The aim is to give a *general account* which holds for *all* collective actions, including loosely-linked individuals in large groups and/or hierarchically structured groups acting together, and not only for highly interdependent egalitarian collective actions. His account is thus highly relevant for my purposes.

Kutz makes an important point; the one-sided use of examples (two or a few agents in an egalitarian interdependent setting, such as walking together, painting a house together, or dancing tango together) has yielded too strong requirements for collective action. He argues that the high degree of interdependence and mutual responsiveness presupposed in the other accounts is problematic since it makes one unable to account for other types of collective actions such as voting and working in large corporations where there is limited information and alienation. According to Kutz, Gilbert's position presupposes "greater cognitive and motivational homogeneity than we can reasonably expect to find in contexts of limited information and individual alienation", while Bratman's examples of shared cooperative activity deploy "reciprocal attitudes and intentions that, again, may not as plausibly be attributed to agents who orient themselves around a common project such as partticipating in a military maneuver, but who are uninterested

39 Ibid., p. 29.

in the success of the common endeavor."[40] Hence only one type of collective action is captured by the accounts of joint intention and action by Bratman and Gilbert. These accounts of joint action analyze a specific *subclass* of collective action; interdependent individuals in small egalitarian settings acting together. Kutz writes: "Because the resulting analyses focus on the intricate networks of reciprocal expectation present in these contexts, they are less useful in explaining the nature of collective action in larger or more diffuse social contexts."[41]

To understand this critique, two arguments Kutz presents are especially important: first, other accounts presuppose a group intention, and second, other accounts presuppose common knowledge. In subsequent sections, we will see how Kutz weakens these two assumptions to be able to provide a general account.

The distinction between a participatory intention and a group intention is helpful in accounting for individuals acting together in hierarchical contexts and situations in which individuals are coerced to act or alienated from the common goal. A participatory intention is an intention to do one's part of a collective action, while a group intention is an intention that one's group performs an act. The difference is between individuals contributing to a collective enterprise and the individuals' intentions that the group pursues that enterprise, e.g. the difference between *doing one's part* in getting the house painted (understood as a collective goal) and an intention that *we paint the house*.

Having a group intention means that one takes up an executive perspective. Kutz's critique is that most analyses, due to the examples chosen, presuppose all members of the group having a group intention. Assuming all members having a group intention and taking up an executive perspective is implausible in a hierarchical setting. The relevance of making a distinction between a participatory intention and a group intention is that many individuals, e.g. marginalized members of groups, or members of large groups, cannot take up an executive perspective, since "what we do" is simply not up to them. Hence, a group intention is not a necessary condition for *collective action as such*, but only for a *specific subclass* of collective action: highly interdependent collective actions in a small egalitarian setting. This means that the requirements on collective action are too strong. For many collec-

40 Ibid., p. 2-3.
41 Ibid., p. 1.

tive actions, a participatory intention is sufficient, according to Kutz. Insisting that group intentions are too strong for collective action and using the distinction between group intentions and participatory intentions makes one able to account for *hierarchically structured groups*. This is an important advantage for Kutz's account.

In order to provide a general account of collective action, one needs to incorporate cases where individuals act together but are alienated from the goal, or do not want the goal of the action to be realized, but are coerced into doing their part in trying to achieve an outcome. Making a distinction between a group intention and a participatory intention is useful for this purpose too. Kutz writes: "Individuals may intend to do their part of our G-ing, and thus jointly G, without intending that we G."[42] That is, the agent has a participatory intention to do her part in achieving a joint goal but does not intend that the group achieve the joint goal. Kutz asks us to imagine a team of doctors trying to save the life of an evil dictator. One of the doctors intends to do her part of the joint goal of saving the dictator, but do not intend that the group of doctors realize that end. She has a participatory intention but not a group intention. This is an important point since a general account of collective action must be able to explain coerced individuals, or individuals being hesitant about the joint goal, acting together. Making a distinction between group intentions and participatory intentions is therefore an important modification in providing a general account.

The second modification is Kutz's replacement of "common knowledge", which is a condition of joint action on all the considered accounts, with "mutual openness".[43] Mutual openness is weaker than common knowledge. What it amounts to is that each individual must be open to the possibility of joint action, or favorably disposed towards the other participants' knowledge of the joint action, but no such knowledge is required. The idea is that other agents' knowledge of the joint action would not make the action impossible. Or as Kutz puts it: "Each of us will regard our individual intentions as furthered, or at least not hindered, by their becoming mutually manifest."[44]

42 Ibid., p. 22.

43 Mutual openness is not a separate condition on Kutz's account, but follows from having a participatory intention.

44 Kutz, "Acting Together," p. 19.

Recall that on Gilbert's account one must first be committed to the group project, i.e. express one's willingness to be jointly committed, and hence the intentions of the others must be mutually known and that Bratman's third condition is common knowledge. Replacing common knowledge with mutual openness can help to avoid two problems; common knowledge does not hold for *all* collective actions and it is implausible to assume that this condition can be fulfilled in large groups.

I view the first point as important since we can imagine a collective action without there being common knowledge between the participants. Consider Kutz's example of entrepreneurs just starting to act in a certain way, merely hoping that others will follow, or his picnic-rescuing case. Two people are having a picnic together. The weather suddenly turns bad, one of them runs to the car, trying to save the food, hoping the other will grab the blanket. These types of cases do not require the kind of awareness of other people's intentions that the other accounts require: The picnic-rescuers are not committed to the project beforehand, the intentions of others are not mutually known and there are only weak expectations concerning other people's behavior. Agents intending to do their respective parts of the same joint enterprise are examples of a simple form of collective action without common knowledge. This case is consistent with the mutual openness requirement since the first person's intention becoming known to the other person would not make the collective action of saving the picnic impossible.

Kutz's second point is that replacing common knowledge with mutual openness helps capturing large groups. But there is nothing in the condition of common knowledge as such that excludes large groups. That is, we should distinguish between it being implausible that large groups display common knowledge and it being impossible. We can imagine a case in which a large part of the population fulfills these requirements. Recall the notion of common knowledge: a proposition p is common knowledge among the individuals when each knows that p, and each knows that each knows that p, ad infinitum. Take p to be the attitude that the German people ought to be preserved. During the Second World War it is plausible to assume that many Germans had this attitude and they knew that other Germans had it. Large groups and common knowledge is thus consistent. Consequently, requir-

ing common knowledge does not make it impossible to account for large groups. The reason why the other accounts cannot capture large groups must be something else than presupposing common knowledge. A more plausible suggestion is that presupposing group intentions makes it hard, if not impossible, to account for large groups.

Let us sum up where we are now. I am looking for an account of collective action which can provide the meaning of collective action, uphold the distinction between collective and non-collective actions, and make sense of a wide range of collective actions, including actions performed by large and hierarchical groups.

Kutz's analysis can fulfill the three latter conditions: The distinction between collective actions and interdependent individual actions is upheld by the participatory intentions having an irreducibly collective content. Kutz suggests overlapping participatory intentions of the individuals being the common core of all collective actions, thus providing an analysis of a wide range of collective actions. This contrasts with both Gilbert's and Bratman's accounts which include conditions that presuppose a high degree of interdependence and information between the participants. Recall that Gilbert requires mutual expression of willingness to share in a joint commitment, while Bratman's analysis expresses a strong interdependence between the participants: "I intend that we J because of your intention that we J, and similarly for you". This makes it hard to capture loosely-linked individuals in large groups acting together. Kutz's account can solve these problems, since his conditions are much weaker; all that is required is that agents intend to participate in the same joint enterprise and that they intend to do their part in contributing to the collective end. Furthermore, making a distinction between a group intention and a participatory intention serves to explain actions by individuals who are coerced to act together, or alienated from the goal of the joint action, as well as hierarchical groups since not all group members can take up an executive perspective in such groups.

There is a serious difficulty left: All accounts considered so far are open to a circularity charge since the content of the individuals' intentions makes reference to a collective action, the very notion we are supposed to explain. This means that we still do not know what a collective action is. The first condition of adequacy is not yet fulfilled.

The circularity challenge

The collectivist approach and all versions of the mixed approach are open to a circularity charge. The task is to understand what a collective action is. Furthermore, all these accounts aim to show that there are collective actions in a strong sense, that is, a collective action is something more than a set of interdependent individual actions. But, as Björn Petersson points out in "Collectivity and Circularity", the problem is that in analyzing collective action, these accounts make reference to a collective action.

Recall Bratman's and Kutz's claim; a necessary condition for a collective action is that the content of the participants' intentions are irreducibly collective. These attitudes make reference to a collective act. For example, Bratman understands collective action in terms of us having a shared intention. A shared intention is analyzed as each individual having an intention of the form "I intend that we J". But the content of this intention, "we J", makes reference to a collective act, presupposing shared intention. The same problem faces Kutz's analysis. For individuals to act together, each must have a participatory intention, an intention the content of which is to perform one's part of a collective activity. But we cannot understand the content of a participatory intention if we do not already possess the notion of collective activity. In other words, this analysis makes reference to a collective enterprise, presupposing we already know what a collective enterprise is, but this is the very notion we are supposed to explain. Similarly, if we regard Gilbert's view as a conceptual analysis, it faces the same problem: Acting together requires the participants to form a plural subject and thus to form a joint commitment. To do so, they must first express their willingness to participate in a joint commitment. This analysis presupposes that the theorist already possesses the concept of a joint commitment. The meaning of joint commitment and hence collective action is not provided.

Let us look at three suggested responses to this challenge; (i) to characterize a collective action without presupposing joint intention, (ii) to provide a genealogy of collective action, (iii) to argue that the circularity problem is not a substantial problem and implicitly that an analysis can be informative even if circular.

Petersson argues convincingly that these three replies fail. If one characterizes the collective act in "cooperatively neutral ways", that is, if one does not presuppose the attitudes central to collective action, such as joint intentions, as Bratman's early response suggests, the circularity is avoided, but the distinction between collective actions and non-collective actions collapses, as was shown by the smashing window case.[45] Recall that one of the aims is to show that there are collective actions, which are different from interdependent individual actions.

The second response, which has been suggested by both Bratman and Kutz, is to provide a genealogy of collective action.[46] This would show how collective actions can emerge from simpler forms of actions that do not presuppose a collective action. But as Petersson points out, this does not meet the circularity challenge regarding *definition*, it only meets the charge that the *explanation* of collective action is circular. We want to find out the *meaning* of collective action and not how collective actions can emerge from individual actions.

The third response suggests that the circularity problem is "more methodological than substantive", suggesting the analysis can be informative even if circular.[47] But again, this response does not meet the challenge: Whether circular analyses are informative depends on *the purpose* of the analysis. If we already possess a certain concept, but there is disagreement about whether a particular object falls under this concept, a circular definition can help. Take the institutional theory of art as an example. Roughly, it states that "art is what the 'artworld' regards as art". This analysis is uninformative given the aim of providing the meaning of art, but it is helpful in deciding the extension of art, i.e. in deciding whether a certain object is a work of art in cases of conflict. There is, however a disanalogy between the example of art and collective actions. For collective actions, we need to understand the intension of the concept since the aim is to show that there are collective actions and to answer the question how collective actions are

45 For this response, see Michael E. Bratman, "Shared Cooperative Activity," in *Faces of Intention: Selected Essays on Intention and Agency* (Cambridge: Cambridge University Press, 1999), p. 97ff.

46 Bratman, "I Intend that We J," p. 147-148, and Christopher Kutz, *Complicity: Ethics and Law for a Collective Age* (Cambridge University Press, 2000), p. 87-88.

47 Kutz hints at this solution in *Complicity*, p. 86.

to be characterized. In relation to this purpose, the suggested analyses are uninformative and the circularity problem is genuine.

Collectivity in terms of causal agency

Petersson suggests another response, which is novel and interesting: to employ a notion of collectivity, which does not presuppose intention, but is still strong enough to distinguish collective activity from mere interdependent individual activity. In Petersson's words, we can give "an account which is neutral with regard to intention but not neutral regarding collectivity".[48] The idea behind this approach is to build on a purely causal notion of collectivity, i.e. to view a collectivity as a causal unit of agency. The distinction between a collectivity and a number of individual agents is made by suggesting that a collectivity can have dispositions, or causal powers, which is something more than the sum of the dispositions of the individuals. For a collective action to take place, it is sufficient that the content of the individual participants' intentions refers to this view of a collectivity, rather than a jointly intentional action. This is the sense in which the account is neutral with regard to intention but not neutral regarding collectivity. This view does presuppose an irreducible notion of collectivity, but understanding a collectivity as a causal unit of agency is much weaker than presupposing a joint intention to perform a collective action, which means that we have significantly widened the circle.

Let us consider this position in more detail. Petersson writes: "This solution is based on the assumption that assignments of dispositional properties carry with them defining limits of the objects to which these properties are assigned."[49] Roughly, the argument is this: First, viewing something as a causal agent is intimately related to assigning dispositions to this object or number of individuals.

Second, assigning dispositions to this object helps to determine the boundaries of the object, which means distinguishing its components from its non-components, or members from non-members. When we regard something as a causal agent, say an acid or a number of agents,

48 Petersson, "Collectivity and Circularity".
49 Ibid.

we assign some dispositional properties to this acid or number of agents. These properties serve to determine the boundaries of the acid or the number of agents, and hence distinguishing a member from a non-member. This unit has causal powers, or dispositions that the individual components do not have, i.e. the disposition of the collectivity is something more than the sum of the dispositions of the individual agents.

Let us apply these ideas to the analysis of collective action: For an action to be collective, the content of the participants' intentions need only involve the group considered as a causal agent. "If each of us intends that the group smashes the window, and conceives of the intended activity as collective, i.e. of the set of agents as the unit of causal agency in what is intended, then we collectively intend to smash the window."[50] That is, according to Petersson, we need only assume the participants viewing themselves as the unit of causal agency, i.e. they possess this weak causal notion of a collectivity, rather than the notion of a jointly intentional collective action.

It is important to note that nothing Petersson says is inconsistent with the idea that many forms of collective actions, such as dancing tango together, do require a joint intention to perform a collective action. The point is that simpler forms of collective action do not. For these types of cases it is sufficient to view the collectivity as a causal unit of agency. To show this, Petersson refers to a soccer team changing strategy:

> Each player then comes to think about the team in a way that concerns the team's behavioral dispositions. This is the most convenient way of thinking about this change of strategy. They would think of the team as the unit of agency, and evaluate the options that lie within that unit's causal powers. … It seems farfetched to require that the players conceive of their intended change of strategy as being like tango dancing, i.e. an activity for which it is essential that each participant conceives of what they are doing as a jointly intentional activity.[51]

50 Ibid. Petersson also adds that the requirement of mutual knowledge needs to be fulfilled.

51 Ibid.

The point is that we do not need to employ a stronger notion of a collectivity than this in analyzing simple forms of collective action. Consequently, we do not need to assume a joint intention to perform a collective action in the analysis of collective action.

It is helpful to consider Petersson's approach in relation to the other responses to the circularity challenge. The first response, i.e. Bratman's initial suggestion, was to be neutral regarding the attitudes specific to collective action. The trouble with this approach was that it did not manage to uphold the distinction between collective action and mere interdependent individual actions. Petersson's response is stronger than this since it makes use of the collectivity as a causal agent. This means that the distinction between collective action and interdependent individual actions can be upheld by suggesting that the collectivity has causal powers that the individuals do not have. But Petersson's approach is weaker than presupposing the content of the participants' intentions making reference to jointly intentional action. This is relevant since his view distinguishes between individual interdependent actions and collective actions in terms of a purely causal notion of collectivity, without presupposing joint intention. Consequently, this approach avoids the initial circularity challenge by widening the circle.

The weak point in this argument is that it seems odd to talk of agency which is not intentional under any description, i.e. there is just intentional agency and not causal *agency*.

Petersson's reply is to argue that ordinary people do indeed possess the concept of causal agency by appealing to everyday expressions where we in fact categorize actions without any intentional component as actions, such as "reflexes, twitches, and manifestations of general clumsiness".[52] I take the example of general clumsiness as intended to carve out a middle position, i.e. causal agency, between actions and events. We might think of someone's clumsiness, which is a disposition of this person, as causing him to spill coffee. This is a weak notion of agency, based on causal role and dispositions. This causal notion of agency differs from and is stronger than an event, i.e. something that simply happens to him, such as someone bumping into him with the consequence of him spilling the coffee. But causal agency is weaker than an intentional action, e.g. he intends to spill the coffee to get a

52 Ibid.

new cup of coffee. And in our everyday talk, we distinguish between an active and a passive sense of e.g. "grow". For instance, the expression "a plant grows" refers to the passive sense of grow, while the expression "the plant grows a new bud" refers to the active sense of grow. This is intended to show that ordinary people possess a notion of agency which is not intentional under any description.

But the expressions Petersson relies on can be interpreted in a different way: Rather than taking these expressions to show that people possess the concept of causal agency and intentional agency, hence possessing a wide concept of agency, as Petersson does, one might think that people in fact possess a narrow concept of agency, i.e. only intentional agency. But in these examples they apply this concept to events which it is in fact not applicable to, e.g. reflexes and plants growing new buds.

Whatever stand we take on this issue, this approach has shown another way to meet the circularity charge and that a promising answer can be suggested along this line. We have seen how Kutz's position was vulnerable to the circularity charge, while Petersson's position widened the circle. I suggest combining these positions; in the analysis of collective action, the content of the participatory intentions are still irreducibly collective, but it refers to a weaker conception of collectivity; a collectivity as a causal unit of agency. Consequently, we do not need to presuppose a joint intention to perform a collective action in analyzing collective action.

Conclusion

The objective of this chapter has been to improve upon one of the key concepts in social ontology: collective intentionality, including collective action. To do so, we needed an account which could provide an analysis of collective action, distinguish between collective actions and interdependent individual actions, and account for collective actions in hierarchical contexts, coerced agents acting together, and the collective actions of both small and large groups.

Kutz's minimalist account and particularly the distinction between participatory intentions and group intentions served to fulfill the latter

requirements, which is a significant improvement given that the focus of the debate so far has been on few individuals in egalitarian settings acting together. But this analysis, along with the collectivist and the mixed approach, was open to a circularity charge. Petersson's notion of a collectivity as a causal agent suggested a way of avoiding the circularity charge without collapsing the distinction between interdependent individual actions and collective action, hence fulfilling the former two requirements. The result is that Petersson's account, or a similar view, in combination with Kutz's minimalist account of collective action, fulfills the requirements for an adequate account of collective action.

These improvements have particular relevance for the social phenomena analyzed in the subsequent chapters – institutions, institutional facts, practices, and social power – since collective intentionality is viewed as partly constitutive of these phenomena.

The importance of this suggestion in relation to Searle's and Tuomela's theories, which I consider in the next two chapters, is this: Searle takes collective intentionality as a primitive notion and argues that besides I-intentions there are we-intentions, hence assuming an additional kind of intention. Tuomela, on the other hand, does not assume an extra kind of intention, but he takes a we-intention to be an individual intention with irreducible collective content, which means that the circularity charge applies to his account too. The discussion in this chapter suggests us not having to choose between these options; we can give an analysis in terms of individual intentions with irreducible collective content which is still not vulnerable to the initial circularity charge.

CHAPTER 3

Institutional facts and deontic power

Introduction: The principle of society

A little more than a decade ago, a number of philosophers in the analytic tradition published works in what is now referred to as social ontology.[53] In these works, they offer philosophical analyses of social phenomenon we are surrounded by on an everyday basis, from walking together, to social groups, money, marriage, and elections. John Searle's *The Construction of Social Reality* is already viewed as a classic in this field. This book has helped to establish social ontology as a separate branch of philosophy and it has sparked an ever increasing interest in these issues, both within philosophy and in other academic disciplines.

Searle's theory is particularly interesting for many reasons. First, from a few elements, or building blocks, and a clear statement of the relation between these basic building blocks, it promises to explain a large and important part of social reality: institutions and institutional facts. Along with this, he argues that what appears to be a great variety of institutional facts, e.g. the fact that two people are married, that Tony Blair is the Prime Minister of England, and that the Euro is a

53 Gilbert, *On Social Facts,* Lagerspetz, *Opposite Mirrors,* Pettit, *The Common Mind*, Ruben, *The Metaphysics of the Social World*, Searle, *The Construction of Social Reality*, Raimo Tuomela, *The Importance of Us: A Philosophical Study of Basic Social Notions* (Stanford: Stanford University Press, 1995).

valid currency, in fact has a simple underlying structure which can be represented by the formula "X counts as Y in context C". If Searle is right, this would be the principle of society.

> Human societies have a *logical structure*, because human attitudes are constitutive of the social reality in question and those attitudes have propositional contents with logical relations. Our problem is to expose those relations. Now it might seem that this is too daunting a task. Human societies are immensely complex and immensely various. If there is one thing we know from the cultural anthropology of the past century, it is that there is an enormous variety of different modes of social existence. The assumption I will be making, and will try to justify, is that even though there is an enormous variety, the principles that underlie the constitution of social reality are rather few in number. What you discover when you go behind the surface phenomena of social reality is a relatively simple underlying logical structure even though the manifestations in actual social reality in political parties, social events, and economic transactions are immensely complicated. The analogy with the natural sciences is obvious. There is an enormous difference in the physical appearance of a bonfire and a rusty shovel, but the underlying principle in each case is exactly the same: oxidization. Similarly, there are enormous differences between baseball games, $20 bills, and national elections, but the underlying logical structure is the same.[54]

Critics have questioned this basic formula "X counts as Y in context C" in a number of ways. To bring some order to these various criticisms, it is helpful to view the debate between Searle and his critics in terms of *scope* and *simplicity*: Ideally we would like to have a theory which manages to explain a great portion of social reality by few elements. Initially it seems like Searle's theory fulfills this ideal; it has wide scope and it makes use of only three building blocks – collective intentionality, imposition of function and constitutive rules – in analyzing institutions and institutional facts. But a number of critics argue that, despite what Searle claims, the theory has limited scope and con-

54 John R. Searle, "Social Ontology: Some Basic Principles," *Anthropological Theory* 6, no. 1 (2006), p. 15-16.

sequently that these tools are not sufficient to account for a large part of social reality; if we want to account for these phenomena we must assume additional building blocks and make the theory increasingly complex. For instance, critics object that Searle's theory can neither account for the so-called "free-standing Y-terms", i.e. abstract social objects like corporations and the U.S. Constitution, nor for opaque kinds of social facts, like economic cycles and power structures. In other words, neither of these phenomena can be explained by the formula "X counts as Y in context C", which leaves us to wonder whether this really is the principle of society.

In this chapter, I present and critically discuss Searle's theory of social reality. This theory is particularly relevant for my purposes. His work contrasts with the works of other social ontologists, since he is explicitly concerned with a form of power and the social phenomena he focuses on, i.e. institutions, institutional facts and deontic powers are crucial in understanding different forms of social power. This theory is also interesting due to its clear relation to action. Institutional facts, as we will see, give rise to desire-independent reasons for action on Searle's account. In the subsequent chapters, I use this theory as a starting point in discussing social power. For these reasons, I will discuss the theory at some length.

The objections I focus on are centered on the thesis of constitutive rules, i.e. the idea that there is a simple underlying logical structure of society which can be represented by the formula "X counts as Y in context C", and around Searle's notion of power. More precisely, I discuss the following objections: the thesis results in circularity; it is not applicable to abstract social objects; there are institutional facts, the so-called "honorific powers", which cannot be analyzed in terms of deontic powers; the conception of power is too narrow since it excludes domination.

In the previous chapter, the aim was to suggest an analysis of collective intentionality which could be the fundamental building block of social reality. In this chapter I proceed to get the tools for understanding institutions, institutional facts and the power inherent to institutions; deontic powers in Searle's terminology.

Searle's construction of social reality

Searle's aim is to develop a theory of the ontology of social reality, i.e. how social institutions, social facts, and institutional facts, exist. He attempts to explain the general structure of social reality by using the tools developed in *Speech Acts* and *Intentionality*.[55] In fact, the focus is on institutional reality, a specific subclass of social reality. The main question is: How do we construct an objective social reality? And related to this: how are institutional facts possible and what is the nature of such facts? What is the mode of existence of institutional reality? The second main question is: How does social reality fit into the physical world?

To anticipate a bit, the answer to the first question is that we create an objective social reality by collectively imposing functions on objects or phenomena, according to the structure of constitutive rules, where the functions imposed exceed the purely physical features of the phenomena. The answer to the second question is that there is a continuous line, instead of a radical break, between nature (the physical world) and culture (social reality). The move from nature to social reality is made by collective intentionality, while the move from social reality to institutional reality is made by our capacity to symbolize or represent.

To understand these claims, three notions – collective intentionality, imposition of function, constitutive rules – need to be explained. Searle makes the strong claim that these notions are jointly necessary and sufficient to account for the ontology of social reality.

But before explaining these three notions, a few distinctions relevant to the overall discussion need to be presented. The first is the distinction between observer-independent and observer-dependent features of the world. The former are features that are intrinsic to nature and the latter "features that exist *relative to the intentionality of observers, users etc.*".[56] Note that mental states are intrinsic features of the world. The second distinction is between ontological and epistemic objectivity and subjectivity. For instance, an ontologically objective entity, say a

55 John R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (New York: Cambridge University Press, 1969), *Intentionality: An Essay in the Philosophy of Mind* (New York: Cambridge University Press, 1983).

56 Searle, *The Construction of Social Reality*, p. 9.

mountain, exists independently of us, while an ontologically subjective entity, like pain, is dependent on a subject for its existence.[57] Epistemic objectivity means that the truth or falsity of a judgment is independent of the feelings and attitudes of observers. Epistemic subjectivity means that the judgment's truth-value is dependent on feelings or attitudes of observers.

> If I say, 'Rembrandt spent his entire life in the Netherlands,' that statement is epistemically objective because we can ascertain its truth or falsity without reference to the attitudes and feelings of observers. But if I say, 'Rembrandt was the greatest painter that ever lived in Amsterdam'; well, that is, as they say, a matter of opinion. It is epistemically subjective because its truth cannot be settled independently of the subjective attitudes of the admirers and detractors of the works of Rembrandt and other Amsterdam painters.[58]

This distinction is crucial for the understanding of social reality. Searle shows that institutional facts are ontologically subjective but epistemically objective. Consequently, we can account for an epistemically objective social reality even though it is ontologically subjective.[59]

The main question – how do we construct an objective social reality? – can be rephrased as: How is an epistemically objective social reality possible, given that it is partly constituted by an ontologically subjective set of attitudes?

The last distinction is between brute facts, social facts, and institutional facts. Brute facts require no institutions nor collective intentionality for their existence, social facts are any facts that involve the collective intentionality of two or more agents, and institutional facts require institutions for their existence (in a way to be explained). For instance, the existence of a mountain is a brute fact, two people going

57 These three distinctions cut across each other. For example, the judgment that someone is in pain can be epistemically objective, while a pain is an ontologically subjective entity and an intrinsic feature of reality.

58 John R. Searle, *Rationality in Action* (Cambridge, Mass.: MIT Press, 2001), p. 55.

59 This is an important point in relation to the social sciences since the distinction can clarify some issues regarding objectivity and subjectivity.

for a walk together is a social fact, and the existence of money is an institutional fact.[60]

The three building blocks of social reality

The first building block is collective intentionality. Intentionality is directedness, or "aboutness". More precisely, intentionality is the capacity of the mind/brain to relate to the world, to be directed at, or about, something beyond itself, i.e. objects or states of affairs in the world. The mind relates to the world by way of intentional states. An intentional state is any state that is directed at something beyond itself, for instance, beliefs, hopes, fears, and desires.[61]

Collective intentionality means engaging in cooperative behavior and sharing intentional states.[62] This is the fundamental building block of social reality: "Whenever you have people cooperating, you have collective intentionality. Whenever you have people sharing their thoughts, feelings, and so on, you have collective intentionality; and indeed, I want to say, this is the foundation of all social activities."[63]

Searle writes of collective intentionality: "Obvious examples are cases where *I* am doing something only as part of *our* doing something. … If I am a violinist in an orchestra I play *my* part in *our* performance of the symphony."[64] This is engaging in cooperative behavior, i.e. performing together, and sharing the belief (an intentional state) that you are performing a symphony together. Searle claims that collective intentionality is a primitive notion; it cannot be reduced to individual intentionality plus mutual beliefs. For Searle, in cases of collective intentionality, the I-intention is derived from the we-intention. For example, in the above case, the singular intention of the violinist

60 Searle, *The Construction of Social Reality*, p. 26-27.
61 Searle, *Intentionality: An Essay in the Philosophy of Mind*.
62 Searle, *The Construction of Social Reality*, p. 23.
63 John R. Searle, *Mind, Language and Society: Philosophy in the Real World*, (New York: Basic Books, 1999), p. 120.
64 Searle, *The Construction of Social Reality*, p. 23.

– I intend to play my part – is derived from the collective intention: we intend to perform a symphony. Searle's concern is different from the other theorists of joint and collective intention. Rather than focusing on what makes a we-intention *shared*, he wants to explain how collective intentionality fits his theory of intentionality, making this theory more general. Hence, he must explain how an individual's we-intention is related to her singular intention when she is engaged in cooperative activity. The answer is "the by means of relation"; just as an individual can vote by means of raising her hand in the right circumstances, we can make a sauce by means of me pouring and you stirring.[65]

Searle argues that in addition to singular intentionality – intentionality of the form "I believe" or "I intend" – there is collective intentionality, i.e. intentionality of the form "we believe" or "we intend". A collective intention is a separate kind of intention. This is stronger than the individualist view, according to which collective intentions can be reduced to individual intentions plus mutual beliefs. And it is stronger than taking collective intentions to be individual intentions with irreducibly collective content. The individualist view, according to Searle, fails to add up to a collective intention, and he argues against a *mistaken* interpretation of Raimo Tuomela's and Kaarlo Miller's view of collective action to make this point.[66] Searle summarizes their view as:

> An agent A who is a member of a group 'we-intends' to do X if
> 1. A intends to do his part of X.
> 2. A believes that the preconditions of success obtain; especially, he believes that the other members of the group will (or at least probably will) do their parts of X.
> 3. A believes that there is a mutual belief among the members of the group to the effect that the preconditions of success mentioned in point 2 obtain.[67]

65 John R. Searle "Collective Intentions and Actions", in *Intentions in Communication,* eds. P. Cohen, J. Morgan, and M. E. Pollack, (Cambridge, Mass.: MIT Press, 1996).

66 Raimo Tuomela and Kaarlo Miller, "We-intentions," *Philosophical Studies* 53 no. 3 (1988).

67 John Searle, "Collective Intentions and Actions," in *Consciousness and Language* (Cambridge: Cambridge University Press, 2002), p. 93.

Searle objects that someone can fulfill the conditions above without having a we-intention. The main point is that a conceptually reductive/individualistic account does not add up to a we-intention. Consequently, we-intentions are irreducible. To show that a non-collective action fits the analysis, Searle uses the example of a business school: All the members of a graduating class have studied Adam Smith's theory of the hidden hand and each of them forms an intention to help humanity by pursuing their self-interest.

> 1. A intends to pursue his own selfish interests without reference to anybody else, and, thus, he intends to do his part toward helping humanity.
> 2. A believes that the preconditions of success obtain. In particular, he believes that other members of his graduating class will also pursue their own selfish interests and thus help humanity.
> 3. Since A knows that his class mates were educated in the same selfish ideology that he was, he believes that there is a mutual belief among the members of his group that each will pursue his own selfish interests and that this will benefit humanity.
> Thus, A satisfies the Tuomela-Miller conditions, but all the same, he has no collective intentionality. There is no we-intention. There is even an ideology, which he and the others accept, to the effect that there should not be a we-intention.[68]

This argument is convincing given that Tuomela and Miller's analysis is conceptually individualistic. Note that Searle, among others, presupposes that their view is conceptually individualistic since it seems to be defined in terms of I-intentions and I-beliefs. However, Tuomela and Miller make clear that it is not to be interpreted in this way, but rather as a version of the mixed approach.[69] So, if the content of the students' attitude refers to a collective act, if "I will do my part of our collective goal of helping humanity" has an irreducibly collective content, the objection does not apply. The business-school example does not fit the conditions since the students do not have the collective goal of helping humanity.

68 Ibid., p. 94.
69 Tuomela and Miller, "We-intentions," p. 367.

This argument seems to be the reason why Searle posits an extra type of intention. Given the argument of the previous chapter, we are not forced to do this. We can choose to combine Kutz's and Petersson's view and offer an analysis of this crucial notion which assumes less than Searle's own view, but still does not result in vicious circularity. This is an important improvement of Searle's theory; it does not posit a key notion as primitive, it does not posit an extra type of intention, and it offers an analysis and hence more precision concerning the fundamental building block of social reality.

The second building block is imposition of function. Human beings have the capacity to assign, or impose, functions on objects. This is a feature of our intentionality and this capacity is used when we create institutional facts. Searle argues that functions are never intrinsic to nature but always observer-relative, i.e. assigned relative to the interests of users and observers. In other words, there are only causal facts in nature and no functional facts. For instance, it is a causal fact that the heart pumps blood, but only relative to a set of values can we say that the heart *functions* to pump blood, in this case given the value of survival. The vocabulary of "functions" rather than "causes" makes it possible to *evaluate* these objects according to their functions.

There are two categories of the assignment of function: nonagentive and agentive functions. Nonagentive functions are "… assigned to naturally occurring objects and processes as part of a theoretical account of the phenomena in question."[70] For example, the heart functions to pump blood. Agentive functions are dependent on the practical intentions and activities of human agents, i.e. on our use of objects in different ways. For instance, the function of a knife is to cut things. Having assigned a knife this kind of function, we can evaluate it according to how well it fulfills this purpose and speak of *good* and *bad* knives.

There is a subcategory of agentive functions and this subcategory is called status functions. Searle writes: "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."[71] It will turn out that the class of existing status functions is the same as the class of institutional facts.

70 Searle, *The Construction of Social Reality*, p. 20.
71 Ibid., p. 23.

The third building block is constitutive rules. The contrast between regulative rules and constitutive rules is helpful in order to explain what a constitutive rule is. "Regulative rules regulate a pre-existing activity, an activity whose existence is logically independent of the rules. Constitutive rules constitute (and also regulate) an activity the existence of which is logically dependent on the rules."[72] Constitutive rules create the possibility of certain activities and the activity in question partly consists in acting in accordance with these rules. Consider chess: "… 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."[73] The form of constitutive rules is "X counts as Y in context C". For instance, this move (X) counts as a checkmate (Y) in the context of playing chess (C). The form of constitutive rules, "X counts as Y in context C", will prove to be the underlying structure of social reality.

Institutional facts

By applying the three notions – collective intentionality, imposition of function, constitutive rules – to a famous example from the history of philosophy, their role in *creating* institutional facts will become clear. The three notions will also be used in order to explain what an institutional fact *is*.

Rousseau writes:

> The first man who, having enclosed a piece of ground, bethought himself of saying 'this is mine', and found people simple enough to believe him, was the real founder of civil society. From how many crimes, wars, and murders, from how many horrors and misfortunes might not any one have saved mankind, by pulling up the stakes, or filling up the ditch, and crying to his fellows: 'Beware of listening to this impostor; you are undone if you once

72 Searle, *Speech Acts: An Essay in the Philosophy of Language*, p. 34.
73 Searle, *The Construction of Social Reality*, p. 28.

> forget that the fruits of the earth belong to us all, and the earth itself to nobody.'[74]

The existence of the piece of ground is a brute fact, and the existence of private property ("this is mine") is an institutional fact. The move from brute facts (nature) to institutional facts (culture) is explained in the following way: The man saying "this is mine" found people simple enough to believe him, meaning people accepted private property. People collectively agreed that the piece of ground had the status of being private property, and with the status of being private property came certain functions, e.g. only certain people were allowed inside the stakes. In short, people imposed a status and with it a function on the piece of ground by collective agreement. Thereby they had created an institutional fact: private property. After the acceptance, the piece of ground *represents* something beyond itself, something more than its purely physical features: private property.

In sum, an institutional fact is identical with the status function that is imposed on an object by collective agreement according to the structure of constitutive rules. Collective agreement presupposes collective intentionality. People must share the belief (an intentional state) that the piece of ground is private property in order for the piece of ground to become private property. This means that the collective belief is *constitutive* of the piece of ground being private property. In general, collective acceptance is partly constitutive of institutional facts. It follows that institutional facts are observer-relative; they exist relative to the intentionality of observers. Observer-relative features are ontologically subjective. Thus, institutional facts are ontologically subjective. Furthermore, seeming to be private property comes prior to being private property. Consequently, the logical relation when it comes to institutional facts is: seeming to be x comes prior to being x. Searle writes: "… 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."[75]

74 Jean-Jacques Rousseau, "A Discourse on the Origin of Inequality," in *Classics of Modern Political Theory: Machiavelli to Mill*, ed. Steven M. Cahn (Oxford: Oxford University Press, 1997), p. 397.

75 Searle, *The Construction of Social Reality*, p. 13.

This relation leads to the first substantial problem concerning the scope of Searle's theory. It seems to exclude the possibility of types of social facts that the members of a society have no beliefs about, or do not know exist, such as economic cycles and power structures. If this is correct, then the scope of the theory is limited. Amie Thomasson objects that opaque kinds of social facts cannot be accounted for by Searle's theory, since these types of facts can exist without anyone having any beliefs about them. Hence, they do not meet Searle's interpretation of the condition "seeming to be F is logically prior to being F". I regard this objection as central and I discuss it at length in chapter 5.

There is a logical structure underlying the imposition of status functions and this logical structure can be spelled out in the *form* of constitutive rules: "X counts as Y in context C". For example, the piece of ground (X) becomes private property (Y) by collective agreement in context (C).

It is important to understand the role of constitutive rules in the theory. The *creation* of institutional facts can be represented by the *form* of constitutive rules. When we represent a physical object as a status function, i.e. make the move from X to Y, an institutional fact is created. The *nature* of institutional facts is explained through the form of constitutive rules as well since an institutional fact is represented by the Y term in the formula, interpreted in a specific way (see below). The constitutive rule also explains what an *institution* is; an institution is a system of constitutive rules. It is important to make clear that people must collectively accept the constitutive rule that define the institution. Only when the constitutive rules are accepted can we create individual institutional facts within the institution. The people in Rousseau's example accept the institution of private property, that is, they accept that all pieces of land that are relevantly similar to the 'impostor's piece of land' are private property, and that is a constitutive rule. Thomasson puts this point well: "In order to impose status functions, we must collectively accept constitutive rules, rules that stipulate that a certain x 'counts' as y in the relevant context C."[76] So, an institutional fact, e.g. the fact that I own my apartment, can only exist given that we have accepted the constitutive rules of private property.

76 Thomasson, "Foundations for a Social Ontology", p. 271.

The thesis of constitutive rules

The form of the constitutive rule "X counts as Y in context C" describes the logical structure of society. Searle claims that the collective impositions of status functions are of the form "X counts as Y in context C", which means that the nature of institutional facts and the creation of institutional facts can be *represented* by this formula. The formula is to be interpreted as follows: "The Y term 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."[77] The physical features of the X term have to be insufficient to account for the function of the Y term. Instead, it has to be the collective acceptance that X has a certain status that enables the X term to function as Y. For example, the fact that this object is a screwdriver is not an institutional fact since the physical features of it are sufficient for it to function as a screwdriver. The fact that I own my apartment, however, is an institutional fact. These functions cannot be performed in virtue of the physical features of the X term, but instead, the functions of private property can only be performed in virtue of the collective acceptance of something having the status of private property.

Furthermore, satisfying the X term has to be insufficient for satisfying the Y term. The following would not be a statement of a constitutive rule: "'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'."[78] But, for instance, the following is a statement of a genuine constitutive rule: A piece of ground that has been staked out by a person P counts as private property of P provided certain conditions have been satisfied, because satisfying the X term (a piece of ground) is not sufficient for satisfying the Y term (private property).

In sum, the answer to the initial questions – what is an institutional fact and how is it created? – is: "The class of existing status functions

77 Searle, *The Construction of Social Reality*, p. 44.
78 Ibid. p. 44.

is identical with the class of institutional facts."[79] In other words, an institutional fact is represented by the Y term in the formula "X counts as Y in context C". An institutional fact is *created* by the imposition of a status and with it a function on an object by collective agreement, according to the form of constitutive rules.

I will pose and answer an objection to the thesis that the creation of institutional facts can be represented by the formula "X counts as Y in context C". This objection states that the thesis results in circularity: The imposition of function presupposes the institutional fact it is supposed to create, or more precisely, it presupposes the existence of other facts of the same kind. In other words, to impose a status function on X already presupposes Y, so we cannot create *new* institutional facts by imposition of function. Hence imposition of function cannot bridge the gap between brute or social facts and institutional facts. Referring to imposition of function in explaining institutional facts is circular in the way that it already presupposes the fact it is supposed to create.[80]

An answer to the charge of circularity is to show that the premise this objection is based upon is false. Consider marriage. Supposedly, it started with the social fact of two people living together. A social fact is any fact that involves collective intentionality of two or more agents.[81] To stabilize this arrangement, someone came up with the idea of calling it a marriage when people had lived together for a certain time, and with this status came certain functions. This shows that the transition from a social fact to an institutional fact by the imposition of function does not presuppose the institutional fact it is creating. This means that the premise is false, and thereby that the thesis does not result in circularity.

But, the objector may continue, there is still another problem regarding circularity. The problem is not how institutions and institutional facts can *evolve*, but how they are to be *analyzed*.[82] For instance, consider the question: What is money? Searle's answer is that money

79 Ibid., p. 124.

80 Hans Sluga, Lecture at the University of California, Berkeley, February 1st, 2001.

81 Searle, *The Construction of Social Reality*, p. 26. Social facts lie in between brute facts and institutional facts in Searle's taxonomy. Animals, as well as humans, are capable of collective intentionality, thus social facts require no institutions for their existence.

82 This objection was raised by Wlodek Rabinowicz.

is an institution and this institution consists in constitutive rules which determine which pieces of paper are to count as money. Those institutional facts partly consist in people believing that some object (X) counts as money (Y). But if the answer to the question what money is, is that something is money if it is believed to be money, then the analysis results in circularity. That is, as an analysis of what money *is*, the explanation is circular.

To answer the objection, one can begin by separating the following two questions: What *is* money? How can money *exist*? Searle is concerned with the second question, the ontological question. Answering the ontological question by saying that the belief that something is money is partly constitutive of something being money, poses no problem. It is only if we answer the former question – what is money? – in the above way, that we get circularity. Since Searle is concerned with the latter question and not the former, the objection misses the point.

But, the objector may point out, if Searle is only answering the second question, then he assumes that the first question is already answered. If the first question cannot be answered without circularity, then the value of his analysis, that is, his answer to the ontological question, is limited. This means that the charge of circularity can be avoided only at the cost of the value of his analysis. If the answer to the first question is that money partly consists in people believing it is money we still do not know what money is.

To answer this objection, one needs to show that the question what money is, can be answered without resulting in circularity. Searle's answer to the objection is: "We can cash out the description in terms of the set of practices in which the phenomenon is embedded."[83] By using other institutional concepts in explaining what money is, one can explain what money is without using the concept of money. Hence, the analysis does not result in circularity.

83 See also Searle, *The Construction of Social Reality*, p. 52-53 for a discussion of this problem. Searle writes: "The word 'money' marks one node in a whole network of practices, the practices of owning, buying, selling, earning, paying for services, paying off debts, etc. As long as the object is regarded as having that role in the practices, we do not actually need the word 'money' in the definition of money, so there is no 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'.", p. 52.

But, the objector continues, this answer assumes the understanding of other institutional concepts, which means that one has not avoided the circle, but only extended it to other institutional concepts. True, but this circle would only be a problem if one were trying to reduce the concept of money to non-institutional concepts, which is not Searle's objective.

In sum, the answer to the second charge of circularity is this: The concept of money can be explained by using other institutional concepts. This means that the former question, i.e. what money is, can be answered without a vicious circularity. Therefore, the value of the answer to the ontological question, i.e. how money exists, is not limited.

There are other important aspects of the thesis of constitutive rules. First, this structure can be iterated. Second, language is constitutive of institutional facts. Third, people do not have to be aware of the structure of constitutive rules for this structure to influence their behavior. Let us consider each of these aspects in turn.

In order to make this principle more powerful, the idea of iteration is employed: Status functions can be piled on top of each other. Iterations of this basic structure can be made in different ways and these iterations help to explain how such a simple basic structure can account for the great variety of institutional facts. The Y term from one level can be the X term at a higher level. In other words, we can impose status functions on entities that already have had status functions imposed on them. "For example, only a citizen of the United States as X can become President as Y, but to be a citizen is to have a Y status-function from an earlier level."[84] And the Y term from an earlier level can be the C term at a higher level. For instance, a marriage ceremony requires the presence of a registrar as part of the context C, but being a registrar is to having previously acquired that status function. Searle concludes: "It is no exaggeration to say that these iterations provide the logical structure of complex societies."[85]

The thesis of constitutive rules helps to explain the role of language in this theory. Language understood as a system of symbolization is *constitutive* of institutional facts since these *kinds* of facts cannot exist without being represented as existing. The important thing is that the physical features of the X term is insufficient for the existence of insti-

84 Ibid., p. 80.
85 Ibid., p. 80.

tutional facts, so some way of representing the move from the X term to the Y term is needed. This move can only be made by symbolization. Institutional facts are essentially linguistic since they contain this element of symbolization or representation. This implies the view that language is the fundamental institution in the sense that you can have language without other institutions such as property, but you cannot have other institutions without language. Searle argues that other social theorists fail to see this constitutive role of language; they take language for granted and then try to explain how society is possible. In contrast, if you have language you already have society and an institution, according to this view.[86]

The notion of "the Background" is important in understanding the thesis of constitutive rules. People do not need to be aware of the structure of constitutive rules and they do not need to explicitly accept these rules for institutional facts to exist. Rather the Background is employed to explain how peoples' behavior can be causally sensitive to rules without awareness of the structure of these rules. The three building blocks can only function against the Background, since the Background enables all representing to take place.

What, then, is the Background? "The Background is a set of nonrepresentational mental capacities that enable all representing to take place. Intentional states only have the conditions of satisfaction that they do, and thus only are the states they are, against a Background of abilities that are not themselves Intentional states."[87] The Background consists of various mental capacities so it is located in our brain/mind. The Background is nonrepresentational which means that it does not consist in mental states, or representations, not even in unconscious

86 Language is relevant in relation to different kinds of powers. Many social theorists, e.g. Michel Foucault and Pierre Bourdieu, have pointed out the power to categorize as an important form of power. This aspect in Searle's theory has not been emphasized but he recognizes this point: "Bourdieu, following Foucault, states correctly that people who are capable of controlling the linguistic categorizations that are common in a society have a great deal of power in that society, and Habermas emphasizes the importance of speech acts and human communication in producing social cohesion. But, again, all three fail to see the essentially *constitutive* role of language. Language does not function just to categorize and thus give us power, à la Bourdieu, and it does not function just, or even primarily, to enable us to reach rational agreement à la Habermas." Searle, "Social Ontology: Some Basic Principles", p. 14-15.

87 Searle, *Intentionality: An Essay in the Philosophy of Mind*, p. 143.

mental states, i.e. unconscious in the sense of us not being aware of having these mental states. The Background has no intentionality. Roughly, the idea is that some "beliefs" are too fundamental to qualify as beliefs, such as objects being solid. These presuppositions are part of the Background. To make this clearer, consider Searle's example of the man who forms an intention to run for the Presidency. This intention is located in a *network* of other intentional states such as beliefs and desires, e.g. the man believes that United States is a republic and he desires that people vote for him. The example is used to illustrate the idea that each intentional state only has its content and determines its conditions of satisfaction in relation to other intentional states – the Network. If we continued to ask what this man must believe to run for the Presidency, we would eventually reach the Background. If we tried to state the presuppositions of the beliefs in the Network, we could eventually list things like elections are held near the surface of the earth and people can only vote when conscious. These presuppositions are part of the Background.

Besides a stance towards what the world is like, or presuppositions of intentional states, the Background includes capacities to do certain things, such as walking, or – for tennis professionals – playing tennis. There is a distinction between the *deep Background* and the *local Background*. The deep Background is common to humans due to our biological make-up, while the local Background is culture-specific since it consists in local cultural practices. For example, what is appropriate standing distance might differ from culture to culture. The Background consists of biological capacities as well as cultural practices and habits.

The Background becomes visible once it breaks down, or when there are ruptures in it. It can either be a break against the stance one has towards what the world is like, or a failure in one's normal capacities. For example, for people not growing up in California, experiencing one's first earthquake surely is a break against one's Background presupposition that the ground does not move, while for Steffi Graf suddenly not being able to play tennis is a break against her individual Background capacities. Normally however, Steffi Graf is far beyond thinking about the constitutive rules of tennis or how to make a specific stroke. The rules and technique of tennis are in her Background but her behavior is causally sensitive to those rules. In general, the Background is sensi-

tive to the constitutive rules of institutions, even though it does not contain any representations of these rules. This helps to explain how our actions within institutions can be causally sensitive to the structure of constitutive rules, even if we are unaware of them.

Institutional facts are conventional powers

It is time to turn to an examination of institutional facts themselves, the Y term, to give an answer to the question: What *kind* of statuses are these? Another way to put this question is: What is the *content* of Y?

We have seen that an institutional fact is identical with the status function that is imposed on an object by collective intentionality, and that this imposition follows the form of constitutive rules: "X counts as Y in context C". Therefore, the question – what kind of statuses are these? – is a question about the intentional content of the Y term.

> Because the Y content is imposed on the X element by collective acceptance, there must be some content to these collective acceptances (recognitions, beliefs, etc.); and I am suggesting that for a large class of cases the content involves some conventional power mode in which the subject is related to some type of action or course of actions.[88]

The answer is that status functions can be analyzed in terms of conventional powers. Consequently, institutional reality is a system of conventional power. To explain this claim the distinction between two types of power is relevant: brute power, e.g. bodily strength and intellectual powers, and conventional power, e.g. rights and obligations. The main difference between them is that the former works through a person's intrinsic features and remains unaffected by collective acceptance, while collective acceptance is *constitutive* of the latter. Collective

88 Searle, *The Construction of Social Reality*, p. 104.

acceptance is constitutive of conventional power, since this form of power exists only because people believe it exists. Note that conventional power has the following structure in common with institutional facts: Seeming to be x is prior to being x, or, seeming to have power is prior to having power. This seems, however, too narrow since not all forms of power constituted by collective intentionality need to be *directly* dependent on collective beliefs in this way.

Searle ends up with two main categories of conventional power, positive and negative deontic powers.[89] Positive deontic powers are rights in different forms, privileges, entitlements, and authorizations. In these cases, the agent is endowed with some new power that grants the agent the ability to do something she could not otherwise have done, such as veto legislation. Negative deontic powers are obligations in different forms, e.g. requirements, duties, and penalties. In these cases, the agent is compelled to do something she otherwise would not have done, or prevented from doing something she otherwise would have done.

Let us consider the relation between status functions and deontic powers in more detail:

> … the whole point of the deontic power is to enable the performance of the function. Thus one of the *functions* of money is that you can buy things with it, but you can only do that because the deontic status of money gives the bearer the *right* or *power* to buy things with it. The function and the deontology go hand in hand, as they must because of the peculiar features of status functions. As I tried to make clear, these are not two independent aspects; rather, the function is defined in terms of the power, the power makes possible the performance of the function. The imposition of a status-function is the imposition of a deontology.[90]

89 In a first attempt to classify institutional facts, Searle begins with four different kinds of conventional power: deontic, symbolic, honorific, and procedural. On a later suggestion he classifies in terms of logical structure, and the three latter turn out to be special subclasses of deontic powers. See *The Construction of Social Reality*, chapter 5.

90 John R. Searle, "Responses to Critics of The Construction of Social Reality," *Philosophy and Phenomenological Research* 57, no. 2 (1997), p. 451.

The existence of honorific powers puts this relation into question. Searle regards the class of the so-called honorific powers, given that they are institutional facts, as an interesting but not really relevant exception to his claim that the class of institutional facts is identical to the class of existing status functions. Honorific powers are status functions where the status is valued for its own sake, rather than giving the possessor any new deontic power. Honorific powers are degenerate status functions since they have a social status but not a function, at least not a function understood in terms of deontic power. Examples of honorific powers include being a knight, an honorary doctor, or a beauty queen. An interesting difference, I think, within the class of honorific powers is that some of these have had a function connected to them in the past, e.g. knighthood, which can be called "decaying honorific powers", while for others like beauty queens, there was never a function attached, so these might be called "pure honorific powers".

If one interprets the class of honorific powers as institutional facts, which seems reasonable due to their similarity with institutional facts, it is an exception to two central and interrelated claims: First, it is an exception to the claim that the class of existing status functions is identical to the class of institutional facts. Honorific powers have a social status but not a function and hence there are institutional facts which are not status *functions*. Second, it is an exception to the claim above, that all institutional facts are internally related to deontic powers. Honorific powers have a status but not a function which means that there cannot be any deontic powers internally related to the status of being e.g. a beauty queen.

Honorific powers do not seem to be a pervasive social phenomenon. In this sense, they are not as relevant an exception to the thesis of constitutive rules as other more pervasive social phenomena, like abstract social objects. For that exception, see below.

Let us go back to deontic power. To make the relation between "standard" institutional facts and deontic power clearer, consider the example of private property again. It can illustrate how a conventional power is created and then destroyed. Furthermore, it can illustrate positive and negative deontic powers. Conventional power is created when the man says "this is mine" and finds "people simple enough to believe him". We can state what happens in the form of constitutive rules: This piece of ground (X) counts as private property (Y) in our

society (C). The collective acceptance of private property is the creation of a conventional power. So, when we impose a status function on an object, we construct a conventional power. By accepting private property, people accept that the owner of the ground has the *right* to use it as she wishes, that is, they accept and thereby confer a *positive deontic power* on the owner. In fact, this also means that they accept a *negative deontic power*, an *obligation*, for themselves: to refrain from walking on the ground. Consequently, they have accepted the rights and obligations of private property.

The attempt Rousseau hoped for, of "pulling up the stakes", would be a destruction of a conventional power, removing the rights and obligations of private property created in the first scenario.[91] That is, Rousseau hoped that the people would stop treating the X term as having the status of the Y term.

In sum, we have seen how institutional facts are conventional powers, and that collective intentionality is constitutive of institutional facts and conventional powers. In other words, *collective intentionality is a mechanism for creating power*. If the collective acceptance is removed, if people stop treating X as Y, our institutions collapse.

Desire-independent reasons for action

The background of the claim that status functions are conventional powers is that status functions serve the purpose of regulating behavior and expectations, and thereby make society possible. To do this, status functions need to have deontic powers tied to them. Society functions by us recognizing these deontic powers, and thereby us creating desire-independent reasons for action. This is the connection between *The Construction of Social Reality* and *Rationality in Action* where Searle develops an account of practical reason. The connection is that the mere recognition of a status function as binding on you gives rise to a desire-independent reason for action.

91 Rousseau's example refers to the destruction of the institution of private property, and hence the destruction of a *kind* of conventional power. This should be distinguished from the destruction of a *particular instance of that kind*, e.g. that I no longer own my apartment.

If this is correct, it makes the theory more general and powerful since it provides a link between the ontology of the social world and human action. The notion of a desire-independent reason for action is therefore crucial to the theory. Still, most commentators and critics have focused mainly on the ontology, leaving the connection to motivation and action aside. Given the importance of this notion, what exactly is a desire-independent reason for action?

The difference between desire-independent and desire-dependent reasons for action is this: In the case of desire-independent reasons for action, the reason is prior to the desire and the reason is the ground of the desire. In the case of desire-dependent reasons for action, the desire is prior to the reason and the desire is the ground of the reason.[92] For example, a promise creates a desire-independent reason for action. Given Searle's analysis: "… promises are by definition creations of obligations; and obligations are by definition reasons for action."[93] To see how this works, consider the following case. Suppose an agent promises someone to perform act x. By making the promise, the agent has created an obligation to do x, since a promise to perform act x is the same as being under an obligation to perform act x. By creating the obligation, the agent has created a desire-independent reason for action, since the obligation means that the agent has bound her will to perform act x in the future regardless of whether she has a desire to perform act x in the future or not. Thus, the desire to fulfill the promise derives from the obligation, i.e. the reason comes prior to the desire and the reason is the ground of the desire.

To sum up, an institutional fact is identical with the status function that is imposed on an object by collective intentionality according to the form of constitutive rules: X counts as Y in context C. Institutional facts are observer-relative, ontologically subjective but epistemically objective. Collective acceptance is constitutive of institutional facts and this has the consequence that what seems to be the case comes prior to what is the case, and also that seeming to be f is necessary of

92 The idea that there are desire-independent reasons for action is a matter of debate, to say the least. For an account which denies the existence of desire-independent reasons for action, see e.g. Bernard Williams, "External and Internal Reasons," in *Moral Luck: Philosophical Papers 1973-1980* (Cambridge: Cambridge University Press, 1981). Derek Parfit, on the other hand, is one of the most well-known proponents of the view that there are desire-independent reasons for action.

93 Searle, *Rationality in Action*, p. 193.

being f. Institutional facts are deontic powers, and society functions by rational agents recognizing these deontic powers, creating desire-independent reasons for action. That is, the recognition of the system of deontic power gives rise to agents having desire-independent reasons for action. The system of status functions is essentially a system of deontic power and consequently institutional reality is a matter of deontic power.

This insight is represented by the formula "We accept (S has power (S does A))" which we can refer to as "the deontic power account". According to Searle, the two formulae "X counts as Y in context C" and "We accept (S has power (S does A))" are two aspects of the same thing. When we impose a status function on someone we impose deontic powers on this person, and this imposition can be described by both formulae. In other words, the two formulae are supposed to be equivalent and hence generate the same result for all cases. This serves to keep the theory simple. But the existence of the so-called free-standing Y-terms, or abstract social objects, implies that the two formulae are not equivalent, undermining the simplicity of the theory.

The problem of abstract social objects

The existence of free-standing Y-terms, or abstract social objects, questions the applicability of the formula "X counts as Y in context C", suggesting that Searle's theory has limited scope.[94] If we consider what the American Constitution, corporations and laws have in common it becomes clear that these objects are "… abstract in the sense of not being identifiable with any particular material object."[95] Thomasson notes that even if the historical document which the U.S. constitution was written on would be destroyed, we still would not say that the U.S. is a country without a constitution, which suggests that the Constitu-

94 This objection has been raised by Barry Smith and Amie Thomasson. Searle has offered different replies in various articles. See Barry Smith and John R. Searle, "The Construction of Social Reality: An Exchange," *The American Journal of Economics and Sociology* 62, no. 1 (2003), and Thomasson, "Foundations for a Social Ontology".

95 Thomasson, "Foundations for a Social Ontology," p. 273.

tion cannot be identified with this historical document. These types of examples contrast with Searle's own examples such as the president of the United States which can in fact be identified with a particular person, or the fact that two people are married.

Two assumptions, related to how the formula "X counts as Y in context C" should be interpreted, lead to the problem of abstract social objects. The first is the logical priority of brute facts over institutional facts. Institutional facts eventually have to bottom out in brute facts, i.e. "institutional facts exist, so to speak, on top of brute physical facts."[96] The second is the idea that we do not have to create any new objects in order to be able to make true statements about institutional reality; rather a new level of description, created by our assignment of status functions to objects, is sufficient for that role.

> 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…[97]

But abstract social objects cannot be understood in this way since they are not material objects overlaid with a new function. For example, the Constitution cannot be understood in terms of a material object (the historical document/the X-term) overlaid with a new function (the Constitution/the Y-term) in accordance with the formula "X counts as Y in context C", since the constitution (Y) would still exist even if the historical document is destroyed (X). Or consider Barry Smith's example of money: Some forms of money, such as dollar bills, can be understood as an object overlaid with a new function, but the money in my bank account cannot. Blips on a computer disc cannot be understood in this way, as being money; they are rather a *representation* of money.

The existence of abstract social objects suggests three problems for Searle's theory. First, the existence of these phenomena puts the central claim, that "X counts as Y in context C" is the logical structure of

96 Searle, *The Construction of Social Reality*, p. 35.
97 Ibid, p. 57.

institutional reality, into question since it does not hold for *all* institutional facts. Second, given that abstract social objects are pervasive, it questions the explanatory power, or scope of Searle's theory. Third, which will become clear, it points to an internal inconsistency in the theory. The formula "X counts as Y in context C" and the formula "We accept (S has power (S does A))" are supposed to be equivalent, but they are not since they generate different results regarding abstract social objects.

Are there any theoretical tools available within Searle's theory to solve this problem?[98] The first reply would be to suggest that the American constitution really is a number of constitutive rules which have been codified, specifying the specific rights and obligations of American citizens. This is promising since it keeps the simplicity and the fundamental assumptions of this theory. However, there are abstract social objects which cannot be understood in terms of constitutive rules, such as money in a bank account. Rather, the latter seems more plausibly to be understood in terms of deontic powers than in terms of constitutive rules.

The second reply would be to emphasize the deontic power formula "We accept (S has power (S does A))", rather than "X counts as Y in context C", in combination with Searle's view that social acts have priority over objects: "Social objects are always … constituted by social acts; and, in a sense, *the object is just a continuous possibility of the activity*."[99] The American constitution is to be understood in terms of the deontic powers it gives to American citizens and the new actions it makes possible such as voting.

This reply is problematic since the deontic power formula and not the form of constitutive rules is applicable to abstract social objects, meaning we have two basic formulae instead of one. Consequently, the relation between them has become unclear and the theory assumes an additional theoretical tool.

A way to keep the simplicity would be to show that the two formulae are indeed equivalent. To do this, it is important to point out that Searle speaks of brute facts and institutional *facts*, while Thomas-

98 Josef Moural, "Searle's Theory of Institutional Facts: A Program of Critical Revision". In *Speech Acts, Mind, and Social Reality*, eds. Günther Grewendorf and Georg Meggle, (Dordrecht: Kluwer 2002).

99 Searle, *The Construction of Social Reality*, p. 36.

son shifts to discussing *objects*. Furthermore, Thomasson's interpretation of Searle's theory seems too narrow; the X-term does not have to be a *particular* material object, rather it can be people's thoughts and actions. This wider interpretation of the X-term is in line with Searle's theory: "Often, the brute facts will not be manifested as physical objects but as sounds coming out of peoples' mouths or as marks on paper – or even thoughts in their heads."[100] So, the X-term would not be the actual historical document but rather different individuals' mental states and actions regarding the constitution. This makes the two formulae equivalent.

Besides it being implausible that, for instance, the Constitution's having a certain number of chapters, can be understood in terms of peoples' thoughts that it has a certain number of chapters, the initial problem shows up again. We can change some individuals' thinking about the Constitution without there being any change in the Constitution, suggesting the Constitution is something else than these peoples' thoughts and actions regarding it. We might be able to solve this problem by assuming a functionalist view. True, we can change some of the individuals, but there must be some people with *certain types of thoughts* and they must perform *certain types of actions* for there to be a constitution. To defend this view presupposes a metaphysical discussion I cannot enter into here. Instead of trying to make the two formulae equivalent, we could say that the deontic power formula is primary and this formula accounts for the applicability of the "X counts as Y in context C" formula in those cases where the latter formula is applicable, i.e. in those cases in which the imposition of deontic power on subjects is achieved by the imposition of status functions on these subjects, or some objects. A result of this discussion, however, is that the deontic power account is more general than the "X counts as Y in context C" formula. I turn now to considering some criticisms of this account.

100 Ibid., p. 35.

Power and collective acceptance

In Searle's recent article "Social Ontology and Political Power" the deontic power account is further discussed. The question is: What sort of power is political power? Here, Searle makes the bold claim that political power is essentially deontic: "All political power is a matter of status functions, and for that reason all political power is deontic power."[101] He moves between this strong formulation and a weaker formulation stating that *typically* political power is a matter of deontic power. Critics object that this implies a consensual view of the political and a too narrow conception of political power: there are other kinds of political power than deontic, e.g. the power to induce subordination.

Furthermore, these commentators claim that Searle fails to account for the fact that consent is often coerced. "Contemporary sociologists, sensitive to questions of power, are, for this reason, likely to be suspicious of Searle's formulation."[102] More specifically, they object to the use of collective *acceptance* in the deontic power formula since they take this to imply a consensual and voluntarist picture of institutions. Many institutions work through threat of force, domination, manipulated acceptance, and not simply by consent and genuine acceptance. Steven Lukes asks what acceptance amounts to exactly, and how we distinguish between genuine acceptance and acceptance induced by power relations.[103] And the anthropologist Neil Gross criticizes Searle's notion of collective intentionality for excluding domination: "The problem with this notion, from the standpoint of the awareness of the dynamics of legitimate domination, is that there are many instances when actors collectively agree to constitutive rules without realizing that their agreement has the effect of helping to subordinate them."[104] He continues: "I wonder whether the notion of intentionality, understood in the specific way it is by Searle, is really appropriate for de-

101 John R. Searle, "Social Ontology and Political Power," in *Socializing Metaphysics: The Nature of Social Reality*, ed. Frederick F. Schmitt (Lanham: Rowman & Littlefield, 2003), p. 204.
102 Neil Gross, "Comment on Searle," *Anthropological Theory* 6, no. 1 (2006), p. 52.
103 Steven Lukes, "Searle and His Critics," *Anthropological Theory* 6, no. 1 (2006).
104 Gross, "Comment on Searle," p. 52.

scribing the assent that occurs in such situations. As I understand it, collective intentionality implies consent."[105] According to Gross, social reality rests not only on collective intentionality alone but also on some people being dominated by other people.

The objection is right as far as it goes; the language in the current debate in social ontology is couched in terms of acceptance, consensus, and other voluntaristic notions. This is a serious limitation, I think, since it keeps important phenomena such as domination out of focus. But there is nothing inherent in the notion of collective intentionality that excludes domination even if using the term *acceptance* is somewhat misleading in explaining the constitution of institutions. In fact, one of the central points of the previous chapter is that we were able to give an analysis of collective action which could incorporate coerced individuals acting together.

Searle's reply to Gross is twofold: It consists first, in pointing out that collective intentionality does not imply consent. There is no contrast between collective acceptance and people growing accustomed to domination and thus 'accepting' institutions, since collective intentionality ranges from enthusiastically endorsing an institution to grudgingly going along with it.[106] Second, he emphasizes the difference between two questions: "why do people accept institutions?" and "what is the nature of institutions and institutional facts?"[107] Domination plays a role in answering the former question, but the project is to answer the latter. The critics would have to show that the distinction between manipulated and genuine acceptance is central to the *ontology* of the social world, and consequently that domination is *constitutive* of institutions and institutional facts.

These critics point to an important social phenomenon and another form of power than deontic, domination, but they identify the wrong assumptions as causing the problem; there is nothing inherent in collective intentionality which excludes domination. Rather, the existence of opaque kinds of social facts points to the possibility of opaque kinds

105 Ibid., p. 52.

106 Depending on one's research question, it is important to distinguish between different forms of collective intentionality. For instance, if one is concerned with different forms of social power, e.g. domination, then the distinction between genuine and manipulated consensus is essential.

107 John R. Searle, "Reply to Gross," *Anthropological Theory* 6, no. 1 (2006), p. 67.

of social power, which is relevant to the concept of domination since presumably you can be dominated without knowing it. The important thing to investigate is whether or not Searle's theory can account for opaque kinds of social facts. I turn to this issue in chapter 5.

I take this discussion to point to a further problem. The notion of collective intentionality is a broad notion indeed, from animals hunting to people accepting institutions due to domination. Recall that a social fact is stipulatively defined as any fact involving collective intentionality of two or more agents, which makes this a broad category too. We can distinguish between different phenomena within the category of social facts and some will be more relevant than others depending on our purpose. For example, *social practices* will prove relevant for different conceptions of power since reasons based on practices can conflict with desire-independent reasons based on institutional facts. In the next chapter, I turn to Raimo Tuomela's theory of social practices and social institutions to study this particular class of social facts.

Conclusion

The purpose of this chapter was to assemble the tools, or building blocks, for understanding institutional facts and the kind of power inherent to institutional facts. Searle's theory has vastly improved our understanding of institutional facts and deontic powers. I considered various criticisms of his analysis of institutional facts, i.e. the thesis of constitutive rules, based on simplicity and scope. Based on this discussion, it turns out that the structure of constitutive rules is not *the* principle of society since there are some phenomena, most notably abstract social objects, to which it does not seem applicable, but it is still *a* particularly powerful principle in analyzing institutional facts and deontic powers, and hence in understanding institutional reality.

In the next chapter, I critically examine another main theory of institutions; Raimo Tuomela's collective acceptance account of sociality. Furthermore, I extend the investigation to social practices, and social statuses which cannot be understood in terms of deontic powers.

CHAPTER 4

Social practices and social institutions

Introduction: The importance of social practices

In Sweden, there has been an intense political debate concerning parental leave. Parents have the right, a deontic power, to stay home from work with their children for 12 months with approximately 80 % of their salary. The parents decide how to split the months between them. In fact, though, the parental leave is almost exclusively maternal leave since in most cases the woman stays at home for most of the period. What looks like individual families' decisions on how to organize their family life, can instead be seen as a social practice.

This is an interesting example of how a social practice can be in conflict with and undermine the intent of a gender-neutral policy. Trying to understand this case in terms of deontic power, e.g. in terms of women having an *obligation* to stay at home with the kids, would be pushing the notion too far. Rather, we need the notion of a social practice. Social practices can generate reasons for action, and these reasons can conflict with reasons based on institutional facts.

Raimo Tuomela's collective acceptance account of sociality, which is one of the main theories in this field, includes a well-developed theory of social practices and social institutions. My main reason for investigating Tuomela's theory is that I will use his notion of a social practice and the type of reasons these practices generate, social reasons, in pro-

viding an account of social power, an account which is broader than Searle's deontic power account. In this chapter, I continue to assemble the theoretical tools in order to get a clearer understanding of social power. This means developing Tuomela's notion of a "social status" in a new direction; arguing that some social statuses can transform into deontic powers, and that some social statuses display a different kind of normativity than deontic.

Tuomela's theory and Searle's theory are similar enough for this to be a possible and fruitful approach. They share central features like viewing language as the fundamental institution, and on both accounts institutions require collective intentionality, constitutive norms, or constitutive rules in Searle's terminology, and symbolization for their existence. Furthermore, Tuomela's notion of social practice is plausibly viewed as a social fact on Searle's account. For Searle, social facts are any fact involving the collective intentionality of two or more agents, and social practices on Tuomela's view are constituted by collective acceptance, which is a feature of collective intentionality. By emphasizing the notion of a social practice, we single out a particularly important class of social facts.

There is a central difference concerning the analysis of institutions: Tuomela views shared we-attitudes in *the we-mode* as a necessary condition of institutions, which is a stronger requirement than Searle's collective intentionality.

There are various reasons for looking closer at Tuomela's central claim regarding institutions. First, we can contrast and consider this account of institutions with Searle's in order to figure out how strong a collectivity notion we need in analyzing institutions. Second, Tuomela regards his account of institutions as wider than Searle's, but in fact the we-mode claim makes it rather narrow, or so I will argue.

More generally, I will investigate Tuomela's theory from the perspective of social power. I argue that being more attentive to social power puts Tuomela's central claim – shared we-attitudes in the we-mode is required for the existence of institutions – into question. Being more attentive to social power also questions the plausibility of one of his aims. Tuomela intends his theory to provide a conceptual system for theory building in the social sciences, but an analysis of the concept of power is missing which is problematic given this aim.

A note about the structure of this chapter: Tuomela's theory involves many concepts, some invented by himself. In order to make the relations between them clear, I begin by discussing his collective acceptance account of sociality. This discussion gives a sense of Tuomela's general theory and the context and aims of his work. I go on to consider Tuomela's theory of social practices and social reasons in more detail. I proceed to his theory of institutions and argue that his central claim, that shared we-attitudes in the we-mode are necessary for the existence of standard institutions, is not plausible once one pays attention to social power. Furthermore, I argue that the collective acceptance account of sociality emphasizes the wrong features of institutions; the we-mode does not have the same conceptual status as reflexivity and performativity, while social power has.

The collective acceptance account of sociality

> The most central – and novel – claim of this book is that collective intentionality in the form of shared we-attitudes is constitutive of standard social practices and social institutions.[108]

This quote tells us some important things about Tuomela's most recent book, *The Philosophy of Social Practices: A Collective Acceptance View*.[109] The objects of study are shared we-attitudes, social practices and social institutions. The basic building block of social practices and social institutions is collective intentionality, which is explicated as shared we-attitudes.

Tuomela sets out to clarify the concepts of social practice and social institution by using the collective acceptance account of sociality. His answer to the question "In what sense is the social world an artifact?", is that a central part of the social world is collectively constructed by collective acceptance. Collective acceptance is understood in terms of we-attitudes.

108 Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View*, p. 2.
109 Ibid.

In general, collective intentionality is explicated as shared we-attitudes on Tuomela's account. This basic notion is not, contrary to what many commentators think, conceptually reductive, or conceptually individualistic:[110] "… my analysis of joint intentions and we-intentions is conceptually non-reductive, although it is ontically individualistic or, better, inter-relational … These notions presuppose at least a pre-analytic notion of joint intention – viz. one involved in the participants' minds when engaged in joint intention (and joint plan) formation…"[111] This is a version of the mixed approach but Tuomela's account is more similar to Bratman's and Kutz's analyses than Searle's in one respect; it does not presuppose that a we-intention is a separate kind of intention, but rather an individual intention with irreducible collective content. His analysis of a we-intention is:

> A member A_i of a collective g *we-intends* to do X if and only if (i) A_i intends to do his part of X (as his part of X); (ii) A_i has a belief to the effect that the joint action opportunities for intentional performance of X will obtain (or at least probably will obtain), especially that a right number of the full-fledged and adequately informed members of g, as required for the performance of X, will (or at least probably will) do their parts of X, which will under normal conditions result in an intentional joint performance of X by the participants; (iii) A_i believes that there is (or will be) a mutual belief among the participating members of g (or at least among those participants who do their parts of X intentionally as their parts of X there is or will be a mutual belief) to the effect that the joint action opportunities for an intentional performance of X will obtain (or at least probably will obtain); (iv) (i) in part because of (ii) and (iii).[112]

This analysis is similar to the early analysis suggested by Tuomela and Miller, summarized by Searle as quoted in the previous chap-

110 Both Gilbert and Searle has interpreted it as a conceptually reductive analysis, see Margaret Gilbert, "The Importance of Us – Review," *Ethics* 108, no. 4 (1998), Searle, "Collective Intentions and Actions."

111 Raimo Tuomela, "We-intentions Revisited," *Philosophical Studies* 125 (2005), p. 342-343.

112 Ibid., p. 340-341.

ter. Tuomela emphasizes that the action X should be understood as an irreducible joint action, which makes the analysis conceptually non-reductive.

If this particular we-intention happens to be shared by other agents we have a joint intention. A joint intention consists in each participant's we-intention to perform the joint action, together with mutual belief, that is, the participants must know of each others' intentions to perform the action.[113] A we-attitude is the basic notion in this conceptual framework and it is used in analyzing more complex social notions, such as social practices and social institutions.

Standard social practices include customs and traditions such as organic farming, eating ham for Christmas, and playing soccer on Sundays. A social practice is understood as "recurrent collective social actions performed for a shared social reason…"[114] Consider a game of soccer played every Sunday. This is a social practice on Tuomela's account since the game is a collective-social action, and it is played every Sunday, meaning it is recurrent. Furthermore the players' actions are performed because of a shared we-attitude, which gives them a social reason to play every Sunday. We can however consider more interesting examples of social practices than organic farming and soccer games, examples pertinent to social power, like my previous example of parental leave.

---

113 The concept of mutual belief is problematic and Tuomela's view is instructive in this regard. He distinguishes between two approaches to mutual belief, the "iterative" and the "reflexive" approach. The iterative approach runs as follows: "x and y believe that p, x believes that y believes that p (and similarly for y), x believes that y believes that x believes that p (and similarly for y); and the iteration can continue as far as the situation demands", while the reflexive states that: "x and y mutually believe that p if and only if they believe that p and also believe that it is mutually believed by them that p." *The Philosophy of Social Practices*, p. 34-35. Both the iterative and the reflexive approach to mutual belief face difficulties, the first due to infinite regress and the second due to circularity. Tuomela notes regarding the iterative approach that only a few iterations are necessary for it to function in practice. Still, the infinite regress remains at a theoretical level. This problem is significant since the notion of a shared we-attitude is partly analyzed in terms of mutual belief. Recall that a shared we-attitude is his fundamental building block on which other notions such as social practices and social institutions rely. The second approach is so obviously circular that it does not help us to clarify the concept of mutual belief at all.

114 Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View*, p. 3.

Most works in social ontology focus on collective intentionality, social groups, institutions and institutional facts. Tuomela gives *social practices* a central role in the analysis of the social world. According to Tuomela, there has not been any detailed philosophical analysis of social practices prior to his own work. This is similar to a claim made earlier by Tuomela: he notes the previous lack of philosophical discussion of *social action*, that is, actions performed together by several agents. He goes on to argue that social action, understood in terms of shared we-attitudes, plays a crucial role in understanding social reality. Still, it has not received enough attention in the social sciences. In this way, he wants to draw our attention both to shared we-attitudes and social practices.

Tuomela's aim is to provide a new theory, referred to as the collective acceptance account of sociality, of social practices and social institutions based on the notion of a shared we-attitude. In doing so, he attempts to provide a new conceptual system for theory building in the social sciences, e.g. by giving shared we-attitudes a *central role* in the analysis of the social world, and to clarify some important issues in the social sciences, e.g. by giving a more *precise* account of social practices and social institutions.

Shared we-attitudes in the we-mode

The collective acceptance account has three features, the first being the most important: the distinction between the I-mode and the we-mode, reflexivity, and performativity. Reflexivity and performativity have been discussed by other philosophers of the social world as well. The general idea is that institutional concepts are self-referential or reflexive in the sense that for something to be money, it has to be collectively accepted that pieces of paper of a certain kind counts as money. Social entities such as money are performatively constructed by group members in the sense that the group members can collectively bring it about that certain pieces of paper count as money.

In introducing the distinction between we-attitudes in the I-mode and we-attitudes in the we-mode, Tuomela introduces a new and third feature of sociality. This distinction plays a key role in his account of

social institutions. The main claim is that institutions require shared we-attitudes in the we-mode in order to exist. For social practices, shared we-attitudes in the I-mode are sufficient, but there can be social practices based on shared we-attitudes in the we-mode.

The intuitive idea behind the distinction between acting in the I-mode and acting in the we-mode is the difference between thinking as a private person e.g. in terms of *personal* goals, and thinking from the group's perspective, e.g. having a goal as a *group* member: "Thus a we-mode attitude involves *thinking and acting from the group's perspective*, and such activities are meant *for the use of members*. The members are *collectively committed* to the content of the attitude, whereas the I-mode lacks the mentioned two features of we-modeness and concerns basically the agent's self-directed (but possibly altruistic) benefit (or 'utility') and action."[115] For example, a number of friends decide to set up a carpool.[116] Most of them have a we-attitude in the we-mode: I intend to do my part of our organizing the carpool so that we can help reduce pollution and give everyone in our group access to a car. But one of them is in it because he cannot afford to have his own car, and hence he has a we-attitude in the I-mode: I intend to do my part of our organizing the carpool so I can have access to a car.

There are two important aspects of we-modeness: collective commitment and what Tuomela refers to as "forgroupness". "Forgroupness" has two parts. First, it means that a certain proposition is collectively available in the group. For example, S = our carpool helps to reduce pollution, is "correctly assertable" in group contexts, meaning the carpool members can use S as a premise in reasoning in deciding what means of transportation to choose. The second part of forgroupness is trying to further the group's goal or interests, that is, trying to do something for the benefit and use of the group, such as taking good care of the car, or buying a hybrid rather than a regular car. Tuomela writes: "Basically, acting as a group member is to intentionally act within the group's realm of concern. … What is required is that the group member in question will intentionally attempt to act in a way related to what he takes to be the group's realm of concern, such that

115 Ibid., p. 2-3. (My italics.)
116 Lena Halldenius suggested the carpool example.

he does not violate the group's constitutive goals, standards, values, and norms (in one word, its 'ethos')."[117]

Commitment is understood as a person having bound her will in relation to performing a certain action. A collective commitment means that a person, in virtue of being a group member, has bound her will to promote the group's ethos, e.g. using the carpool as her primary means of transportation. More precisely, collective commitment amounts to "… I take myself to be committed to s and will act accordingly, in part because I believe that I ought to do what it takes to make or keep s correctly assertable for the group; and I believe that you are also similarly committed to s and will act accordingly, in part because of your similar personal (not necessarily social) normative thoughts; furthermore, we both believe that all this is mutually believed by us."[118] In sum, the we-mode is co-extensive with forgroupness and collective commitment. Tuomela's formal definition of the we-mode runs as follows:

> Agent x, a member of group g, has a certain attitude ATT with content p in the *we-mode* relative to group g in a certain situation C if and only if x has ATT with content p and this attitude (thus also the sentence s expressing it) has been collectively accepted in g as g's attitude, and x is functioning (viz., experiencing, thinking, and/or acting) qua a group member of g and is collectively ATT-committed to content p at least in part for g (viz., for the benefit and use of g) in C.[119]

To make this clearer, consider carpooling again. One of the fundamental goals of this group is to help reducing pollution in order to preserve the environment for future generations. This is one part of forgroupness: ethos. The belief that carpooling reduces pollution is collectively available to the group members and can be *used as a premise in reasoning*. This is the other part of forgroupness, collective availability. There is *collective commitment* to this goal in the sense that the group members believe they ought to preserve the carpool unit. For instance,

117 Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View*, p. 39.
118 Raimo Tuomela, "Collective Acceptance and Social Reality," in *On the Nature of Social and Institutional Reality*, eds. Heikki Ikäheimo Eerik Lagerspetz, Jussi Kotkavirta (Jyväskylä: University of Jyväskylä, 2001), p. 113.
119 Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View*, p. 36-37.

if a member chooses other means of transportation on a regular basis, this member is boycotted or looked down upon. So, in this group, the goal of organizing a carpool to reduce pollution involves forgroupness and collective commitment. In other words, the group members act in the we-mode regarding this goal.

Contrast this case to acting in the I-mode, i.e. as a private person. A person in this group privately questions the belief that carpooling reduces pollution. In fact, as a private person, she believes that it does not. This case lacks the aspect of forgroupness, that is, her action is not influenced by the group's goal of organizing a carpool to reduce pollution but simply by her personal goal of having access to a car. This person does not use the group's goal as a premise in reasoning in deciding what means of transportation to choose. Furthermore, she does not believe that the members of this group ought to organize the carpool in order to reduce pollution, so she is not committed to upholding the carpool as a group member. This scenario lacks the two aspects of acting in the we-mode: forgroupness and collective commitment.[120]

Social practices

> A social practice in its core sense is taken to consist of recurrent collective social actions performed for a shared social reason, expressed in the collective attitude (viz., shared we-attitude) underlying the social practice.[121]

To understand what a social practice is, three concepts need to be made clear, "shared we-attitude", "social reason" and "collective social action". The notion of a shared we-attitude has already been discussed. A social reason amounts to having a we-attitude. If some people con-

120 According to Tuomela's theory, a rational group member cannot believe both S and -S, but she can rationally believe S as a group member while believing -S as a private person This has relevance for making sense of an aspect of contemporary political and corporate life: Politicians and CEOs are sometimes criticized for voting according to the group's goals even though it was against their private beliefs. The we-mode can explain this; they acted as group members, e.g. as social democrats or as board members, rather than in the I-mode.

121 Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View*, p. 3.

stitute a social practice by their shared we-attitudes, then they have a social reason to perform actions in accordance with this practice. For example, given the shared we-attitude of playing soccer on Sundays, they have a social reason to show up for the game.

Tuomela speaks of a *collective social* action since an action can be collective without being social – for instance, a number of people opening up their umbrellas at the same time because it starts raining – and it can be social without being collective, e.g. a single individual taking other person's beliefs into consideration. Tuomela is interested in the intersection of collective and social actions, that is, a certain number of people (collective) taking the others into consideration (social) in various ways, e.g. opening your umbrella at the same time as other people *because* you are all part of a theatre performance and aware of that fact.

With this account of a social practice in place, we can see why it is plausible to regard the previous example of parental leave as a social practice. It is a good example of a collective-social action since it involves a great number of individuals taking the considerations of others into account, e.g. employers and others often expect women to stay at home. This collective-social action is recurrent, i.e. it is the same type of pattern over generations. Customs and traditions are viewed as standard social practices and this is plausibly viewed as a custom, being based on a shared we-attitude, such as "this is the way we do things here", or "this is the best way to organize family life" which gives the individuals a social reason to act accordingly.

Social practices play an important role in Tuomela's theory of social concepts and sociality in general: "… the social world is made and maintained by people by means of their social practices".[122] This differs from Searle's account in which social institutions and institutional facts are the main objects of study. Tuomela adds social practices as an important object of study. It might be a new insight to give social practices such a prominent role in the analysis of the social world. Tuomela views social practices as the underlying building block of society and of social institutions in particular. Note that Tuomela seems to suggest a rival proposal for the building blocks of institutions, social practices, while Searle's theory includes collective intentionality, imposition of

122 Ibid., p. 5.

function and constitutive rules as the building blocks of institutional facts. However, Searle's social facts, stipulatively defined as any facts involving the collective intentionality of two or more agents, is wide enough to include Tuomela's notion of a social practice. And Tuomela still regards institutions as the most important class of collective-social items. Let us consider that account.

Special forms of social practices: Social institutions

> Basically, the notion of a social institution (in a general sense) is a reflexive notion concerning a core social practice or practices governed by a system of norms based on collective acceptance for the group's benefit and use.[123]

On this definition of an institution, social practices are the building block of social institutions. Institutions are special kinds of social practices, and the distinguishing features of institutions are that they are governed by a system of norms, and shared we-attitudes in the we-mode are required for the existence of institutions, which can be seen by the phrase "for the group's benefit and use". On this view, institutions are essentially group phenomena in a rather strong sense since the group members must hold shared we-attitudes in the we-mode in order to constitute and maintain institutions.

Besides shared we-attitudes in the we-mode, norms are required for the existence of institutions. The general idea of a norm is this: if there is a norm in place, everyone in the group ought to perform a certain action once they find themselves in specific circumstances. For example, if there is a norm that all people in your group play soccer on Sundays, you ought to, or are expected to participate. This norm gives you a social reason for action. There is an element of power implicit in norms since the participants regard themselves and others as expected, or bound to play soccer and risks facing sanctions for non-compli-

123 Ibid., p. 3.

ance. Institutions can be based on two different kinds of norms: rule norms, e.g. the state imposing laws on the population, or proper social norms, which are based on mutual expectations, e.g. the norm of mutual gift-giving.[124]

For full-blown institutions (b, c, d below) on Tuomela's account, a constitutive norm is required. A constitutive norm adds a *new status* to a social practice, thus turning it into a social institution. The constitutive norm resembles Searle's constitutive rule but it is wider. If people accept a constitutive norm, they can impose not only deontic powers on a person or object, but also a new social and/or conceptual status. In this sense Tuomela's account of institutions is wider than Searle's. This point can be made clear by considering four types of institutions:

> (a) institution as norm-governed social practice; (b) institution conferring a new conceptual and social status to some entity (e.g., person, object, or activity); (c) institution conferring a new deontic status and status functions to go with it to the members of the collective in question; (d) institution as an organization involving social positions and a task-right system.[125]

In our example, the shift from the soccer game as a social practice to a social institution requires that the participants act in the we-mode and there being certain norms related to the practice, such that you are *expected* to play on Sundays and there are *social sanctions* towards non-players. This is an institution in sense (a) and Tuomela regards this as a weak case of an institution, i.e. not a full-blown case since there is no constitutive norm.

If our soccer players began to conceptualize and refer to their soccer game as "The Sunday Game", and consequently used this notion in their thinking and acting, the game would have gained a new conceptual and social status. This concept would carry with it a new social and conceptual status in the sense that the use of the concept our Sunday game is "normatively governed", that is, only soccer games of

124 Rule norms may be formal like state laws, or informal, such as some parents' view that their children should be in bed by 8 pm, and social norms may be society-wide or group-specific.

125 Raimo Tuomela, "Collective Acceptance, Social Institutions and Social Reality," *American Journal of Economics and Sociology* 62, no. 1 (2003), p. 141.

this kind are to be referred to as our Sunday game. In other words, the game and related activities get a new social and conceptual status by being subsumed under the label "our Sunday game". This is an institution in sense (b).

If the game developed and got more serious – we might imagine the best players getting some special rights and responsibilities, i.e. deontic powers – we have an institution in sense (c). This is Searle's sense of institution. If our soccer team improved further and entered a professional league, evolved into an organization with financial and administrative personnel, sponsors, coaches and new players, each with distinct tasks, we would have a task right system, and an institution in sense (d).

Tuomela's account of institutions seems wider than Searle's since only c) is explicitly an institution on Searle's account. But there is nothing in Searle's assumptions which exclude case d); the specific tasks the sponsors and coaches ought to perform can be understood in terms of deontic powers, e.g. the coach have the right to decide on strategy and an obligation to make the team win. In short, case d) does not seem to be a distinct kind of institution. Case b) makes Tuomela's theory wider than Searle's theory since on the latter account, this is not an institution due to the lack of deontic powers. On Tuomela's account, the constitutive norm just adds a new conceptual and social status, and no deontic powers, on some objects or people. But it is unclear how this social and conceptual status is to be understood.

Social status and telic normativity

Tuomela's notion of a social status, in combination with Searle's honorific powers, can be used to point to an important dimension of social reality; there are social statuses with functions which cannot be understood as deontic powers. This social status might be a status which can be transformed into deontic powers, or it might be a function displaying a different kind of normativity than deontic normativity. Let us consider each in turn.

Honorific powers are degenerate status functions since they have a social status but not a function, at least not a function which can

be understood in terms of deontic power. Searle gives some examples of honorific powers, such as being a knight, an honorary doctor, or a beauty queen. He does not regard the class of honorific powers, given that they are institutional facts, as a relevant exception to his claim that the class of institutional facts is identical to the class of existing status functions.

But if we start to use *different kinds of examples*, it turns out that there is an important class of phenomena which are formally or structurally similar to honorific powers. Consider gender. The social status of being a woman has some kind of function, but the function seems not to be a deontic power. Surely, we can imagine cases in which being a woman is a status function in Searle's sense. If the social status of being a woman involved rights and obligations, e.g. women had an obligation to perform all household work and men had an obligation to be the economic provider of the family, certain aspects of being a woman or a man are status functions. However, the case I am imagining is different: It is a social status with a *different kind of function*.

To illustrate this, let us consider one of Searle's examples of honorific powers, being an honorary doctor. This person does not have the right to vote in university matters, but the social status of being an honorary doctor means that people presumably listen to this person with respect and people might even buy her books to a larger extent. The social status of being an honorary doctor can in the right circumstances transform into deontic powers. Likewise, being from a certain class or being of a certain gender can transform into deontic powers, or be an obstacle to gaining deontic powers and/or using the deontic powers one already have, depending on the context. For example, an interesting study shows that female applicants of a post-doc fellowship in medicine had to publish 2.5 times more, which was equivalent to three productions in *Science* or *Nature*, than the male applicants, in order to receive the grant.[126] So the social status of being a woman was an obstacle in receiving research funding. Once we consider different kinds of examples, such as class and gender as examples of social statuses without a function, it points to a class of phenomenon – statuses without a function understood in terms of deontic powers – as an important dimension of social reality.

126 Christine Wennerås and Agnes Wold, "Nepotism and Sexism in Peer-review," *Nature* 387 (1997).

There are other aspects of gender, e.g. the function can be understood in terms of a purpose or telos. Consider the following statement from the Dr. Phil TV-show, which I take as an example of this kind of function: "a good woman knows how to run a household". I take "good" in this sentence to refer to a special kind of normativity, telic normativity. Being a woman, man, or from a certain class seems to a large extent to be about certain kinds of ideals, i.e. ideal standards that we and others measure us against.

To illustrate telic normativity, consider again the example of the knife. Given the *purpose* of a knife to cut things, there is an ideal standard: the ideal knife is extremely sharp and cuts through almost everything. There are actual knives that more or less fulfill this purpose and hence we speak of *good* and *bad* knives. Likewise with standards pertaining to our social roles as women or men, we speak of good and bad wives or husbands, good or bad women or men, measured against an ideal. In general, the social world consists of ideals, among other things, that we want to live up to, and others expect us to live up to.

Many *functions* are defined in terms of goals or purposes, rather than in terms of rights and obligations. We impose a purpose or telos on knives, which makes it meaningful to speak of good or bad knives. Likewise, with the social role of being a woman: The role is not only constituted by constitutive rules which specifies rights and obligations, but also by ideals: what counts as having fulfilled this purpose and what counts as having succeeded as a woman is measured against an ideal.

This point holds for Searle's status functions too.[127] A professor has certain rights and obligations in virtue of this status, but this status function can display a different kind of function, since the role is also characterized in terms of certain ideals the professor and others expect her to live up to. These ideals display telic rather than deontic normativity, and these ideals have a certain power to compel, and hence to provide her with reasons for action. These reasons for action can and does often conflict with reasons based on deontic powers. For example, she might be required to publish a certain number of articles and help

127 Telic normativity is presupposed in the previous discussion of agentive functions, e.g. the function of the heart is to pump blood, given the goal of survival. The goal or purpose introduces the aspect of normativity; a good heart pumps blood well. I suggest we emphasize this aspect of *status functions* too.

out with administrative matters. An ideal connected to the role of being a professor is to publish high quality work, work that goes beyond what is merely required. So, reasons deriving from this ideal might conflict with her administrative obligations.

Telic normativity seems separate from deontic normativity. Consider the difference between statements like: "As a citizen, I have the right to health care and I have an obligation to pay taxes" and "a good wife knows how to run a household". The first sentence is an example of deontic normativity, i.e. rights and obligations, while the latter has to do with telic normativity, i.e. ideals connected to a purpose or end. Deontic normativity concerns what we can demand of each other, and telic normativity concerns ideals that we try to live up to and others expect us to live up to. Both deontic normativity and telic normativity involve a coercive dimension in this sense. These roles have a coercive dimension in the sense that we try to live up to these ideals and others are expecting us to do so. Hence they provide reasons for action which can conflict with reasons for action deriving from deontic powers. This will turn out to be relevant for social power; some forms of social power, such as deontic power, works through agents perceiving that they *ought* to perform a certain action. This discussion adds the "ought" of telic normativity.

Social power and the we-mode

The feature which unites Tuomela's four types of institutions is participants having shared we-attitudes in the we-mode, and I turn to considering this important claim. I will argue that paying attention to social power makes Tuomela's central claim, that shared we-attitudes in the we-mode are required for the existence of institutions, look problematic.

We need to be clear on what this claim amounts to. Is this supposed to hold for *all* social institutions, for the *central class* of social institutions, or only for some *special cases* of social institutions? The three features of the collective acceptance account, reflexivity, performativity, and the distinction between the we-mode and the I-mode, are relevant for this question. Reflexivity and performativity seem to hold for *all*

social institutions. These two features are good candidates for being conceptual truths about institutions since it is hard to imagine a social institution which the participants do not regard as an institution. That is, for something to be a bank or a university, people have to regard it as a bank or a university. The same holds for performativity; the institution of money is a collective-social item created by our actions such as valuing and using money.

The we-mode has a different *status* than reflexivity and performativity. It cannot be a conceptual truth about institutions, and therefore not hold for all social institutions, since we can imagine institutions which exist without the participants holding shared we-attitudes in the we-mode. Recall that the we-mode is co-extensive with forgroupness, i.e. something being for the group's benefit and use, correct assertability, and collective commitment. As an example, consider institution *a*. At one point in time, this institution was regarded as being beneficial and useful for the group members, since it satisfied some of their needs. But we can imagine background conditions changing and none of the participants regarding the institution for their benefit and use any longer. Still, they maintain the institution partly out of respect for tradition, or out of habit. Consequently, the *strongest* interpretation, that shared we-attitudes in the we-mode is necessary for *all* social institutions, is false. Of course, Tuomela is free to claim that this is simply not an institution on his definition and that there is room for revision of our everyday concept of an institution. But this risks making the phenomena fit the theory rather than the other way around. This shows that the we-mode does not have the same conceptual status as reflexivity and performativity.

In fact, social power has the same conceptual status as reflexivity and performativity. This means that social power has a stronger status than the we-mode which shows that the status and role of power has been downplayed in Tuomela's theory. Consider social power as a conceptual truth about social institutions. Let us begin with an intuitive notion of social power: Members of a society regard themselves to be bound in certain ways by the institution in question and there are sanctions for non-compliance. There is a coercive dimension inherent in the institutions and this provides the participants with reasons for action they would not otherwise have had, e.g. paying taxes. The institutions also have an enabling effect in the sense that they make

new actions possible which would not have been possible without the existence of the institution in question, e.g. voting.

It seems hard to imagine an institution without an element of power, since institutions would not work without this feature, especially sanctions for non-compliance. And if there were institutions without an element of power, these would not be needed in the first place since the participants would act in these ways anyway. This is in line with Searle's theory, if we think of his deontic powers and desire-independent reasons for actions. In fact, it is in line with Tuomela's theory as well considering the role of norms in his theory of institutions; the existence of norms distinguishes institutions from practices on his account and norms are connected to social sanctions. Consequently, emphasizing the we-mode rather than social power is a mistake.

Let us consider the second claim, which I think is in line with Tuomela's own view: shared we-attitudes in the we-mode are required for *the standard sense or the central class* of social institutions. The plausibility of Tuomela's central claim partly depends on what we take "the standard sense" of institutions to mean. My contention is that some of the assumptions Tuomela makes, using egalitarian groups as default, and focusing on the enabling elements of an institution, lends false credibility to the claim that the we-mode is necessary for institutions in the standard sense.

Consider the focus on the enabling sense of institutions. Typical institutions, according to Tuomela, create order, solve collective action dilemmas, and satisfy needs.[128] The examples of social institutions Tuomela chooses to discuss are generally of the same type; the group who constitute the institution is relatively small and well-defined in the sense that conflict about group-membership is not an issue, and the institution is for the benefit and use of the group. The examples seem to be chosen with the above characterization of institutions in mind, i.e. creating order, satisfying needs and solving collective action-dilemmas. The examples represent a certain type of institutions and their enabling aspect. The Sunday Soccer Game and postal systems are discussed as examples of standard institutions, while the example

128 Tuomela also notes that there are side effects/byproducts of institutions, and invisible hand processes in relation to institutions.

of a dictator who imposes laws on the population is understood as an exception.[129]

But there are many other types of institutions, and if we expand the examples to include institutions of various types, some enabling and some coercive, standard institutions are not always for the benefit and use of the group. If we view institutions from a conflictual perspective rather than a consensual perspective, the picture emerging is different: Institutions also make it possible for some groups to dominate others, for leaders to keep the population in check, and have as side effects deep inequalities between different groups and between different individuals. None of these features are internal to institutions; we can imagine institutions that neither satisfy needs nor enable domination. In reality, some institutions do the former, some the latter, and many do both, as well as other things.

What we pick out as central features of institutions and regard as typical, or standard institutions, depends on our perspective. If one does not pay attention to social power, then the latter aspects e.g. that institutions also enable domination becomes invisible. By making the coercive aspects of institutions invisible, and assuming egalitarian groups with similar interests, the claim that the participants regard the institutions as being for their benefit and use looks unproblematic. In this way insufficient attention to social power lends false support to the we-mode claim.

Let us return to the social sciences. The power aspect is *implicitly* captured by Tuomela's definition of institution, although not singled out by the collective acceptance account. Norms are part of the definition of an institution and norms have both an enabling aspect, which is captured by the constitutive norms, and a coercive aspect, e.g. in the form of legal and/or social sanctions for non-compliance. But there is no discussion of different forms of power in Tuomela's account. It is rather strange that Tuomela does not provide a discussion of power in his account of social institutions since he makes many other important distinctions and classifications of institutions, collective acceptance, and norms. But there is no general account and/or classification of social power.

129 Tuomela, "Collective Acceptance, Social Institutions and Social Reality," p. 145.

This is a limitation for various reasons. First, an aim of Tuomela's theory is to provide a conceptual system for theory building in the social sciences. According to Tuomela's own standards, then, the account is limited since much social science is about understanding different forms of social power and what to do about differences in power. Of course, he has highlighted the significance of social action and social practices which is helpful, but still one of the most important concepts, power, is missing.

Second, Tuomela claims that his account of institutions should capture social scientists' view of institutions. However, social scientists like Emile Durkheim, Michel Foucault and Pierre Bourdieu show a deep interest in the relation between institutions and power. Foucault, especially, would be skeptical towards a view emphasizing institutions as solutions to collective action dilemmas and satisfying needs.

Conclusion

On Tuomela's account, shared we-attitudes is the basic notion and constitutive of social practices and social institutions. A social practice is a recurrent collective-social action performed for a social reason, and a social institution is a norm-governed social practice, which requires that the participants have shared we-attitudes in the we-mode.

Tuomela's theory has been employed here in extending the investigation to an interesting and relevant class of social facts, social practices. Practices can provide reasons for action, in conflict with reasons for action based on institutional facts. If we wish to change a social setting, we need to take both institutions and social practices into account.

Starting from Tuomela's notion of a social status, I developed this in another direction; there are some social statuses which can transform into deontic powers, and some social statuses display a different kind of normativity than deontic: telic. Both social practices and social statuses will prove relevant for my account of social power.

Furthermore, I investigated Tuomela's account of institutions since it is a main theory in this field, but more importantly to compare it to and contrast it with Searle's theory.

An adequate account of institutions ought to capture power as an essential feature of institutions. Power is *implicitly* part of institutions on Tuomela's definition since norms are required for the existence of institutions. Norms are related to both legal and social sanctions, that is, to a form of coercive power. Tuomela's constitutive norm involves the enabling aspects of institutions, i.e. that institutions make new kinds of actions possible. Searle's analysis of institutional facts as deontic powers make the idea *explicit* that power is an internal feature of institutions. Searle also provides an initial characterization, definition, and classification of power, while Tuomela does not.

The general theme of Tuomela's writings is him mostly discussing *cooperative* cases rather than cases of *conflict* and *contestation*, and consequently, the role and status of power has been downplayed in his theory. This has important implications. I argued that being attentive to social power shows that Tuomela's central claim – that the we-mode is required for the existence of standard social institutions – is too strong a requirement. This result, in combination with the reasons suggested above, speak in favor of Searle's theory in comparison with Tuomela's.

In the next chapter, I will consider the objection that Searle's theory cannot account for opaque kinds of social facts. This objection points to the relevance of social macro-phenomena, such as social structures, and I provide a definition of this crucial notion.

CHAPTER 5

Opaque kinds of social facts: Social structures

Introduction

So far, my focus has been on institutional facts, deontic powers and social practices. In this chapter, I extend the investigation to other types of social phenomena, opaque kinds of social facts and social structures. In contrast to deontic power, which is visible and transparent, opaque kinds of social facts – roughly kinds of facts which the members of a society do not know about – open up the possibility for the existence of opaque forms of social power.

Furthermore, I extend the investigation to social macro-phenomena such as social structures. I propose a definition of "social structure" and I argue that social structures are a presupposition of opaque forms of social power. An understanding of this phenomenon is necessary for understanding social power since there can be opaque kinds of social power due to the existence of social structures, or so I will argue.

I also argue that the scope of Searle's theory is wider than previously acknowledged. Critics object that the scope of the theory is too narrow since it cannot account for opaque kinds of social facts due to the self-referentiality of social concepts. Using the distinction between a macro-level and a micro-level, I show that it can in fact account for opaque social phenomena like inflation, since opaque kinds of social facts (macro-phenomena) can be reduced to self-referential and transparent institutional facts (micro-phenomena). Hence, opaque

social phenomena can be taken into account, while still keeping the self-referentiality.

Leading philosophers in the field of social ontology claim that social ontology is the foundation of the social sciences and political philosophy.[130] I investigate the plausibility of this claim by discussing the *scope* of Searle's theory put forward in *The Construction of Social Reality*. Contrary to many critics who argue that the theory is too narrow, I will argue that the scope of Searle's theory is much wider than previously acknowledged. Thus, the claim that social ontology is the foundation of the social sciences will be made more plausible.

Critics maintain that Searle's theory cannot capture central phenomena of the social world, such as norms, invisible power structures, certain economic phenomena like recessions, and inflation. For instance, Hubert Dreyfus argues that social norms fall in between social and institutional facts on Searle's account and thus fall outside the theory.[131] Amie L. Thomasson argues that epistemically and conceptually opaque entities, e.g. power structures and recessions, cannot be taken into account due to the self-referentiality of social concepts.[132]

130 Gilbert, *On Social Facts,* Searle, *The Construction of Social Reality*. Margaret Gilbert writes of the concepts she discusses in her book *On Social Facts*: "In that sense they will be foundational concepts of social science. This is by no means an unimportant sense. For the concepts which are accepted as foundational in this sense give direction to subsequent enquiry in a given discipline." (1992, p. 8). John Searle writes of the questions he is about to discuss in *The Construction of Social Reality*: "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…" (1995, p. xii). To make the "foundation claim" clearer, consider a central question in political philosophy: What is social justice? That is, how are we to organize our institutions in a just way? Before answering this question, there is a prior question, a question in social ontology: What is an institution? Social ontology is prior to the normative questions of political philosophy and prior to explanations in the social sciences in the sense that it presupposes an *understanding* of the phenomena that are to be evaluated. For a discussion of the implications of social ontology for explanations in the social sciences, see John R. Searle, "Intentionalistic Explanations in the Social Sciences," *Philosophy of the Social Sciences* 21, no. 3 (1991). For further statements of the foundation claim, see John R. Searle, "Social Ontology and the Philosophy of Society," in *On the Nature of Social and Institutional Reality*, ed. Heikki Ikäheimo Eerik Lagerspetz, Jussi Kotkavirta (Jyväskylä: University of Jyväskylä, 2001), p. 37.

131 Hubert Dreyfus, "The Primacy of Phenomenology over Logical Analysis," *Philosophical Topics* 27, no. 2 (1999).

132 Thomasson, "Foundations for a Social Ontology".

If these objections can be answered adequately, the scope of the theory is larger than previously acknowledged, but if not, the theory is rather limited and the "foundation claim" is put into question. Furthermore, Searle aims at constructing a general theory of the social world.[133] If the objections cannot be answered, it would also show that one needs more or different theoretical tools in order to build a *general* theory of social reality. Hence the question: How much of social reality can Searle's theory capture?

I focus on Thomasson's objection since I regard it as one of the most important objections due to the pervasiveness of social structures in society.[134] One cannot understand the nature of society without understanding the place and role of social structures. Furthermore, different social structures are a topic of great concern and play an important role in explanations in the social sciences and political philosophy. For instance, consider the statement: "class and gender affect life chances." The idea is that individuals with the same abilities will have different life chances, e.g. in achieving career goals, depending on their gender and/or the income class they are born into. A plausible explanation is that there are more or less hidden social structures in societies such as a class structure and/or a gender structure that affect the life chances of individuals. That is, there are more or less hidden discriminatory mechanisms that we often only see the results of. I consider social structures in the final sections of this chapter.

I will argue that Searle's theory can in fact account for opaque kinds of social facts such as the economy being in a state of recession. I begin by discussing Thomasson's objection that Searle's theory cannot capture conceptually and epistemically opaque entities due to the self-referentiality of social concepts. Thereafter, I discuss the consequences of giving up the self-referentiality of social concepts and conclude that a solution to the objection must *preserve this self-referentiality*. I suggest three additional conditions of adequacy for an answer to Thomasson's objection; the answer must *locate* opaque kinds of social facts in the

133 John R. Searle, Lecture in "The Philosophy of Social Science", University of California, Berkeley, fall 2004.

134 I use the term "social structure" rather than Thomasson's term "power structure" since, on my view, social power is always a property of an agent, or a relation between agents, while social structures are a presupposition of certain types of social power. However, when referring to Thomasson's objection, I sometimes need to use the term "power structure".

theory, show that these types of facts are *ontologically dependent* on institutional facts, and explain how there can be *discoveries* in the social sciences. I respond to Thomasson's objection by reducing the macro-level (inflation) to the micro-level (institutional facts) and argue that this solution meets the four conditions of adequacy.

The problem of opaque kinds of social facts

Recall that on Searle's theory, an institutional fact is identical with the status function that is imposed on an object by collective intentionality according to the formula "X counts as Y in context C." People must share the belief (an intentional state) that a piece of paper is money in order for that piece of paper to be money. This means that the collective belief is *constitutive* of the piece of paper being money. That is, collective acceptance is partly constitutive of institutional facts. It follows that institutional facts are observer-relative, i.e. they exist relative to the intentionality of observers. Furthermore, seeming to be money comes prior to being money. Thus, the logical relation when it comes to institutional facts is: seeming to be x comes prior to being x. Thomasson questions this relation by arguing that it does not hold for all social and institutional facts. Let us turn to her objection.

Many philosophers writing in the field of social ontology agree on and point out as a peculiar feature that social concepts, in contrast to concepts that describe the natural world, are self-referential.[135] Searle writes:

> 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

135 Barnes, "Social Life as Bootstrapped Induction," Searle, *The Construction of Social Reality,* Tuomela, *The Philosophy of Social Practices: A Collective Acceptance View*.

> 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.[136]

The self-referentiality of social concepts means that for something (S) to be an institutional fact, it has to be regarded, or thought of, or used as S. This means that our beliefs are partly constitutive of the phenomena in question, which explains why the relation of "what seems to be the case comes prior to what is the case" holds for institutional facts. Searle writes of observer-relative features, which includes institutional facts: "… 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."[137]

Thomasson claims that Searle's theory cannot capture power structures and economic phenomena like inflation and recession since, on his account, social concepts are self-referential. She challenges the idea that all social concepts are self-referential and that it is a necessary condition for all observer-relative features, including institutional facts, that "seeming to be F is a necessary condition of being F" by pointing out that there can be social or institutional facts no one is aware of:

> But the idea that all social concepts are self-referential entails that there cannot be social facts of any *kind* whose existence members of that society do not know about – for if there are social facts of a given kind F, people must accept that certain things (or things of certain sorts) are F (and, since their collective acceptance makes it so, they must collectively be right about what things or sorts of things are F). But this severely limits the role the social sciences can play in expanding human knowledge – many of the discoveries of greatest moment in the social sciences are of things such as economic cycles, class systems, and power structures, that are capable of existing even if no one believes that anything of the kind exists, or even if no one entertains the relevant concept at all or has prior beliefs about anything of the kind. Call a kind F of social entities 'epistemically opaque' if things of that kind

136 Searle, *The Construction of Social Reality*, p. 32.
137 Ibid., p. 13.

> are capable of existing even if no one believes that anything of kind F exists, and 'conceptually opaque' if things of that kind are capable of existing even if no one has any F-regarding beliefs whatsoever. Recessions, for example, seem to be both epistemically and conceptually opaque. … Contrary to Searle's general claim, seeming to be a recession is not logically prior to being a recession. … Many of the power structures pointed out by political scientists and sociologists – i.e. those involving the economic power of a company in a small community, community-enforced gender roles, or a class structure – can exist without anyone having any beliefs about power structures of that kind.[138]

This objection is central. If Searle's theory cannot handle it, its potential for explaining the social world is severely limited. Furthermore, the claim that social ontology is the foundation of the social sciences and political philosophy is jeopardized.

Thomasson's objection also questions one of the background assumptions in Searle's theory, namely the distinction between natural and social concepts. Searle writes:

> 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 one thinks anything at all about it. But for social facts, the attitude that we take toward the phenomenon is partly constitutive of the phenomenon.[139]

Self-referentiality as the way to distinguishing between social and natural concepts is challenged if there are social facts no one is aware of.

138 Thomasson, "Foundations for a Social Ontology," p. 275-276.
139 Searle, *The Construction of Social Reality*, p. 33.

Four conditions of adequacy

As Thomasson notes, the feature of self-referentiality makes it problematic to include epistemically and conceptually opaque kinds of facts in Searle's theory. Do we have reason to hold on to self-referentiality given these problems? Could Searle include opaque kinds of social facts simply by giving up the feature of self-referentiality? That would be problematic since it would mean giving up one of the background assumptions of the theory.[140] More importantly, Searle's theory of social reality presupposes that social concepts are self-referential and this feature is a central part of the analysis of institutional facts. My idea is to keep the building blocks provided as far as possible and investigate how much of social reality that can be captured with these tools. The reason behind this is to keep the ontology simple; giving up the feature of self-referentiality would mean a less simple ontology. To see why, consider three positions, from strong to increasingly weaker, regarding the self-referentiality of social concepts.[141] Recall that this self-referentiality is related to a necessary condition for institutional facts: "what seems to be the case comes prior to what is the case."

The first and strongest position is to claim that all types of social and institutional facts are self-referential and transparent. The second is to state that there are opaque kinds of social facts but that these can be reduced to self-referential and transparent institutional facts. The third is to say that opaque kinds of social facts are not reducible to

140 However, Thomasson (personal correspondence) has pointed out that there are other ways of distinguishing between natural and social concepts, e.g. in terms of dependence on collective intentionality.

141 There might be a fourth position as well: opaque kinds of social facts that are neither reducible to nor ontologically dependent on transparent institutional facts. For instance, there might be opaque kinds of social facts at the micro-level (Thomasson, personal correspondence). However, I think the same kind of argument can be advanced against this position. If there are opaque kinds of social micro facts, then these can be reduced to transparent institutional facts. So, even if we do not use the micro/macro distinction, we can still apply the same idea and draw the line between social facts that are transparent (Searle's institutional facts) and facts that are opaque (Thomasson's opaque kinds of social facts). This way we regard the former as basic and the latter as being reducible to the former. This actually makes the answer more general since we can account for opaqueness at all levels.

but rather existentially dependent on self-referential and transparent institutional facts.

Thomasson's argument convincingly shows that the first position is no longer an option. I think the second position is preferable to the third position, since the second position keeps a weaker kind of self-referentiality. This means a more simple ontology in the sense that all opaque kinds of social facts can be reduced to transparent facts. According to the second position, then, there are no opaque kinds of social facts that cannot be reduced to transparent institutional facts; no additional building blocks or additional level of the ontology is needed to account for these types of facts. In contrast, the third position states that there are other or new types of social facts that are not in any way transparent. There are additional building blocks in the theory, namely, irreducible opaque kinds of social facts. It would need to be shown how these new types of facts fit into the social world, so a great deal hinges on keeping the self-referentiality of social concepts. The solution to Thomasson's objection should preserve this feature.

There are three other conditions of adequacy. The answer must locate social structures and economic phenomena like inflation within Searle's theory, that is, explain how epistemically and conceptually opaque entities can be taken into account. The social world certainly contains phenomena like inflation, recession, and social structures so a plausible theory of the social world needs to show how it can account for them. The solution must also show that these entities are ontologically dependent on institutional facts, rather than the other way around. This is partly due to the foundation claim: If Searle's theory is to be the foundation of the social sciences then this foundation needs to be in terms of institutional facts (the object of his analysis). In contrast, if opaque kinds of social facts were the basic units of the social world, then these rather than institutional facts would be foundational. And the *possibility* of discoveries in the social sciences needs to be explained, since the social sciences involve such discoveries. Recall Thomasson's statement, which I agree with: "… many of the discoveries of greatest moment in the social sciences are of things such as economic cycles, class systems, and power structures, that are capable of existing even if no one believes that anything of the kind exists …"[142]

142 Thomasson, "Foundations for a Social Ontology," p. 275.

In short, the four conditions are: keep the self-referentiality of social concepts, locate opaque kinds of social facts such as the economy being in a state of inflation, show that opaque kinds of social facts are ontologically dependent on institutional facts, and explain how there can be discoveries in the social sciences.

The micro-macro reply

I will argue that reducing opaque kinds of social facts to transparent institutional facts, using the idea of a macro-level and a micro-level, manages to meet the four conditions and is an adequate solution. In other words, I will show how two *seemingly* inconsistent phenomena; Thomasson's opaque kinds of social facts and Searle's transparent institutional facts, really are consistent on a *deeper level*, and that opaque kinds of social facts fit the model of Searle's analysis.

Consider Thomasson's examples of opaque kinds of social facts. She mentions the existence of power structures such as a class structure, economic phenomena like recessions, and community-enforced gender roles. Let us focus on economic phenomena and social structures like a gender structure. There are many different uses of the term "structure" in the social science literature. I regard structure as a higher order feature or a macro phenomenon constituted by micro-phenomena. To make this idea clearer, note that explanations using a macro-level and a micro-level are common in the natural sciences. For instance, the surface features of water, being colorless, liquid etc. are viewed as surface phenomena or macro-features. These macro-features are explained by the chemical composition of water, i.e. by the micro-level, which is the fundamental level.

Parallel to this *form* of explanation, one might view the epistemically and conceptually opaque entities Thomasson discusses as macro-phenomena, while institutional facts are the micro-level. Searle's theory focuses on the micro-level and thus might not have much to say about macro-phenomena, but still manages to show how macro-phenomena exist, that is, to take them into account, or so I will argue.

The first part of this argument is that social structures and inflation are macro-phenomena, while institutional facts are micro-phe-

nomena. The second part is that macro-phenomena are reducible to micro-phenomena which means that the relation of "what seems to be the case comes prior to being the case" still holds. Institutional facts exist because we believe they exist. Social structures and inflation exist because we believe that the institutional facts which constitute them exist. People in a particular society need not have any beliefs about inflation for it to exist, but they need to have beliefs about money, both for money and for inflation to exist.

Let us investigate the first claim, that social structures and inflation are macro-phenomena while institutional facts are micro-phenomena, in more detail. To make this idea clearer, consider a successful strategy in the natural sciences, namely, micro-reduction. Jaegwon Kim writes of micro-reduction: "A pervasive trend in modern science has been to explain macrophenomena in terms of their microstructures, and reduce theories about the former to theories about the latter. --- What is needed is the idea that one theory is a microtheory in relation to the other."[143] As suggested, Searle's theory of social reality with its focus on institutional facts is the micro-theory in relation to the macro-theories sociologists and economists have developed concerning the correlations between e.g. urbanization and decline in religious practice, and unemployment rates and inflation.[144] As mentioned, social macro-phenomena include social structures such as class or gender structures, economic phenomena like inflation and recession, and urbanization and migration. Some macro-phenomena are unintended consequences of other arrangements, e.g. traffic jams and migration, while others are systematic fall-outs (a species of unintended consequences), e.g. that entrepreneurs sell where marginal cost equals marginal revenue, or that people who are not able to sell their labor in a market economy will be poor.[145]

143 Jaegwon Kim, "Problems of Reduction," in *Routledge Encyclopedia of Philosophy*, ed. Edward Craig. CD-ROM, Version 1.1. (1999).

144 Philip Pettit lists various phenomena such as "increased unemployment leads to a rise in crime, urbanization leads to a decline in religious practice, policies for increasing employment cause inflation" usually claimed to be macro-phenomena in the social sciences. *The Common Mind*, p. 129-130.

145 I view the class of macro-phenomena as both wider than and as incorporating the class of unintended consequences of other arrangements, since e.g. migration, a macro phenomenon, can both be an intended consequence of a certain policy or an unintended consequence of a policy.

What, then, is the relation between the macro-level and the micro-level? To answer this, consider micro-reduction once again. Kim writes:

> The rough idea is that the microtheory deals with objects that are proper parts of the objects in the domain of the macro-theory. More specifically, the domain of the microtheory will include objects that are parts of the objects in the domain of the macrotheory; in addition it will include aggregates of these micro-objects, and aggregates of aggregates, and so on. And the objects of the macrotheory are identified with certain complex aggregates in this domain.[146]

Parallel, institutional facts and intentional states are the proper parts of the macro-phenomena of the social world. In other words, macro-phenomena are complex aggregates of institutional facts and intentional states. For example, inflation is a certain complex aggregate of institutional facts and intentional states.

Let us investigate the second claim; macro-phenomena can be reduced to micro-phenomena, in more detail. Take inflation as an example. The value of money is dependent on us thinking that money has value and using money on a daily basis. Here, the relation of "what seems to be the case comes prior to what is the case" holds. It is an institutional fact that a certain piece of paper is money and the level of description is the micro-level.

Inflation is a macro-phenomenon, which is no more than the sum of each individual's beliefs and actions in regard to valuing and using money.[147] That is, inflation can be cashed out in terms of a large sum of individual actions at the micro-level. This means that inflation is reducible to what we think is the case, i.e. to money etc. The self-referentiality and the relation "what seems to be the case comes

146 Kim, "Problems of Reduction".

147 This is a simplified picture of inflation. We need to add institutions, institutional facts and intentional states. For instance, a banking system, the head of the central bank adjusting interest rate levels, unemployment rates, and people's expectations regarding the economy. But all of this can still be explained within the framework of Searle's theory.

prior to what is the case" still hold. This satisfies the first condition of adequacy. I will come back to this point.

Let us pause for a moment to make clear how the term "reduction" is used in my argument. I claimed that social structures and inflation can be viewed as macro-features and that these macro-features can be reduced to the micro-level. There are three main positions regarding macro-features: The *eliminativist* claims that statements about these kinds of features are always literally false, but they might be helpful as a heuristic device to talk about social reality. The *reductionist* claims that statements about these kinds of features can be literally true, but the truth-maker is a set of facts at another level. The *irreductionist* claims that statements about these kinds of features can be literally true and the truth-maker is *sui generis* facts of the kind that the statement is about.

There is also a distinction between causal and ontological reduction. In most cases, causal and ontological reduction go together. So, if one can show that the causal powers of one property can be accounted for in terms of the causal powers of another property, i.e. causal reduction, then the first property is normally also ontologically reduced to the second. But the two might come apart. To exemplify, the causal powers of the brain can either be described at the level of brain processes or at the level of consciousness. But, consciousness has a first-person ontology, while brain processes have a third-person ontology. In this case, even though there is causal reduction, there need not be ontological reduction.[148]

My claim can now be specified: Economic phenomena like recession and inflation can be both ontologically and causally reduced to institutional facts. They can be causally reduced in the sense that the system can be described at two different levels, the micro-level and the macro-level. The causal powers of both levels of description are the same. Furthermore, inflation can be ontologically reduced to institutional facts since there is no crucial difference such as a first-person and third-person ontology. Statements about social structures and inflation are literally true, but they are made true by facts at the micro-level, i.e. institutional facts. So, the macro-level is often opaque

148 The example comes from John Searle, "Why I am Not a Property Dualist," *Journal of Consciousness Studies* 9, no. 12 (2002).

as Thomasson's examples show, but these macro-phenomena can still be reduced to transparent institutional facts on the micro-level.

One might question this reduction by arguing that there is a *significant qualitative difference* between the macro-phenomena and the micro-phenomena: How can macro-phenomena, which often have the feature of being opaque, be reduced to micro-phenomena, which have other features, such as being transparent? The objector continues: This difference is enough to show that macro-phenomena are irreducible and constitute a separate level of social reality.

To answer this objection, one needs to consider the question how much and/or what kind of difference is required for something to be irreducible. To my knowledge, there is no principled answer in the literature. The issue seems to be debated by the use of examples. In the philosophy of mind, "qualia", that is, the qualitative, subjective or phenomenal properties of mental states – e.g. what it feels like to be in a certain mental state such as pain – are often used to show that mental states cannot be identical with physical states since the latter do not share these properties. Many believe that this difference is significant enough to show that consciousness is irreducible to brain processes. For example, Searle writes: "The difference is that consciousness has a first person ontology; that is, it only exists *as experienced* by some human or animal, and therefore, it cannot be reduced to something that has a third person ontology, something that exists independently of experiences."[149]

Now, contrast the example drawn from the philosophy of mind to our previous water example. The macro properties of water, e.g. liquidity and transparency, are not the same on the micro-level, that is, the individual atoms that make up the H_2O molecules do not share these features. Still, we say that water is reducible to certain collections of molecules. Hence, this difference is not significant enough to ground irreducibility.

Which of the two cases does my claim – opaque macro-phenomena can be reduced to transparent institutional facts – most resemble? I think the latter rather than the former: Just as in the case of water and the individual atoms that make up the H_2O molecules, one level is transparent while the other is not.[150] That is, a macro feature of

149 Ibid., p. 60.
150 I use "transparent" literally in the water example.

water is its transparency, while the individual atoms that make up the H_2O molecule do not share this feature. The same holds for social reality, but the relation goes the other way around: the macro features of society, such as inflation, are non-transparent, or opaque, while the micro-level of institutional facts is transparent. This difference is not significant enough to ground irreducibility and be an obstacle for the reduction of the macro-level to the micro-level.

One might object that the macro explains the micro rather than the other way around, so that my argument has got the relation backwards. For instance, once one grasps a social structure like the gender structure (macro) one might begin to look at the every day social interactions (micro) in a different way. However, it is important to distinguish *explanation* in the sense of understanding from *constitution*. My claim is about constitution, not explanation. I would say that the micro-level constitutes the macro, and that the micro sometimes also explains the macro, as in the case of inflation, while the macro can help one to understand, but not constitute, the micro, as in the case of a gender structure.

Satisfying the four conditions of adequacy

Let us return to the four conditions. The first condition is to keep the self-referentiality of social concepts so that "what seems to be the case comes prior to what is the case" is a necessary condition for observer-relative features such as institutional facts. The idea is that macro-phenomena are no more than the sum of micro-phenomena. This means that macro-phenomena are reducible to micro-phenomena and thereby to what we think is the case. Hence, the relation of "what seems to be the case comes prior to what is the case" still holds.

The reduction of macro-phenomena like inflation to institutional facts means that these phenomena have been located in the theory, which is the second condition of adequacy. The epistemically and conceptually opaque entities Thomasson discusses are reducible to institutional facts. That is how they can be taken into account. For example,

inflation can be reduced to institutional facts and intentional states: What makes statements about inflation true are statements about institutional facts and intentional states, i.e. facts at the micro-level. In other words, inflation is really a certain complex aggregate of institutional facts and intentional states. The reduction means that the self-referentiality is preserved (condition 1) and inflation have been taken into account (condition 2).

The third condition is to show that economic phenomena like inflation and social structures like the gender structure are ontologically dependent on institutional facts, rather than the other way around. To show this, one might begin by pointing out that inflation does not disappear just because we stop believing it to exist, never believed it to exist at all, or never use the concept of inflation. But there cannot be inflation without money, while the converse does not hold; there can be money without inflation. This shows that inflation is ontologically dependent on institutional facts. Likewise for the gender structure: there can be institutional facts without a gender structure (just imagine a society in which individuals' life chances are not affected by their gender) but there cannot be a gender structure without institutional facts, just as there cannot be a class structure without institutional facts like money.

The fourth condition is to leave room for discoveries in the social sciences. Recall Thomasson's question: If all kinds of social facts are transparent, how can there be discoveries in the social sciences? Two ideas are especially helpful here. First, the opaqueness can be explained in the following way: macro-phenomena like social structures and inflation are so complex that they become invisible at the micro-level, which means that we do not discover these phenomena until we study the macro-level.[151] In other words, it is extremely difficult to see systematic patterns at the micro-level. Discoveries often require taking a macro-perspective on these phenomena by using tools such as statistics, just like many social scientists do: The members of the society do not know that a certain complex aggregate of their institutional

151 I do not mean to imply that discoveries at the micro-level are impossible. There are many examples of such discoveries, e.g. psychological insights, or discoveries of certain aspects of social interactions at the micro-level, see e.g. Erving Goffman, *The Presentation of Self in Everyday Life* (New York: Anchor Books, 1959) for an illustrative example.

facts (A) also refers to an invisible social structure (B), while the social scientists have figured out that (A) = (B). That is, we can describe the system at two different levels, either at a micro level as an extremely complex aggregate of institutional facts which the participants do not fully see the consequences of, or at a macro-level, as the social scientist does. Studying the macro-level might involve noticing some systematic patterns and thus discovering social structures.

Second, Thomasson proposes a solution to this problem by using the idea of unintended consequences of other arrangements. Traffic jams are an everyday example of an unintended consequence of people driving cars. Another example is that a market economy has the consequence that individuals who are not able to sell their labor on the market will be poor, unless there is an extensive social security system.[152]

A difference between these two cases is relevant for the possibility of discoveries in the social sciences: It follows from the assumptions of a market economy that people who are not able to sell their labor will be poor, that is, no empirical investigation is needed to discover this. But, for some unintended consequences such as traffic jams and the possible advantage of being left-handed in racquet sports, empirical investigations are needed. To make this clear, consider racquet sports. There are certain constitutive rules of these games, but there are also unintended consequences that follow from accepting the constitutive rules: The percentage of left-handed players among top level players in racquet sports might be significantly higher than the percentage of left-handed people in the population at large. There is nothing in the constitutive rules of e.g. tennis that explains this. It is rather something we happen to find out after looking at statistics. So, by accepting the constitutive rules of tennis, other things like the advantage of being

152 There is yet another way of making discoveries in the social sciences, although this does not involve discovering opaque entities, but rather discovering that a certain phenomenon has a fundamentally different nature than we first thought. Consider the much debated and contested sex/gender distinction. In introducing this distinction, a central idea was to show that much of what we took to be natural/biological differences between the sexes were in fact a product of social forces/socialization. The general point is that we can make these kinds of discoveries by redrawing the line between the natural world and the social arena. Hence, answering the question – what is the scope of theories in social ontology, or how far does social ontology extend? – can involve a different kind of discovery.

left-handed, an unintended consequence, follow. These consequences can be discovered by empirical investigation.

In short, some unintended consequences allow for a priori discovery, while other unintended consequences allow for a posteriori discoveries. Inflation, for example, can be viewed as an unintended consequence of the constitutive rules of a banking system and people valuing and using money etc, which allows for a posteriori discovery.

Social structures

In making her objection, Thomasson refers to the existence of power structures like race and/or gender structures as examples of opaque kinds of social facts. The existence of opaque kinds of social facts is particularly interesting since it opens up for the possibility of opaque kinds of social power. I use the term "social structure" rather than "power structure" since, on my view, social power is always a property of an agent, or a relation between agents, while social structures are a presupposition of certain types of social power. An agent can have social power, even if the agent and others are unaware of it, due to the existence of social structures. Arguing for this claim, I begin by explaining and defining what I mean by "social structure".

We can begin to characterize a social structure by the idea of equality of opportunity. An interpretation of this idea is that individuals with the same abilities should have the same life chances, like the opportunity to get an education, job, or position. To further specify this idea we need to add "relevant ability" since things like reproductive abilities of women and men are typically irrelevant to their education, employment, etc. So, individuals with the same relevant abilities should have the same relevant life chances.

A social structure restricts some individual's opportunities in more or less subtle ways, while it enhances others, in ways that are in disproportion to their relevant abilities. For a social structure to exist, these opportunities must be enhanced or restricted in a systematic manner. For example, you have to be able to show by using statistics or other methods that something is not only an individual instance of restricting opportunities but part of a larger pattern. The idea of opaque kinds

of social facts is central to this point since most people are not aware of these patterns or deny they exist.

The restriction of opportunities can be both *direct*, e.g. employers having attitudes that certain individuals are not apt for the job, and *indirect*, e.g. policies stating that only individuals taller than 175 cm can have a certain job. Most women are not taller than 175 cm while most men are.[153]

The restriction of opportunities can be both intentional and unintentional. Often it is unintentional, i.e. a certain restriction of opportunities might simply be an effect of other actions. Consequently, unintended consequences of our actions are important in this respect. As an illustration, consider the work of Thomas Schelling. In his article "Dynamic Models of Segregation" he shows that a slight preference for living next to people of the same color can have the effect of total segregation.[154] Similarly, we can imagine that a slight preference for living next to people of the same income level have the effect of giving individuals different life chances; the schools are dependent on the parents income level, which means that children in affluent communities will get a better education, preparing them better for college and so on.

Furthermore, individuals can have their opportunities restricted because of group membership. But the view of social groups used in social ontology is too narrow; theorists assume that something is a social group if and only if individuals are aware of themselves as a group. But individuals' life chances can be restricted due to other people viewing certain individuals as members of a specific group even if these individuals do not view themselves as members of this group.

153 Similar reasoning can be found in the Swedish *Equal Opportunities Act* (Jämställdhetslagen, 1991:433). Direct discrimination is regulated in the following way: "Employers may not place a job seeker or an employee at a disadvantage by treating her or him less favourably than they treat, have treated or would have treated someone else in a similar position, if such unfavourable treatment is gender-related." (paragraph 15). Indirect discrimination is when an employer places "a job seeker or an employee at a disadvantage by applying a provision, a criterion or a practice that appears to be neutral but which in practice is particularly disadvantageous to persons of one sex or the other, unless the provision, criterion or practice can be justified by a legitimate aim and the means are appropriate and necessary in pursuit of such an aim." (paragraph 16)

154 Thomas C. Schelling, "Dynamic Models of Segregation," *Journal of Mathematical Sociology* 1 (1971).

As an illustration, consider Gilbert's definition of a social group: "Human beings X, Y, and Z, constitute a collectivity (social group) if and only if each correctly thinks of himself and the others, taken together, as 'us*' or 'we*'".[155] We* refers to a plural subject. On this account, a set of people counts as a social group if and only if they are a plural subject. Plural subjects are understood in terms of joint commitments. Therefore, the kind of we-thought that constitutes a social group is joint commitment. A revolutionary group, determined to overthrow Louis XVI, would be an example of this type of group.

But this makes it problematic to account for social groups that are not constituted by the intentions of the members. That is, this view excludes by definition groups that are constituted by the intentions of a more powerful group. This is a problem other accounts share since they agree with Gilbert that humans must see themselves as unified in some way in order to constitute a group. For example, for a number of individuals to be a social group, these individuals must have a we-intention, according to Searle.

What, then, is the best way to treat groups that are constituted by the beliefs of another group? That is, a group of this kind do not view themselves as a group but are defined by others as a group.[156] Is this a social group even though the individuals themselves do not think so? Our intuitions might differ in this case, but one reason for counting this type as a social group is that other peoples' definition of them as a group constrains their actions in important respects, regardless of whether they view themselves as a group. For instance, women were thought of as citizens in the beginning of the French Revolution, but were later on denied citizenship status, and consequently denied political rights and obligations. In this case, one can imagine that women did not view themselves as belonging to the group of non-citizens, but were still defined by a more powerful group as belonging to this group, which constrained their actions in important ways.

It seems to be a main feature of social structures that individuals can have their opportunities enhanced or constrained in virtue of other people regarding them as members of a certain group, so the term "social group" in the definition below refers to both types of groups.

155 Gilbert, *On Social Facts*, p. 147.
156 Thanks to Lena Halldenius for pointing out this case.

A social structure exists when: Members of a social group [as described above], in virtue of that membership, systematically have their opportunities (as individuals) restricted or enhanced in ways that are in disproportion to their relevant abilities.

As an illustration, consider the article "Nepotism and Sexism in Peer-review".[157] Christine Wennerås and Agnes Wold consider the hypothesis of there being a bias against women in the system of research funding to explain why women leave their academic careers to a larger extent than men. Due to the Freedom of Press Act in Sweden, they managed to access the evaluations of post doc applicants by the Swedish Medical Research Council, which is the major funding agency in this area of research. The female applicants scored lower on average than men on the three evaluation parameters, but most significantly on "scientific competence". The evaluation of scientific competence was based on the number and quality of the applicants' publications. The authors set out to compare these evaluations with the number of articles the applicants had published, in what journals, and the number of times these articles were cited, to determine a "total impact point". This result turned out to be very different from the evaluations of the reviewers at the Swedish Medical Research Council, making the authors conclude that "… a female applicant had to be 2.5 times more productive than the average male applicant to receive the same competence score as he …"[158]

In this case, women have their opportunities systematically restricted and men have their opportunities systematically enhanced in ways that are in disproportion to their relevant abilities. If this result is not idiosyncratic, but part of a general pattern, there is a social structure in place. Due to the existence of this social structure, some of the male applicants have the power to effect a specific outcome, i.e. receive research funding, but this ability, considered to be brute mental powers, was in fact partly social due to a bias in the system. This illustrates my claim that an agent can have social power, even if this agent and others are unaware of it, due to the existence of social structures.

157 Christine Wennerås and Agnes Wold, "Nepotism and Sexism in Peer-review," *Nature* 387 (1997).
158 Ibid., p. 342.

Conclusion

I have discussed the plausibility of the claim that social ontology is the foundation of the social sciences by examining the scope of Searle's theory of social reality. I focused on what I regard as the most central objection; epistemically and conceptually opaque entities such as invisible power structures like a gender structure and economic phenomena like inflation cannot be taken into account due to the self-referentiality of social concepts.

I suggested four conditions of adequacy for a reply to this objection: preserve the self-referentiality of social concepts, locate epistemically and conceptually opaque entities, show that they are ontologically dependent on institutional facts, and allow for the possibility of discoveries in the social sciences.

I argued that one can view opaque kinds of social facts such as the existence of inflation as macro-phenomena, constituted by micro-phenomena, that is, institutional facts and intentional states. So, macro-phenomena are certain complex aggregates of intentional states and institutional facts. These macro-phenomena can be reduced to the micro-phenomena in the sense that what make statements about e.g. inflation true are facts at the micro-level, i.e. institutional facts and intentional states. Thus, the self-referentiality is preserved since macro-phenomena are reduced to institutional facts. Furthermore, the reduction means that inflation have been located in the theory. I argued that inflation would disappear if institutional facts disappeared while the converse does not hold. Hence, inflation is ontologically dependent on institutional facts. I suggested the same kind of argument for the gender structure. The micro-macro reply was also used in explaining the possibility of discoveries in the social sciences: macro-phenomena like social structures and inflation are so complex that they often become invisible at the micro-level, which means that we do not discover these phenomena until we study the macro-level.

In sum, I have argued that pervasive and crucial elements of the social world can be captured by using the tools of Searle's theory. Hence, the scope of this theory is wider than previously acknowledged and the foundation claim is made much more plausible.

Furthermore, my response to this objection draws attention to the importance of social macro-phenomena in social ontology, for instance social structures, and I suggested a definition of "social structure".

CHAPTER 6

Incorporating power into social ontology

Introduction: Power as a central social concept

I take power to be a central social concept and I think that the conceptual analysis of power ought to be a main part of social ontology. But theories in this field do not pay sufficient attention to this concept due to their presupposing a cooperative rather than a conflict-oriented view of society. A detailed analysis of social power needs to be added to the discussion. The title of this chapter "Incorporating power into social ontology" reflects the two points I wish to make: First, an analysis of social power needs to be incorporated into theories of social ontology. I will argue for the following account: An agent A has social power if and only if A has an ability, which is existentially dependent on collective intentionality, to effect a specific outcome. Second, an analysis of social power adds explanatory force or power to theories about social phenomena.

It is important to emphasize that the word "power" refers to many different concepts. The term "power" is used to refer to various things such as nuclear power, horse power, explanatory power, the power of engines and the power of presidents. I restrict this investigation to social power and I exclude technical senses, such as the power of an engine, from the discussion. By social power I mean the kind of power which is dependent on collective intentionality to exist. For instance,

collective intentionality constitutes institutions, and practices. Agents have social power in virtue of occupying different institutional positions, like CEOs, UN delegates, presidents, and citizens. Social power can be dependent on collective intentionality in less visible and less direct ways though: Given the existence of social structures, which may be opaque, agents have or lack social power in virtue of, for example, their gender. This makes my account significantly wider than the deontic power account. In contrast to brute power, or force, social power is dependent on collective intentionality in a way to be specified.

Theorists of power disagree, to say the least, on how the concept of power should be analyzed. Part of this disagreement can be explained by the authors having different projects, or different types of analyses in mind. The question – what is power? – can be understood in at least three different ways. First, one might be interested in explicating our everyday concept of power, focusing on the intension of the concept. Or one might be interested in tracking a social kind, focusing on the extension of the concept. For instance, one might consider the various uses of "power" to see if there is a common element behind these expressions which refers to a social kind, and which would explain why we categorize some things as power and not others. Third, one might be interested in designing a concept to fill a certain theoretical role.[159]

Although these three projects are not completely distinct, there are some important differences between them, e.g. the weight one gives to linguistic intuitions. The first type of project would give more weight to linguistic intuitions than the second and the third. My emphasis is on the third kind of project, meaning I will not rely heavily on linguistic intuitions, nor will I disagree with the other theorists about what power really is. My aim is to provide an analysis of social power by using the tools of social ontology, an analysis which is wide enough to incorporate the shaping of preferences and domination as forms of power, but narrower than Steven Lukes's three-dimensional power in some respects. For instance, I keep the connection between intention and exercising power. Furthermore, the distinctions I draw are intended to be useful for making clear some important relations between the concepts of social ontology, such as collective intentionality, practices, institutions, social structures, and reasons for actions. More generally,

159 This discussion draws on Sally Haslanger, "Gender and Race: (What) Are They? (What) Do We Want Them To Be?," *Nous* 34, no. 1 (2000).

I consider the usefulness of this conceptual framework in analyzing power, suggesting its scope or applicability is wide since it can be used in analyzing different forms of social power.

Let me return to the second issue: In what way does the concept of power add explanatory force? Why do theorists working in the field of social ontology need a concept of power? How can the concept of power increase our understanding of social institutions?

One might think that power is not a proper part of social ontology since some forms of social power are external rather than internal to institutions, for instance, power as domination. That is, we can imagine social institutions without the existence of domination. The existence of this form of power is a contingent fact about institutions, and hence the concern of social scientists. It is only the form of power which is a necessary feature of institutions, i.e. necessary in the sense that it would not be an institution if it did not have this kind of power, which is the proper part of social ontology. Furthermore, consensus and acceptance rather than power constitutes social institutions. The question in social ontology is a *constitutive* question: what constitutes institutions? Power is the answer to a different *causal* question: why are some institutions created, and why are they maintained?

As a reply to the concern that power is not a proper part of social ontology, I want to emphasize three things: First, the field of social ontology ought to be conceived of broadly rather than narrowly, i.e. as not only focusing on collective intentionality, social institutions and institutional facts but also including other relevant and central social phenomena, such as power.

Second, theorists like John Searle, Margaret Gilbert and Raimo Tuomela regard social ontology as the basis, or the foundation of the social sciences. In order to provide an adequate basis, the central concepts of the social sciences need to be taken into account.[160] Two such concepts are power and change. Political scientists, for instance, often investigate and compare the power of different actors and historians try to understand social change. The social sciences are often *dynamic* in the sense that they try to understand social change, while social ontology is *static* in the sense that it answers constitutive questions. This

160 I do not mean to say that all the concepts of the social sciences need to be taken into account, since an ontological investigation might show that some of the entities these concepts refer to do not exist.

means that a time slice of institutions is presented in social ontology, i.e. institutions are viewed at a specific point in time. Social ontology can still be the basis of the social sciences, even if static, since this field answers fundamental questions like "what is an institution?" but in order to provide a broader basis for the social sciences, the central concerns of the social sciences needs to be taken into account, like change and power. Power is needed to capture the dynamic aspect of the social sciences since acceptance and consensus alone make it hard to explain why institutions change and even collapse. Without a concept of social power then, an adequate basis for the social sciences cannot be provided.[161]

Third, we need to examine the concept of power in order to understand and be more precise in answering what kind of power is internal to institutions. This would mean more precise and hence better theories. It is not yet clear that some other types of power, other than deontic power, are internal to institutions. And it is not even clear that deontic power is about power. I will come back to this point.

Furthermore, the claim that consensus and acceptance, and not power, constitute social phenomena seems plausible only given too broad an interpretation of consensus and acceptance. On Searle's account, collective acceptance is understood as ranging from enthusiastically endorsing an institution to simply going along with it, even if the institution is not in the interest of the agents. This is a broad notion of acceptance indeed. Power seems to be involved here, e.g. there is often an element of power in making agents go along with institutions which are not in their interest. It seems plausible to say that not only the agents who endorse the institutions constitute it, but the beliefs and actions of other agents, who simply go along with it, are required for the existence of the institution as well, at least for large-scale institutions such as governments. So, power and consensus are often intertwined and there is an element of power in this broad view of acceptance, which makes it plausible to say that both power and acceptance constitute institutions.

To sum up, social power should not only be understood as the answer to a different set of questions, but as helping to provide answers

161 In relation to this point, it seems plausible that theories in social ontology ought to capture this dynamic aspect of institutions as well. Hence, there are reasons internal to social ontology for focusing on power.

to the questions of social ontology. Power is a central social concept in itself, it is crucial in understanding other social phenomena, and in providing an adequate foundation for the social sciences.

Power as a special case

Given the importance of social power, why has this concept been neglected? Because most theorists assume a consensus-oriented and cooperative view of social phenomena.

Recent philosophical studies of social phenomena have proved fruitful and generated an improved understanding of important features of the social world. But the views of social phenomena and society present by Raimo Tuomela, Seumas Miller, and Margaret Gilbert focus to a large extent on cooperation in a two-person case, or in a small group, such as lifting heavy tables or walking together.[162] The paradigm case of social phenomena has been taken to be that of consensus and cooperation, that is, a cooperative view of social phenomena is implicitly taken for granted. Further indication of this presupposition comes with the title of Tuomela's most recent book *The Philosophy of Social Practices: A Collective Acceptance View* and the fact that neither the index nor the content of one of most well-known works in this area, Gilbert's *On Social Facts*, mentions power or related concepts. Miller states explicitly that he prefers a cooperative model to that of a conflict and power-oriented view of society: "… the underlying conception of social action that informs this book is that of cooperative individual actions directed to (collective) ends. The model on offer is what might be termed a teleological *cooperation* model. Such a model stands in contrast with ones that emphasise social conflict and social power."[163]

The conflict or power-oriented view states, according to Miller, either that all human action is by definition about power, or that most

162 John Searle's notion of collective intentionality and collective acceptance in particular is a broad notion, involving both genuine acceptance and resistance.

163 Seumas Miller, *Social Action: A Teleological Account* (Cambridge: Cambridge University Press, 2001), p. 18.

social actions are to be explained through power relations, such as class, race and gender conflicts:

> On this view, social action is taken to be principally action driven by sociopolitical forces, including national, racial, gender, cultural, ethnic, economic, class, and institutional forces. We are all members of social groups and social organisations (entities), and we are somehow supposedly wholly controlled, or at least causally determined, by social forces permeating these groups and organisations. Moreover, these groups and organisations are locked into conflict with one another. Thus males are supposedly principally engaged in attempting to dominate females, capitalists to dominate workers, whites to dominate blacks, and so on. Human action is understood only, or at least principally, in terms of sociopolitical power struggles.[164]

But we do not need to go to these extremes, holding that we are *wholly controlled*, or *causally determined* by social forces, to appreciate the importance of the aspects of social life emphasized by this view. There is much to be said for a view that takes seriously how our social positions, like class, and the ways in which characteristics like race and gender are interpreted, have an impact on our life chances.

Miller's cooperation view takes an extreme stand in the other direction:

> There are many kinds of human action which are cooperative … There are conventions, including linguistic conventions, which enable the collective end of communication. There are institutions and institutional actions of various types. Take the education system. This system has as a collective end the provision of a range of intellectual skills and the acquisition of certain kinds of knowledge. So an education system serves the collective end of education. Moreover, the education system relies on interdependence of action and hence cooperation. The pupils work at learning on condition the teachers work at teaching, and vice versa.[165]

164 Ibid., p. 19.
165 Ibid., p. 21.

But this cooperative view makes the power dimension invisible. Viewing social action as individual actions directed towards collective ends hides the considerable dimension of power and conflict involved in choosing collective ends, e.g. the conflicts and power struggles involved in deciding which languages are to count as official.

Miller later recognizes the power dimension: "At any rate, the appropriate response here is not to deny the power dimension of human action – but rather to reaffirm a different and contrasting, but nevertheless very fundamental, feature of such action, namely social cooperation."[166] He qualifies his view by suggesting that his cooperative model is in fact compatible with the conflict-oriented view and argues that conflict still takes place within a structure of cooperation. So, the contrast between these two models is not as stark as it first appears to be. Miller's point that conflict often takes place within a structure of cooperation is crucial. We should also add that cooperation often takes place within a structure of power relations. Hence, conflict, power, consensus and cooperation are intertwined. As an example, think of negotiations in international politics. The negotiator has power, but negotiations are possible only if the parties have some wish to cooperate, or the common goal to end the conflict. The intimate connection between power, conflict and cooperation is another reason for studying the concept of power.

My point is that cases of cooperation and consensus are viewed as the *paradigmatic* social phenomena while conflict and power are viewed as *special cases*, to be included later in the investigation. For instance, Tuomela writes: "But agreement making, and *derivatively authority and power*, can be fitted into my account."[167]

The problem is that conceptualizing cooperation and consensus as the paradigm case of social phenomena means that disagreement, contestation, conflict, and the existence of power relations are viewed as *special cases* and hence not given much attention.

This is a serious mistake, since social power is a central social concept and one of the most important concepts in trying to understand social phenomena. The social world is also characterized by various relations of power, e.g. between employers and employees, and power

166 Ibid., 21.

167 Tuomela, "Collective Acceptance, Social Institutions and Social Reality.", p. 143 (my emphasis).

is distributed unequally, e.g. the bargaining power of rich countries v. poor countries in negotiations about agriculture policies. Many institutions and organizations are organized hierarchically, some groups have power over other groups, some groups dominate other groups, and individuals have different powers to do things, such as leading a life in accordance with one's life plan.

Now, let me return to the first point. That is, if we take power as central, as I have argued we should, how is this concept to be analyzed?

The core elements of social power

In providing a conceptual analysis of social power, it will be helpful to pose and answer some central questions:

1. Is power the ability to do something (power-to) or to control someone (power-over)?
2. Is power a capacity, or does power exist only when it is exercised?
3. Does a power relation necessarily involve a conflict of interest?
4. Does a power relation necessarily involve an intention on behalf of the power-holder?

I will argue that power is both about "power-to" and "power-over"; power is a dispositional concept; conflicts of interest are not a necessary component of power; and having power does not require an intention on behalf of the power-holder, while exercising power does require an intention.

I argue for these answers in the following sections.

Three dimensions of power

Steven Lukes's classic text *Power: A Radical View* is a helpful starting point in analyzing the concept of power.[168] I draw on what I regard as a central insight of Lukes's, that the most effective form and use of power is to prevent conflict from arising in the first place by power working on people's minds, in the shaping of preferences. Summarizing Lukes's view also makes the significance of the third dimension of power clearer; what people wish for/the life plan itself can be a product of power relations. However, my view differs from Lukes's in two important respects. I do not think unintended exercise of power is possible, and I do not view power as a property of social arrangements. Power, on my view, is always a relation between actors or a property of actors, while social arrangements are a presupposition for agents having social power.[169]

It is important to distinguish the *concept* of power from the three *conceptions/views* of power Lukes discusses. He refers to these views, somewhat rhetorically, as "the one-dimensional", "the two-dimensional" and "the three-dimensional view" of power. These views interpret what the concept of power amounts to in rather different ways, but they do share the same underlying concept of power: "… *A* exercises power over *B* when *A* affects *B* in a manner contrary to *B*'s interests."[170]

Recall question two and three: Is power a dispositional concept? Is conflict of interests necessary for power? The above concept of power implies that conflict of interests is a necessary component of a power relation and it focuses on the exercise of power, rather than on power as a capacity.[171]

---

168 Steven Lukes, *Power: A Radical View*, 2 ed. (New York: Palgrave Macmillan, 2005).

169 My discussion draws mostly on Lukes's first edition. In the second edition, he changes his view in significant ways; the focus is on power as a capacity instead of on exercising power, conflict is no longer a necessary condition of power since one can be powerful by advancing someone's interest. It is made explicit that power as domination is only one species of power. The assumption that agents have uniform interests is given up in favor of the idea that the same agent often has conflicting interests.

170 Lukes, *Power: A Radical View*, p. 30.

171 Furthermore, the term "affect" is used in describing the relation between A and B. But affecting is properly used in talking about influence, which I take to be

Let us consider the three views of power, starting with the one-dimensional view, in more detail. Political scientist Robert Dahl proposes the following analysis of the concept of power which has become influential: "*A* has power over *B* to the extent that he can get *B* to do something that *B* would not otherwise do"[172] Note that John Searle in *The Construction of Social Reality* agrees with this view, adding that power is also about preventing someone from doing what they otherwise would have done.[173] The shortcomings in Dahl's view can serve as an indication of the shortcomings of Searle's theory. Dahl actually proposes two different definitions. One definition regards power as a *capacity* (see above), while the other is about the *exercise* of power; A must be *successful* in getting B to do what he otherwise would not do.[174]

Power on Dahl's view is about prevailing in situations of decision-making where there is overt conflict. Conflict is understood as a conflict between subjective preferences. Lukes writes about this view: "Thus I conclude that this first, one-dimensional, view of power involves a focus on *behaviour* in the making of *decisions* on issues over which there is an observable *conflict* of (subjective) *interests*, seen as express policy preferences, revealed by political participation."[175]

The two-dimensional view of power, advocated by Peter Bachrach and Morton Baratz, gives a central role to non-decision-making, i.e. power is also about decisions prevented from being taken, and the suppression of conflicts, i.e. power can exist without observable conflict. Power, on their view, is about confining the scope of decision-making to safe issues, agenda control. Their main criticism of Dahl's view is that the bias of the system needs to be taken seriously since it can serve as an obstacle to certain issues becoming political. Bachrach and Baratz write "to the extent that a person or group – consciously or unconsciously – creates or reinforces barriers to the public airing of policy

different from power. In my definition, I use effect instead of affect to distinguish power from influence. See, Peter Morriss, *Power: A Philosophical Analysis*, 2 ed. (Manchester: Manchester University Press, 2002) for a helpful discussion on the difference between influence and power.

172 Robert A. Dahl, "The Concept of Power," *Behavioral Science* 2, no. 3 (1957), p. 202-203.

173 Searle, *The Construction of Social Reality*, p. 100.

174 Dahl, "The Concept of Power," p. 204.

175 Lukes, *Power: A Radical View*, p. 19.

conflicts, that person or group has power."[176] Note that they refer to unconscious exercises of power. In the last section, I argue against the view that there are unconscious or unintentional exercises of power.

Key words in this analysis of power are "covert conflict", "potential issues", and "non-decision-making". The two-dimensional view also interprets interests as subjective preferences but allows that preferences not only show up in actual decision-making and hence accounts for covert conflicts. Lukes summarizes:

> So I conclude that the two-dimensional view of power involves *qualified* critique of the *behavioural focus* of the first view (I say qualified because it is still assumed that nondecision-making is a form of decision-making) and it allows for consideration of the ways in which *decisions* are prevented from being taken on *potential issues* over which there is an observable *conflict* of (subjective) *interests*, seen as embodied in express policy preferences and subpolitical grievances.[177]

Lukes's three-dimensional, or radical view of power, criticizes the former two views for not realizing that the most important and effective form of power is the ability to shape people's preferences so that no conflict occurs in the first place. That is, a power relation can be present without overt or covert conflict. On Lukes's view, power can prevent conflict from arising and often serves to secure the consent of dominated groups to the existing order. Lukes asks rhetorically:

> To put the matter sharply, *A* may exercise power over *B* by getting him to do what he does not want to do, but he also exercises power over him by influencing, shaping or determining his very wants. Indeed, is it not the supreme exercise of power to get another or others to have the desires you want them to have – that is, to secure their compliance by controlling their thoughts and desires?[178]

176 M. S. Baratz and P. Bachrach, *Power and Poverty: Theory and Practice* (New York: Oxford University Press, 1970), p. 8.
177 Lukes, *Power: A Radical View*, p. 24-25.
178 Ibid., p. 27.

Lukes makes two important points here; we need to focus not only on behavior but also on how people's preferences can be an effect of power relations in society, and the most effective use of power is to prevent conflicts from arising by shaping people's preferences.

On his view, neither overt nor covert conflict is a necessary component of a power relation, but latent conflict is. Key notions in his analysis are "latent conflict" between "real interests". A latent conflict is a potential conflict, which may never be realized, between the real interests of those who exercise power and those who are dominated. The objects of real interests are either 'means', e.g. wealth and opportunities, which can be used to live a life in accordance with one's plan, whatever life plan one chooses, like John Rawls' primary goods, and/or certain things being constitutive of a good life, as in Martha Nussbaum's capabilities approach, independent of what the agent herself wants.

It is important to note that Lukes's central concern is with a specific form of power over others, power as domination. One of his aims is to understand why individuals go along with institutions which are not in their interest. His central question is: how is willing compliance to domination secured? Why do subordinates comply? His main answer is that dominated individuals remain unaware of their real interest because of repression and mystification.

As an illustrative example, we can consider John Stuart Mill's and Harriet Taylor's work on the subjection of women since it probes into the workings of this form of social power and the internal constraints it imposes on women's agency.[179] Mill points to power as the imposition of internal constraints, which can be invisible or opaque. Agents are typically unaware of it, thinking of these constraints as freely chosen. This restricts women's agency in much subtler ways than simply denying them deontic powers such as the right to vote. It amounts to *willing submission*: "Men do not want solely the obedience of women, they want their sentiments. All men, except the most brutish, desire to have, in the woman most nearly connected with them, not a forced slave but a willing one … They have therefore put everything in prac-

179 John Stuart Mill, "The Subjection of Women," in *On Liberty and Other Writings*, ed. Stefan Collini (Cambridge: Cambridge University Press, [1869] 1989), Harriet Taylor, "Enfranchisement of Women," in *Essays on Sex Equality*, ed. A. Rossi (Chicago: University of Chicago Press, [1851] 1970).

tice to enslave their minds."[180] He regards this as a particular type of power, one for which obedience out of fear is not enough, indeed for which submission has to appear to be freely chosen also for the person who submits. This is why all conventional morality and all institutions, including the institution of education, upheld the notion "that it is the duty of women, and all the current sentimentalities that it is their nature, to live for others; to make complete abnegation of themselves, and to have not life but in their affections."[181] The only action available for a moral woman was to yield to the power of men and do it willingly.

Lukes makes another interesting claim, that any account of power is inadequate without capturing this third dimension of power: "… the power 'to prevent people, to whatever degree, from having grievances by shaping their perceptions, cognitions and preferences in such a way that they accept their role in the existing order of things'."[182]

I agree with Lukes that this third dimension of power is an important one to capture. If we are interested in explaining the fact that individuals have different life chances and life plans, the third dimension of power is helpful for two reasons: First, it highlights the fact that one's choice of life plan might itself be a result of power relations in society. Lukes emphasizes the shaping of preference as a crucial part of power and argues that power is most effective when invisible and working on people's minds. Second, he has a structural view of power in the sense of taking the bias of the system seriously by noting that this bias can be a function of "collective forces and social arrangements".[183] Lukes regards the system as being able to be reinforced and biased in ways that are neither consciously chosen nor the intended result of particular individual's choices. Hence, unintended consequences of actions are part of power. I agree that unintended consequences are crucial but I do not think we necessarily need to regard them as forms of power, but rather as social structures.[184] Rather than viewing social structures as forms of power we should view them as enabling or restricting dif-

180 Mill, "The Subjection of Women," p. 132.
181 Ibid., p. 132.
182 Lukes, *Power: A Radical View*, p. 11.
183 Ibid., p. 26.
184 For a discussion of social structures see chapter 5 and Steven Lukes in *Anthropological Theory* 6, no. 1 (2006).

ferent agents' power. Hence as a presupposition of certain forms of social power and as a crucial part of social reality.

Lukes emphasizes the differences between his view and Dahl's view in various places. But we need to be careful so as not to emphasize the wrong differences: There is nothing in Dahl's definition of power that excludes the shaping of preferences as a part of power since one way of affecting people's behavior is to shape their preferences. So, the conceptual differences between Dahl and Lukes are not as strong as Lukes takes them to be. Rather, we should take Lukes's discussion as offering a substantial interpretation of some components of power, most importantly "interests". The main difference between Lukes's and Dahl's views is the way in which interests are interpreted, as subjective preferences (what the agent herself wants), or as objective/real interests (certain things are constitutive of a good life regardless of whether the agent desires these things).[185]

To summarize, an analysis of power needs to account for the ways in which power can work on people's minds and account for how social structures can enable or restrict the powers of agents. Let us return to our questions.

185 There are problems relating to both interpretations of interests; giving interests a subjective interpretation makes one unable to account for sour grapes phenomena as a form of power. Sour grapes, or the problem of adaptive preferences, is roughly the idea that people's preferences can be shaped by circumstances so that they no longer wish for things which are in their objective interest. Hence, we should be careful so as not to base the allocation of welfare on subjective preferences. Jon Elster writes: "For the utilitarian, there would be no welfare loss if the fox were excluded from consumption of the grapes, since he thought them sour anyway. But of course, the cause of his holding them to be sour was his conviction that he would be excluded from consuming them, and then it is difficult to justify the allocation by invoking his preferences." Jon Elster, *Sour Grapes: Studies in the Subversion of Rationality*, (Cambridge: Cambridge University Press, 1996), p. 109. But interpreting interests objectively one faces two serious difficulties, first, giving a plausible account of objective interests, and second, that one's view of power would be tied to a substantial moral theory. The latter reason is why Lukes regards power as an "essentially contested concept". The advantage is that one is able to account for sour grapes phenomena as forms of power. My definition of power does not include a conflict of interest so I do not further discuss this problem here.

"Power-to" or "power-over"?

The first question is: Is power the ability to do something or to have power over others? Power to do something involves things such as advancing your interests, getting what you want or to do what you intend, while power over is about having someone else *in your* power. Philosopher Peter Morriss writes: "… we can be interested either in the extent to which citizens have the power to satisfy their own ends [power-to], or in the extent to which one person is subject to the power of another [power-over]."[186]

The difference between the two positions is that power-over is intrinsically a relation; it consists in a relation between actors. Power-to is not intrinsically a relation between actors, but a property of an actor and a capacity to do various things.

Theorists of power take different stands on which notion of power is central. Steven Lukes regards power-over as the central notion while Peter Morriss takes power-to as his subject matter.

The distinction between these two forms of power is not as clear cut as some authors suggest. For instance, Morriss's examples include the British Prime Minister's power to dissolve parliament. But the *power to* dissolve parliament also means that the Prime Minister has *power over* the parliament members. This fact can be explained by a certain view of the relation between the two notions of power; power-to is the general notion and it includes the notion of power-over. The power to do something involves the power to make another agent do something, i.e. to have power over another agent. A common view is to regard power-over as a *subcategory* of power-to. But this does not seem right given this analysis. The power to do something is a *property* of an actor, while having power over someone is a *relation* between actors, so it seems odd to put them in the same category. Rather we can understand the relation between these notions in terms of a certain *priority of understanding*; if a person possesses the concept of power-to, she can understand the notion of power-over, but not the other way around. On this view, power-to is still the general notion but we do not put relations and properties in the same category.

186 Morriss *Power: A Philosophical Analysis*, p. 40.

Still, power-to and power-over point to different aspects being central and we are better off keeping both notions in mind. To see why, consider Searle's deontic powers. Deontic powers are internal to institutional facts and these powers can be viewed as an interesting (given the field of social ontology) subclass of power-to: These powers are social in the sense of being dependent on collective intentionality for their existence, and institutional in the sense of being dependent on social institutions for their existence. But focusing just on deontic powers makes other forms of power invisible. For example, the kind of deontic powers different individuals have depends on who has *power over whom*.[187] These two types of power are thus intimately related; the way in which deontic powers are distributed has effects on who has power over whom.

I suggest the following definitions for these two aspects of power: Power-to is the ability of an agent to effect a specific outcome. Power-over is the ability of a powerholder to achieve a subject's submission with respect to some particular scope of his behavior and/or consciousness.[188] Following Valeri Ledyaev, the reference is to a subject's behavior and *consciousness* to reflect the importance of Lukes's third dimension of power, the shaping of preferences as a significant form of exercising power. The term submission is an important notion in this definition. But submission, if interpreted as we ordinarily use the term, is too strong a requirement and makes the definition too narrow. For instance, if a parent (the power-holder) makes his child (the subject of power) wear a seatbelt (effects a specific outcome), we would not describe this exercise of power as the *submission* of the child with respect to wearing a seat belt, but rather that the parent *makes* the child wear a seatbelt. We can either replace submission with "make" or a related notion, or keep "submission" but give it both a weak (make) and a strong

187 Other examples include the difference between these *formal* deontic powers and what officials *really can* do for us, and the way social institutions can enable domination by an unequal distribution of deontic powers.

188 My discussion draws on Valeri G. Ledyaev, *Power: A Conceptual Analysis* (Commack: Nova Science Publishers Inc, 1997) and Morriss, *Power: A Philosophical Analysis*. I disagree with Ledyaev on an important matter; having power-over another on my view does not require an intention on behalf of the power-holder. My account differs from Morriss's view since I do not make a distinction between power as ableness and power as ability and I do not require an intention for having power, although I do require an intention for exercising power.

interpretation (submission as we ordinarily use the term). I choose the latter option.

There is an important subclass of power-over, which is power as domination. Domination is defined as being subject to someone's arbitrary will. This kind of power also consists in a relation between actors, but this relation is necessarily of an asymmetric kind. Philip Pettit characterizes domination like this:

> The grievance I have in mind is that of having to live at the mercy of another, having to live in a manner that leaves you vulnerable to some ill that the other is in a position arbitrarily to impose; and this, in particular, when each of you is in a position to see that you are dominated by the other. … It is the grievance expressed by the wife who finds herself in a position where her husband can beat her at will, and without any possibility of redress; by the employee who dare not raise a complaint against an employer, and who is vulnerable to any of a range of abuses, some petty, some serious, that the employer may choose to perpetrate …[189]

To sum up, power-to is a property of an actor, while power-over consists in a relation between actors. These two notions of power point to different aspects of power, making it important to capture both ideas. I have also drawn attention to an important subclass of power-over, power as domination, which consists in an asymmetric relation between actors.

Having power or exercising power?

Recall the second question: Is power a capacity, or does power exist only when it is exercised?

In ordinary speech we say things like "the Prime Minister has a knowledgeable staff". We also speak of agents *having* power – "the Prime Minister has the power to dissolve the parliament" – and we

189 Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997), p. 4-5.

speak of agents *exercising* their powers, for example "the Prime Minister dissolved the parliament".

We ought to keep these cases separate; the first refers to a *resource* for power, the second to a *capacity*, while the third refers to an *exercise* of power. One should avoid identifying power as a capacity with either the resources for power or the exercises of power, and instead regard power as a dispositional concept. If we try to reduce power as a capacity to the resources, we fail to see that someone can have plenty of resources for power without having power, e.g. the Prime Minister might have a knowledgeable staff but not know how to use the staff to achieve her ends. On one interpretation, deontic powers are actually *resources* for power, rather than power. Recall that deontic powers are different rights and obligations, such as being under the obligation to pay taxes, or having the right to vote. There are various ways of interpreting rights and obligations, for instance, to make the distinction between formal and substantial rights. A person can have rights such as the right to adequate housing without knowing how to use it, since she does not know how to work the bureaucracy to get an apartment. This would be an example of a formal right. This person can also have the substantial right in the sense of knowing how to work the bureaucracy to get an apartment. If we interpret deontic powers as formal rights, then these powers are power resources rather than powers. For deontic powers to be powers, we need to interpret them as substantial rights.

We should also avoid reducing power as a capacity to its exercise. If the Prime Minister has the power to dissolve parliament but never chooses to exercise it, we would still regard her as powerful in this respect. The important thing is that she could use it if she chose to. There are other reasons for not identifying power with its exercise. Recall the kind of grievance Pettit drew our attention to: Even if the employer or the husband do not exercise their power, the employee and the wife are still dominated. Reducing power to its exercise makes one unable to account for the fact that people can still be dominated even if power is not exercised.

Rather, the exercise of power is most plausibly seen as a *manifestation* of power as a capacity. The component which unites power as a capacity and the exercise of this capacity is thus power understood as a dispositional concept. I refer to power as an *ability or capacity* to make this idea clear.

Is conflict of interests necessary for power?

Recall the third question: Is conflict of interests necessary for power? Many views of power presuppose that a conflict of interest between a power-holder and a subject is necessary for there to be a power relation. Lukes's first edition of *Power: A Radical View* is one example. But, power-to does not necessarily involve a conflict of interest, since you can have many abilities to do things without there being any conflicts of interests with other agents. For example, when grocery shopping, which involves different powers to do things, it is in the interest of both the cashier and other customers that you buy enough items for him to keep his job and the store to be kept open.

The same holds for power-over, i.e. a conflict of interest is not a necessary component. There are two reasons for this. First, we must recognize that people can be powerful by advancing someone's interests, e.g. a social worker arranging housing for a client.

Second, given certain conditions, you can have power over someone even if they would perform action *a* anyway. Consider a soccer team. The star player would run five kilometers a day even if the coach did not push her to do it, while the other players run five kilometers because the coach orders them to do so. Does the coach have power over all the players including the star player? I think it is plausible to say that she does; the sports coach is in a position of authority in relation to all players. Authority is here understood as the right to command, given one's formal position. We need to account for the ways in which one's formal position in an organization gives rise to the right to command, whether or not the subject of the authority would perform the action anyway. For this reason it is plausible to regard authority as a form of power.

In sum, a conflict of interest is not a necessary condition for power, either for power-to or for power-over, although, of course, in many cases a power relation does involve a conflict of interests.

Power and intention

Recall the fourth question: Does a power relation necessarily involve an intention on behalf of the power-holder? I will argue that intention is not a necessary condition for having power, but that it is necessary for exercising power.

Theorists are divided when it comes to the connection between power and intention. This is a central dividing point in the debate. Some include an intention on behalf of the power-holder in their definition of power, like Morriss and Ledyaev, while others deny any such connection, like Lukes, and Bachrach and Baratz.

Steven Lukes puts forward the following consideration against intention as a defining property of power: "Yet most of our actions bring in their wake innumerable chains of unintended consequences, some of them highly significant, and some of these obvious instances of power. Powerful people, for example, induce deferential behaviour in others but may not intend to. Pollsters can unintentionally influence the outcomes of elections."[190]

Does the *exercise* of power require an intention on behalf of the power-holder? On my view, power is an ability which is exercised intentionally.[191] This might seem to make the account too narrow. Theorists of power, denying there being a connection between intention and the exercise of power, like to point out that powerful people often induce deferential behavior in others even if they do not intend to. Consider the example of the boss who comes to work in a grumpy mood. The secretary goes out of his way to make the day better for her. Has the boss not exercised power over her secretary?

Or we might consider a political leader intending to implement some minor changes in the country's agriculture policies. This change happens to have a vast effect on the country's economy, an effect he

190 Lukes, *Power: A Radical View*, p. 76.

191 The content of the power-holder's intention does not have to involve the concept of power, i.e. it should not only be understood as the power-holder having an intention to exercise power – "I will exercise power because I am in a position to do so" – but also as an intention to perform a specific action, as in "I will increase the company's profit".

did not intend. Has this leader not exercised power regarding the effects on the economy, even if these effects were unintended?

An account of power, excluding the above cases as an exercise of power, would indeed be too narrow. On the other hand, giving up the connection between intention and exercises of power makes the account too wide: If there is a complete break with intention, *all* unintended consequences of your actions can be exercises of power, even effects of your actions which you cannot possibly know about. Power becomes ubiquitous.

In order to find a middle ground between these two views, we can give intention a wide rather than narrow interpretation. This avoids making all unintended consequences of your actions exercises of power, and it avoids the conclusion that the grumpy boss or the political leader does not exercise power. It is helpful to consider the following three cases:

(i) A person have an intention to perform action *a*.
(ii) The person knows that performing *a* has certain side effects, *b*, but he does not intend to perform *b*.
(iii) There are other side effects *c* of performing *a*, unknown to this person, although it is reasonable to claim that someone should know that *c* might happen as a result of *a*.[192]

For example, Joey intends to kill Ross by placing a bomb in Ross's car (i). Joey knows that Ross is likely to give other people a ride, and he knows that the passengers might die as a result of the bomb, but he does not intend to kill the passengers (ii). The bomb kills Ross, including two passengers in his car. Joey does not foresee that the explosion might cause the death of a bystander, but it does (iii). Joey is held legally responsible for killing Ross, the passengers, and the bystander.

The grumpy boss is similar to Joey in the respect that even though she does not intend to exercise power over her secretary (i), she either knows that her mood has this side effect (ii), or it is reasonable to expect of people in a position of power to be aware of their mood having this side effect (iii). In general, powerful people inducing deferential behavior in others without intending to would be an example of either

192 This view of intent, or intention, partly inspired by Swedish criminal law, was suggested to me by Lena Halldenius.

(ii) or (iii). They exercise power without intending to in the narrow sense (i) but there is still a connection to intention. This is my view of the connection between *exercising* power and intention.

A powerful argument can be advanced for the view that *having* power over others does *not* require an intention on behalf of the power-holder. To do so, we need to use some of the distinctions and ideas I mentioned earlier. Recall the distinction between power-to and power-over, between having power and exercising power, and add the role of social structures. My claim is this: someone can *have power over* another, without being aware of it, or if aware of possessing this power, without intending or wanting to have this power, due to the role of social structures.

Recall Philip Pettit's illustration of power as domination. The husband or the employer in the example has power over the wife or the employee. This is partly due to the role of social structures, since a consequence of the way in which institutions are set up enable certain individuals or groups to have power over others, while disabling others; the wife has no possibility of redress. The ability to beat someone up is an example of brute power, while beatings in combination with the wife lacking any possibility of redress – she might not be able to afford a good lawyer – is about domination.

Individuals can have power over others because of their position in institutions even if they intend or wish not to. John Stuart Mill, upon his marriage to Harriet Taylor, wrote "Statement on Marriage" saying that he wished to resign the rights which were granted husbands at the time.[193] Knowing that this would only be a symbolic act since these

193 Mill writes: "B[eing about], if I am so happy as to obtain her consent, to enter into the marriage relation with the only woman I have ever known, with whom I would have entered into that state; and the whole character of the marriage relation as constituted by law being such as both she and I entirely and conscientiously disapprove, for this among other reasons, that it confers upon one of the parties to the contract legal power and control over the person, property, and freedom of action of the other party, independent of her own wishes and will: I, having no means of legally divesting myself of these odious powers (as I most assuredly would do if an engagement to that effect could be made legally binding on me), feel it my duty to put on record a formal protest against the existing law of marriage, in so far as conferring such powers, and a solemn promise never in any case or under any circumstances to use them. And in the event of marriage between Mrs. Taylor and me I declare it to be my will and intention and the condition of the engagement between us, that she retains in all respects whatever the same absolute freedom of action, and freedom of disposal of herself and of all

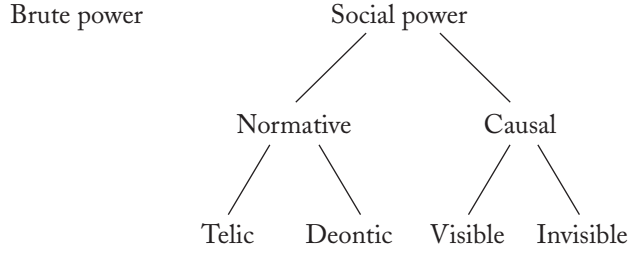
legal rights and obligations still applied to him and Harriet Taylor, it shows how someone can still have power over others while intending not to, due to their position in a social structure.

So, having power over others does not require an intention on behalf of the power-holder. The same goes for power-to: Even if you are completely apolitical, you still have the power to vote in an election due to your status as citizen, without any will or intention on your behalf to have this power.

A taxonomy of social power

In this section, I give a taxonomy of types of social power by using some of the distinctions discussed so far and by drawing some new ones, most importantly, the distinction between causal and normative forms of social power.

A taxonomy of social power



First, there is the distinction between brute power and social power: *Social power is dependent on collective intentionality to exist while brute power is not.*[194] Brute power is dependent on and works through the

that does or may at any time belong to her, as if no such marriage had taken place, and I absolutely disclaim and repudiate all pretension to have acquired any *rights* whatever by virtue of such marriage." John Stuart Mill, "Statement on Marriage," (1851). Thanks to Lena Halldenius for suggesting this example.

194 I do not explicitly use the distinction between power-to and power-over in this typology since the latter notion can be subsumed under the former.

intrinsic features of a person while social power is dependent on collective intentionality to exist. For instance, a person beating another person is an exercise of brute power, while the head of the central bank raising the interest rate is an exercise of social power. I will consider social power in what follows, i.e. power which is dependent on collective intentionality to exist.

Within the category of social power, a distinction can be drawn between "causal" and "normative" forms of social power: *Normative power works through perceptions of normative reasons while causal power does not.* To make this clearer, consider a power-holder making the statement: "Let x happen!" This can be understood in a causal sense, "x *will* happen", or in a reason-giving sense, "x *ought* to happen".[195] When normative forms of social power are exercised, the subjects of power regard themselves as normatively bound to act in certain ways. When causal forms of social power are exercised, the subjects do not regard themselves as normatively bound to act in certain ways and they might even be unaware that power is exercised over them.

Within the class of normative forms of social power, there are two types of power, deontic and telic. The normative form of social power will be further clarified if we consider deontic power. For example, the Prime Minister's exercise of her deontic powers provide citizens with *reasons* for actions, i.e. the citizens perceive they *ought* to follow these commands. This makes it a normative form of power.

The Prime Minister's deontic power is partly constituted by collective intentionality and her ability to effect a specific outcome, say, convincing the parliament to raise the taxes, is directly dependent on collective intentionality. It is our beliefs that she is the Prime Minister which makes it possible for her to exercise power. In general, our beliefs about this type of power are partly constitutive of it. Consequently, deontic power is visible, or transparent. This kind of power imposes external constraints on agents. Deontic power cannot exist without the existence of institutions. So, deontic power is directly dependent on collective intentionality, and it is dependent on institutions to exist.

The telic type of power works in the same way, i.e. through the perceptions of normative reasons. A professor might experience a conflict between the telic and the deontic aspect of her status function.

195 Lagerspetz refers to a similar distinction in his analysis of authority in Lagerspetz, *Opposite Mirrors*, p. 72.

She might experience a conflict between her deontic powers, such as administrative obligations, and standards of excellence or ideals connected to the status function of being a professor, such as publishing high quality work beyond what is required, i.e. a conflict between two different types of "ought". So, agents can regard themselves as normatively bound in two different ways, by reasons based on deontic powers and by reasons based on ideals.

Telic power, in contrast to deontic power, is not necessarily dependent on institutions to exist, since there can be non-institutional social statuses displaying telic normativity. Some functions of being a woman is defined in terms of a purpose or goal, rather than in terms of rights and obligations, which means there is an ideal measuring how well we live up to this purpose. This ideal provides agents with reasons for action so that a woman perceives that she ought to live up to a certain ideal and others expect her to do so.

Social practices can both be an effect of and reinforce certain ideals. Practices provide agents with reasons for action; due to the existence of a certain practice, agents feel they *ought* to play soccer on Sundays or that they *ought* to stay at home with the kids. We can imagine a shared we-attitude such as "we regard this as the best way to organize family life", underlying the social practice of maternity leave, providing agents with social reasons. This practice reinforces the mother's function as the primary care-taker; she regards herself as normatively bound to act accordingly and others expect her to do so.

So, there are two types of the normative form of social power, deontic and telic. Deontic power cannot exist without the existence of institutions, while telic power can; a social practice and/or a social status is sufficient for this type of power to exist.

The causal form of social power differs from the normative form since it does *not* work through the perceptions of normative reasons. This form of power can be either *visible* or *invisible*, and consequently there are two forms of causal power.

The visible type of causal power can be seen as a "spill-over effect" of the normative form of power. For example, the head of the central bank might declare the interest rate to increase, which is an exercise of deontic power, but he might also happen to mention some interesting new start-ups, including his friend's company. In virtue of his status function as the head of the central bank, which is an institution-de-

pendent property, this person can effect a specific outcome, say increase the profit of his friend's company, not by exercising his deontic powers, but still in virtue of his status function. Mentioning a certain company has the effect of people buying shares in this company. His status function has certain spill-over effects; he has the ability to effect other outcomes than what it is in his deontic powers to do.

This form of power does not work through the perceptions of normative reasons in the same manner as deontic power; he cannot create a new institutional fact, e.g. the fact that people are *required* to buy shares in this company. And the individuals in the audience presumably do not perceive they *ought* to buy stocks in this particular company. In fact, he *cannot* give this type of reasons since he has not been assigned the deontic power to decide in this matter.[196] Furthermore, we imagine the power-holder, i.e. the head of the central bank, and the subject of power, i.e. the audience, to be aware of this type of power, which makes it a visible type of causal power.[197]

The other type of causal power is invisible. If we consider "power-over" there are three possible scenarios. First, we can imagine a case in which the power-holder is aware of the exercise of power, but the subject is not. Some forms of manipulation are examples of this type of power. Manipulation can be defined as: "When B is *not* aware of A's intention to influence him but A does in fact manage to get B to follow his wishes, we can say that we have an instance of *manipulation*."[198] This type of power is working on the subject's mind and the subject over whom this type of power is exercised is unaware of it. For A's manipulation of B to be an exercise of *social* power, A's ability to manipulate B needs to be dependent on collective intentionality, e.g. A's status function of being an honorary doctor is partly constituted by collective intentionality and this status is used in manipulating B. But if A only uses his intellectual powers in manipulating B, we have

196 The kind of reasons he can provide is instrumental reasons; if you want to become rich, buy shares in this particular company.

197 This form of power can help to make sense of our intuition of there being some kind of power related to honorific status functions. Even of being an honorary doctor does not give the person deontic powers such as the right to vote in university affairs, in virtue of this status the person has the ability to effect a specific outcome, such as selling more books.

198 David Easton, "The Perception of Authority and Political Change," in *Authority*, ed. Carl J. Friedrich (Cambridge: Harvard University Press, 1958), p. 179.

an exercise of brute mental power since A's intellectual powers are not constituted by collective intentionality.

Second, the power-holder can be unaware of her power while the subject of power is aware of it. For example, a person from England, ignorant of history, is traveling throughout the world. In all the former British colonies, she gets a better hotel room than the local population due to her being British. The hotel staff does not consider her as having the right to the best room and do not regard themselves as under an obligation to provide her with the best room, i.e. they do not regard themselves as normatively bound to act in this way. So, we cannot understand this case in terms of deontic powers and hence as a normative form of social power. The causal form of power can better explain this case, in combination with there being a social structure in place. Due to this social structure, the hotel staff give her, in virtue of her membership in a social group, the best room more or less out of habit. This type of social power is dependent on a social structure to exist, and the subject of power is aware of it, but the power-holder is not.

Third, there is the possibility of causal types of social power of which neither the power-holder nor the subject is aware. This type of power presupposes the existence of a social structure which is *opaque*. Given the existence of an opaque social structure, say a gender structure, a man has certain abilities to effect specific outcomes in virtue of his social status as a man. Recall the definition of a social structure; a social structure exists when members of a social group, in virtue of that membership, systematically have their opportunities (as individuals) restricted or enhanced in ways that are in disproportion to their relevant abilities.

Wennerås's and Wold's article showed how "… a female applicant had to be 2.5 times more productive than the average male applicant to receive the same competence score as he …"[199] If this result is part of a general pattern, there is a social structure in place: Women have their opportunities to receive research funding systematically restricted and men have their opportunities systematically enhanced in ways that are in disproportion to their relevant abilities. Due to the existence of this social structure, the male applicants' perceived brute mental ability to receive research funding, was in fact shown to be partly social due to

199 Wennerås and Wold, "Nepotism and Sexism in Peer-review," p. 342.

the gender bias discovered by Wennerås and Wold. This illustrates the possibility of an agent having social power, even if this agent and others are unaware of it, due to the existence of opaque social structures.

These various types of social power, and the entities on which they depend (e.g. deontic powers depends on the existence of institutions and the invisible type of causal power depends on the existence of opaque social structures) are united by collective intentionality. Hence, my definition refers to an ability which is existentially dependent on collective intentionality: An agent A has social power if and only if A has an ability, which is existentially dependent on collective intentionality, to effect a specific outcome.

Conclusion

I have posed and answered some central questions regarding the concept of power and my answers are reflected in my proposed definition of social power: An agent A has social power if and only if A has an ability, which is existentially dependent on collective intentionality, to effect a specific outcome.

This definition reflects my answers to the following questions about power: First, is power about "power-to" or "power-over"? My answer was that both aspects of power are important but that the power to do something involves having power over others, meaning the former is the general notion. I began with two definitions, but the latter is included in the former. Power-to is the *ability* to *effect* a specific outcome. Power-over is the *ability* of a power-holder to achieve a subject's submission with respect to some particular scope of his behavior and/or *consciousness*. The reference is to a subject's behavior and *consciousness* to reflect the importance of Lukes's third dimension of power; the shaping of preferences as a significant form of power. Consequently the definition captures power as the imposition of both internal and external constraints. But these definitions are still too general if we want to analyze *social* power, so the ability to effect a specific outcome needs to be existentially dependent on collective intentionality.

Second, is power a capacity, or does power exist only when it is exercised? I argued that we should avoid both reducing power to its

resources and to its exercise and instead view power as a dispositional concept. This is reflected by using the term *ability* in the definition.

Third, does a power relation necessarily involve a conflict of interest? I argued that neither "power-to" nor "power-over" necessarily involves a conflict of interest. Consequently, my general definition does not refer to a conflict of interest.

Fourth, does a power relation necessarily involve an intention on behalf of the power-holder? Using the earlier distinctions I argued that having power over others does not require an intention on behalf of the power-holder due to the role of social structures. This makes it possible to refer to cases of power, and more specifically domination due to different agents' positions in social structures, as forms of power, with or without the power-holder wishing, wanting or intending to have this position.

The relations between social power and the social phenomena previously analyzed, i.e. social statuses, practices, institutions, and social structures, were made clear through my taxonomy of social power. For instance, deontic power cannot exist without the existence of institutions, while the invisible type of causal power cannot exist without the existence of opaque social structures. These social phenomena, necessary for the existence of the different types of social power, are either constituted by or dependent on collective intentionality, which is reflected in my general definition of social power.

Up to this point, social ontologists have focused only on deontic power. Deontic power works through the perceptions of normative reasons; agents perceive that they have various rights and obligations due to the existence of institutions and their particular status functions within those institutions. Deontic powers cannot exist without the existence of institutions. Our collective beliefs are constitutive of this type of power, and hence it is necessarily transparent or visible.

My account of social power is wider than deontic power in a number of ways. Besides another type of normative social power – telic – I also drew attention to causal social power, as another form of social power.

This causal form of power does not work through the perceptions of normative reasons, and in contrast to deontic power, it does not need to be believed in to exist. In fact, it is often opaque, both to the power-holder and the subjects of power. The idea of opaque forms of social

power might sound mysterious, but my definition of a social structure in combination with opaque kinds of social facts, explained this form of power. Due to the existence of an opaque social structure, an agent can have social power, even if this agent and others are unaware of it.

Different types of normativity have been shown to be relevant to the understanding of social power and actions of agents within the social world. In the next chapter, I consider what many regard as a specific form of normativity, moral normativity. Rather than viewing morality as a special form of normativity and hence moral norms as providing us with a different and stronger sense of "ought", moral facts are taken to be social facts.

CHAPTER 7

On moral facts

Introduction: Moral facts as social facts

Recall J. S. Mill's "Statement on Marriage" in which he openly criticized the existing laws of marriage for being unjust. Due to this injustice, he wished to resign the deontic powers assigned to him as a husband. Can we make sense of Mill's protest, using the tools developed so far? Mill's protest seems to presuppose that not all normativity is conventional since it makes reference to an independent standard of justice, a standard from which he criticized the existing deontic powers of marriage. We might wonder: What conceptual space is there in theories about the social world to criticize existing institutions? Can we even make sense of an independent standard of justice from which we can criticize existing institutions without leaving the framework of social ontology?

The distinction between obligations external and obligations internal to institutions is helpful in making sense of Mill's protest. Some obligations are *internal* to institutions, i.e. follow logically from accepting the constitutive rules of the institution such as the deontic powers of marriage, while others are *external*, i.e. can exist independently of the institution. Searle's theory focuses on the kind of normativity which follows logically from accepting the constitutive rules of the institution. For example, if there is an institution of promising, and you have made a promise, you are now by definition under an obligation to keep the promise. So, some obligations follow necessarily from accepting the constitutive rules of the institution, i.e. these obligations

are internal to institutions, but other obligations are external, i.e. not necessarily related to the institution. This distinction between internal and external normativity is central if we want to *evaluate* the deontic powers of different institutions. Mill was protesting against the internal rights and obligations of the institution of marriage, and his protest presupposes the existence of external rights and obligations.

There are at least two different ways of understanding the phrase "external to institutions". First, some rights and obligations are not specific to a particular institution but they are general. For example, there are certain institutions which are general in the sense of being presupposed in other institutions; without the institution of promise-making, we cannot make contracts or get married. The second sense of "external" would be to regard some rights and obligations as not institution-dependent at all. This is a stronger position, and most moral philosophers tend to regard moral rights and obligations as external to institutions in this sense. On this view, moral standards are non-institutional. I think we can make sense of Mill's protest, and get enough critical distance from our existing institutions, by presupposing external rights and obligations in the first sense. More specifically, I propose to examine the thesis that moral facts are social facts.

This position is new in the following respect: Philosophers of the social world focus either on the kind of normativity which follows logically from accepting the constitutive rules of institutions, e.g. Searle's deontic powers and desire-independent reasons for action, or what *normative* implications, if any, different views on collective action and social groups have for group responsibility.[200] I consider a *meta-ethical* position, based on developments in social ontology and the arguments in this book.

This position has various meta-ethical advantages. By now, we have a good understanding of the nature of social facts, including the subclass of institutional facts. Viewing moral facts as a special kind of social facts would mean giving a precise account of the nature of moral facts. It would also be a way of explaining how morality fit into our theories about the social world and hence to give an answer to a central part of the question how the various parts of the world relate to each other. Philosophers who deny the existence of moral facts, such

200 See for example, the papers given at the conference *Collective Intentionality V*, Helsinki, 2006, and Kutz, *Complicity: Ethics and Law for a Collective Age*.

as J. L. Mackie, point out that it is hard to see how such peculiar facts fits into our scientific worldview.[201] But by now we do have a plausible account of how social and institutional facts fit into our contemporary worldview, so taking moral facts to be social facts explains the place of moral facts within our world and demystifies them. And the stake for denying the existence of moral facts would be significantly raised; denying the existence of moral facts means denying the existence of social and institutional facts as well. Furthermore, we can take our talk about moral facts seriously, that is, we can explain how judgments about moral facts can be true or false, by suggesting these judgments correspond to social facts.

Given these advantages, why has no one argued for this position before?[202] There are various reasons, and Philippa Foot gives a plausible answer based on a sociological observation: Moral philosophers are obsessed with objectivity. There are different ways of understanding "objectivity". In this context it is plausible to take "objectivity" in the sense of moral facts transcending any given social order: regardless of whether we regard a certain institution as just, it can still be unjust. The conventional element of social facts, i.e. their dependence on collective intentionality, runs contrary to this idea.

---

201 J. L. Mackie, *Ethics: Inventing Right and Wrong*, (London: Penguin Books, 1990).

202 I surely do not mean to say that no one has argued for a similar position before. But this position is new in the sense of very few philosophers arguing for the thesis that moral facts are social or institutional facts in the specific sense social ontologists use "social facts" and "institutional facts". There are many statements of similar positions throughout the history of moral philosophy, for example in Thomas Hobbes's writings. More recently, Philippa Foot writes: "When anthropologists or sociologists look at contemporary moral philosophy they must be struck by a fact about it which is indeed remarkable: that morality is not treated as essentially a social phenomenon." Philippa Foot, *Virtues and Vices and Other Essays in Moral Philosophy* (Berkeley: University of California Press, 1978), p. 189. Furthermore, game theorists often make the point that morality is social or conventional. To my knowledge there are just two philosophers arguing for moral facts being social or institutional facts in the social ontology sense of the word, and I discuss their views in this chapter. The position I consider differs from theirs as well. In contrast to Rafael Ferber who argues that moral judgments are descriptions of institutional facts, I argue that moral facts are social facts. This is similar to Johan Brännmark's suggestion, but my position is further developed since I use some of the recent developments in social ontology, e.g. the existence of opaque kinds of social facts to explain the possibility of discovering moral facts.

The element of conventionalism is indeed one of the main difficulties for this position. To respond to this difficulty I use some of John Rawls's insights in forming a position with an element of conventionalism but still with sufficient room for critique of actual moral norms. In this way, I work from both directions: I stabilize a subclass of social facts, i.e. show how there can be enough critical distance, and destabilize morality, i.e. admit the conventional element. In other words, moral facts are conventional, they depend on collective intentionality to exist, but this does not preclude justification.

I have a more specific reason for focusing on the so-called *moral* rights and obligations. Moral reasons are central in giving an account of agents' actions in a social setting. So far, we have considered how institutional facts give rise to desire-independent reasons for actions, and how these desire-independent reasons for action regulate behavior and make society possible. To understand agents' actions we need to be clear over the *kinds of reasons* that can conflict with reasons based on institutions. Moral reasons are a central type, since many take moral reasons to override reasons based on institutions. For instance, Mill had certain rights and obligations due to the institution of marriage despite the injustice of this institution, but he took these deontic powers to be overridden by moral rights and obligations. These reasons can be in conflict with and override *all* the existing reasons based on institutional facts. This contrasts to the reasons deriving from social roles which can conflict with *some* reasons deriving from institutional facts.

I will proceed as follows: I begin by considering three central meta-ethical questions to situate this position – moral facts are social facts – within the meta-ethical debate. I go on to discuss what features a meta-ethical position needs to explain. I pose some specific problems for this type of position by examining an actual statement of a similar position; moral judgments are descriptions of *institutional facts*. The reason for considering this similar thesis is making clear what difficulties the thesis – moral facts are social facts – have to meet.[203] There are however certain advantages to viewing moral judgments as descriptions of institutional facts; the facts which moral judgments refer to is clear and we have a good understanding of their nature, but this

203 A difference between them is that the first is a conceptual thesis while the latter is ontological.

position makes it hard to provide justification and account for revolutionary moral judgments. Due to these difficulties I shift to regarding moral facts as *social facts*. By using the idea of opaque kinds of social facts, we can account for both revolutionary moral judgments and the possibility of discoveries. And by drawing on some of Rawls's insights I sketch how one can provide justification of e.g. standards of justice, even though these standards are ultimately social.

Three central meta-ethical questions

In *Moral Reality*, Caj Strandberg characterizes a moral realist as affirmatively answering three central meta-ethical questions: "Are moral sentences capable of being true and false? --- Are there any moral properties that make certain moral sentences true? --- Do moral properties constitute a separate kind of properties?"[204]

A moral realist of this sort faces three kinds of opponents; *the non-cognitivist* denying moral judgments to have truth-value, *the error-theorist* denying the existence of moral properties, and *the reductionist* denying moral properties to be irreducible. Let us consider these opponents in turn.

The cognitivist and the non-cognitivist answer the first question in different ways. The former takes moral judgments to consist in cognitive attitudes, and hence to have truth-value, while the latter takes moral judgments to consist in affective attitudes, hence moral statements lack truth-value. The moral realist takes the cognitivist position in this debate.

Then, the moral realist needs to explain how these judgments are capable of being true or false, which is what the second question is about. There must be something, moral properties or moral facts, for these statements to be about in order for them to be capable of being true or false. Claiming that there are moral properties for these statements to be about can be labeled *success theory*. According to success theory there are moral properties which make some of our moral state-

204 Caj Strandberg, *Moral Reality: A Defence of Moral Realism* (Lund: Lund University Press, 2004), p. 1.

ments true. This position contrasts to error theory.[205] An error theorist agrees with the moral realist regarding the answer to the first question, moral statements are capable of being true or false, but then deny that there are any moral properties. Consequently, moral statements are *always* false, according to the error theorist.

The moral realist has to face a third type of opponent, the reductionist. The realist answer to the third question is that moral properties are *irreducible*, i.e. they exist in their own right. According to this position, there is a distinct moral aspect of reality. The *reductionist* agrees with the realist on the answers to the first two questions, cognitivism and success theory, but regards moral properties as reducible to non-moral properties. According to this view, there is no distinct moral aspect of reality, although there are properties moral statements are about. But these properties are to be understood in terms of something else. Consequently, the realist and the reductionist disagree on the nature of moral properties. And both owe us an explanation of what these moral or non-moral properties are.

I will consider the thesis that moral facts are social facts. A proponent of this position gives a different answer to the third question than the moral realist, but is in agreement with the answer to the former two questions: moral statements are capable of being true or false and they do indeed refer to some facts, but these facts are social facts rather than moral facts.

Central features of moral facts

There are certain requirements any meta-ethical position must meet, such as explaining the link between moral judgments and reasons for action. Before discussing that particular requirement, I consider what seems to be, given the field of social ontology, an obvious but implausible answer regarding the nature of justice: what people regard as just is just. Recall that something is money because it is believed to be money, and parallel, something is just because people believe it is just.

205 The term "success theory" is from Geoffrey Sayre-McCord, "The Many Moral Realisms," in *Essays on Moral Realism*, ed. Geoffrey Sayre-McCord (Ithaca: Cornell University Press, 1986). The most famous error-theorist is J. L. Mackie.

More specifically, we might think that statements about standards of justice refer to institutional facts. The reason for considering this position is to see what features of moral facts it *cannot* account for since this will lead us to those central features we need to explain.

Taking standards of justice to consist in what people actually regard as just is unsatisfactory since we have moved too much towards conventionalism, stripping morality of its critical potential. We can put the problem in terms of *descriptive morality* versus *critical morality*. Moral philosophy is not a sociological investigation or description of what people in different societies takes to be just. It is about what is really just, i.e. critical rather than descriptive morality. In moral philosophy, the idea of critical distance from what people actually consider to be just is central since we must be able to say that even if people consider a certain institution as just, it can be unjust. If we want to argue for the claim – what people regard as just is equivalent to what is really just – we must be able to show that their conception of justice is justified. The first requirement is to make sense of the idea of critical distance, i.e. being able to provide *justification*. This requirement keeps descriptive morality and critical morality distinct.

Viewing statements about justice, such as "the laws of marriage are unjust", as referring to institutional facts leads to a related difficulty. There is a disanalogy between standards of justice and institutional facts with respect to collective intentionality. For types of institutional facts, such as money, collective intentionality is a necessary condition. As Searle puts it: "For these sorts of facts [institutional], it seems to be almost a logical truth that you cannot fool all the people all the time."[206] But this does not seem to hold for standards of justice, e.g. an institution can be unjust even if we collectively regard it as just, i.e. as meeting our standards of justice. We might even have the idea of a single individual being right and all others wrong regarding moral facts. For these types of facts, it is common to think that you certainly can fool all the people all the time. This point can be put in terms of collective and individual intentionality; collective intentionality is necessary for the existence of types of institutional facts, but not for moral facts. So, we either need to explain this disanalogy between moral facts and institutional facts or show it to be only apparent.

206 Searle, *The Construction of Social Reality*, p. 32.

There is a third significant difference between institutional facts and moral facts. On Searle's analysis, types of institutional facts are transparent and admit of no significant discoveries (recall Thomasson's objection), while we often have a sense of discovery regarding moral facts such as standards of justice. A person might say "I previously held false beliefs regarding the institution of marriage but I have now discovered the truth – it is indeed unjust". The same goes for collectives, for instance, we might say of people in the past "they discovered that slavery is wrong". So, we need to make sense of individuals and collectives discovering moral facts.

Another central feature is the link between moral judgments and reasons for action. As Strandberg notes: "… a distinguishing feature of moral judgements … is that they involve reasons to perform actions. One of the strongest arguments against a meta-ethical view is accordingly thought to be that it fails to account for this feature of moral judgements."[207] To make this more precise, we should distinguish between two kinds of reasons: "normative reasons" and "motivating reasons".

> There is a *normative reason* to perform an action if there is a norm or standard for assessing actions that generates the reason. If a person performs an action there is a normative reason to do, her action is justified from the perspective of the standard in question. There is a *motivating reason* to perform a certain action if a person who has such a reason is motivated to perform the action. If a person performs an action that she has a motivating reason to do, the reason can be appealed to in an explanation of her action.[208]

According to Mill's moral standards, the law of marriage in England at the time was unjust, and he argued that the deontic powers of marriage ought to be abolished by reference to this moral standard. His moral judgment can generate a normative reason but only if there is an existing moral standard, according to which the laws of marriage are unjust. The way in which moral judgments generate normative reasons is often referred to as the normativity of moral judgments. A central

207 Strandberg, *Moral Reality*, p. 136.
208 Ibid., p. 136.

meta-ethical debate is what the standards of morality, given that such standards exist, consists in. Are these prudential, socially accepted, or rational standards, for instance?

Another central debate concerns motivating reasons: How is the link between moral judgments and motivation to be understood? Philosophers agree on there being a link between judging a certain action to be wrong and being somewhat motivated not to perform the action in question. The dividing point concerns how *strong* this link is to be interpreted; is it necessary or contingent? For instance, if Mill judges an institution to be deeply unjust, is he then necessarily somewhat motivated not to uphold it? *The internalist* takes this position, stating that the motivational reason is internal to the moral judgment either in the sense of the motivational reason being identical with or generated by the moral judgment that something is wrong. *The externalist* denies this and takes the link to be contingent. This was Mill's position, and he explained the fact that people are motivated to act in accordance with their moral judgments in terms of education and upbringing, i.e. socialization.

So, a central requirement is to account for both the normative and the motivating reasons. We must show both how the moral standards which generate normative reasons exist, and explain the link between moral judgments and motivating reasons.

To sum up, viewing moral facts as institutional facts face a number of difficulties: First, it strips morality of its critical potential. Second, there is a disanalogy with respect to collective intentionality; for the existence of types of institutional facts collective intentionality is necessary, while for moral facts it seems not. Third, it seems hard to explain the possibility of individual and collective discoveries of moral facts.

In the next section, I briefly consider an *actual* statement of the position that moral judgments are descriptions of institutional facts. This brings up another difficulty, which is how to account for *revolutionary moral judgments* within this framework. The relevance of bringing up these difficulties is that we will have to respond to them, and the thesis – moral facts are social facts – has the potential of doing so.

Moral judgments as descriptions of institutional facts

To my knowledge, Rafael Ferber is the only philosopher so far explicitly arguing for the position that moral judgments are descriptions of institutional facts.[209] The problem his thesis – *metaethical institutionalism* – is designed to solve is this: Non-cognitivism does not succeed in explaining the descriptive character of our moral judgments while cognitivism can do this "but can barely explain what kind of facts they describe."[210] This leads Ferber to suggest two minimal requirements any meta-ethical theory must meet. First, take into account the descriptive character of moral judgments, i.e. moral judgments have truth-value. Second, take into account the non-descriptive character of moral judgments, i.e. normative statements can be derived from moral judgments.

According to Ferber, viewing moral judgments as descriptions of institutional facts can meet these two conditions. The descriptive character of moral judgments can be explained like this: Moral judgments such as "this action is wrong", can be true or false, just like the statement "the Euro is a valid currency" can be true or false, since both statements refer to institutional facts. In relation to this, consider Mackie's question: "What is the connection between the natural fact that an action is a piece of deliberate cruelty – say, causing pain just for fun – and the moral fact that it is wrong?"[211] Ferber answers this question by stating that there is a constitutive rule in place such as actions of deliberate cruelty count as wrong. So, it is an institutional fact that certain types of actions are wrong. The descriptive character of moral judgments can be accounted for in this way and the kinds of facts these statements refer to is clear. These are indeed important advantages.

What conceptual tools are there to explain how *normative* statements can be derived from moral judgments? This runs contrary to "Hume's law"; you cannot derive an "ought" from an "is". Ferber's ex-

209 Rafael Ferber, "Moral Judgments as Descriptions of Institutional Facts," in *Analyomen 1: Proceedings of the 1st Conference 'Perspectives in Analytical Philosophy'*, eds. G. Meggle and U. Wessels (Berlin: Walter de Gruyter, 1994).
210 Ibid., p. 719.
211 Mackie, *Ethics: Inventing Right and Wrong*, p. 41.

planation is this: "Whereas from brute facts alone no norms can be derived, these can very well be derived from institutional ones. From the fact that X is a stone no norm can be derived. But from the fact that X is a boundary-stone can be derived the norm that e.g. X should not be displaced."[212] His answer seems to be that the constitutive rules of borders and boundary-stones gives rise to the normative reason that such stones ought not to be displaced. A clearer example would be to invoke Searle's well-known idea of how to derive an "ought" from an "is".[213] Searle points to an interesting class of facts – institutional – which bridges the is-ought-gap. Given the constitutive rules of promising, if you make a promise, you are by definition under an obligation to keep this promise. Hence you ought to keep your promise.

Ferber brings up two interesting problems with his position. First, it is hard to make sense of revolutionary moral judgments. That is, meta-ethical institutionalism fails when it comes to moral statements about standards which are not yet accepted since these statements do not refer to existing institutional facts. A revolutionary tries to set a new standard, but this person still claims truth for this standard: "But if he does not refer to the existing institutional facts, how can he raise a claim to truth? His declaration indeed cannot correspond with 'institutional facts' since these are not yet available."[214]

His response is that revolutionary moral judgments refer to institutional facts of a more perfect world. This is unsatisfactory for many reasons: This kind of response runs counter to the view just presented – meta-ethical *institutionalism* – since the standards of this morally perfect world are not institutional facts. So, they must exist in some other manner. The question is just pushed back one step; we still want to know how the facts of this perfect world exist. The existence of revolutionary moral judgments is indeed a difficulty to take seriously, and I will suggest a response based on the opaqueness of some types of social facts. This response, in contrast to Ferber's suggestion, keeps within the boundaries of social ontology.

212 Ferber, "Moral Judgments as Descriptions of Institutional Facts," p. 721-722.

213 Searle, *Speech Acts: An Essay in the Philosophy of Language*, p. 175ff. However, critics object, among other things, that this is not the right kind of "ought"; there is "ought" and then there is *the* moral "Ought". I take it that these critics regard moral obligations as external to institutions in the strong sense, i.e. non-institutional.

214 Ferber, "Moral Judgments as Descriptions of Institutional Facts," p. 726.

The second problem is that meta-ethical institutionalism *does not* and presumably *cannot* provide justification: "We do not deem moral judgments right because they are institutionalized … but we institutionalize them because they *are* right."[215] Ferber states that meta-ethical institutionalism is not a view about *justification*; rather it answers *what* needs to be justified, which is institutional facts. It is important to note the extremely strong view of justification presupposed by Ferber. And indeed, if this is what is at stake, a thesis of the type I am considering, or Ferber's for that matter, cannot meet this worry since the constructivist character of social and institutional facts implies the relation being the former rather than the latter. But this is not to say that we cannot provide justification, given a somewhat weaker interpretation of justification. The problem of justification is indeed a central problem for this kind of approach. Below, I suggest a response based on Rawls's work to illustrate that even if standards of justice are dependent on collective acceptance to exist, there can still be room for justification of these standards.

On justification

Rawls appeals to the original position in order to select and justify the principles of justice. The idea is that the original position is procedurally fair to the parties and therefore the outcome of the procedure, the conception of justice, is fair. Hence, justice as fairness.

The parties in the original position are to choose principles of justice that are to regulate the basic structure of their society. The parties deliberate under certain constraints, and these constraints represent conditions that are reasonable to impose for the purpose of justice. Here are the formal constraints of the concept of right: "… a conception of right is a set of principles, general in form and universal in application, that is to be publicly recognized as a final court of appeal for ordering the conflicting claims of moral persons."[216] So, the principles of justice chosen needs to be consistent with these formal constraints.

215 Ibid., p. 727.

216 John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 135.

Furthermore, the veil of ignorance deprives the parties of the following information: "… no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength, and the like."[217] In this way, impartiality is reached.

The parties do not know their conception of the good, or rational plan of life, only that they have one. In order to make the parties able to choose, Rawls introduces the notion of *primary social goods*. The parties know that they prefer more primary social goods to less, since these goods are means to their ends, that is, means to their conception of the good. The rationality of the parties is the traditional model of rationality, i.e. the instrumental view of rationality as means to one's ends. The motivational assumptions are that the parties are mutually disinterested, and capable of a sense of justice. The parties also know that the circumstances of justice occur, that is, moderate scarcity of resources and limited altruism.

Given these circumstances, Rawls argues that the parties would choose the following two principles of justice: 1) "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all."[218] 2) "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity."[219]

By designing the original position in this way, Rawls brackets the features of social reality that seems problematic in determining questions about justice. Behind the veil of ignorance, the influence of factors like unequal power relationships, and self-interest understood as partiality are eliminated, since the veil of ignorance forces the parties to view institutions from an impartial standpoint.

My idea of how to distinguish between descriptive and critical morality, and to provide justification of a conception of justice, is this: *Social reality is arbitrary from a moral point of view, while the original position is not.* Rawls writes:

217 Ibid., p. 137.
218 Ibid., p. 302.
219 Ibid., p. 302.

> By contrast with social theory, the aim is to characterize this situation so that the principles that would be chosen, whatever they turn out to be, are acceptable from a moral point of view. The original position is defined in such a way that it is a status quo in which any agreements reached are fair. It is a state of affairs in which the parties are equally represented as moral persons and the outcome is not conditioned by arbitrary contingencies or the relative balance of social forces.[220]

So, behind the veil of ignorance, that is, by taking up an impartial standpoint, we would not agree to certain institutions. By reasoning in accordance with the restrictions which makes up the original position, we have a standpoint from which we can criticize existing institutions, a standpoint that is not arbitrary from the moral point of view. Hence, we can make sense of Mill's protest: The laws of marriage Mill was protesting against would presumably not be chosen in the original position, and they are clearly in conflict with Rawls's two principles of justice. On the other hand, if our existing institutions happen to be in accordance with Rawls's two principles of justice, then the institutional structure is justified.

Let us consider Rawls's view of justification and the conventional elements in his theory in more detail. Rawls argues that a conception of justice is more reasonable than another, or more justifiable than another, if it would be chosen in the original position. What then makes his particular description of the original position justified? This is important since different conceptions of justice would follow from different characterizations of the original position. In fact, Rawls's coherence method of justification (to be discussed below) does the real work and the original position is meant only as a heuristic device.

The answer is that the conditions that characterize the original position are reasonable to impose on arguments for principles of justice and "… that there is a broad measure of agreement that principles of justice should be chosen under certain conditions. To justify a particular description of the initial situation one shows that it incorporates these commonly shared presumptions … Each of the presumptions should by itself be natural and plausible …"[221] That is, the conditions

220 Ibid., p. 120.
221 Ibid., p. 18.

are *reasonable* and *generally accepted*. "It is perfectly proper, then, that the argument for the principles of justice should proceed from some consensus. This is the nature of justification."[222] Rawls's view of justification shows that consensus figure in it. Hence, his principles of justice are dependent on collective intentionality.

Rawls claims there is also another way of justifying a particular description of the original position, if the principles that would be chosen match our considered convictions of justice. This illustrates Rawls's coherence method for justifying his conception of justice. The investigation begins with our considered moral judgments, i.e. the judgments we are most confident about and which are free from sources of error such as bias. If the principles of justice cohere with our considered moral judgments, then these principles are justified. We can bring these two elements into coherence through a process of mutual adjustment, i.e. by adjusting both the principles and the considered moral judgments. Rawls writes:

> By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgments coincide; and it is reflective since we know to what principles our judgments conform and the premises of their derivation.[223]

This two-way process shows that we can adjust both the principles of justice and our considered judgments. If the principles chosen do not match our considered judgments, we might need to adjust the original position. This means that what seems just, i.e. the considered moral judgments, has weight in the process. Consequently, seeming to be just is necessary for being just, and seeming to be just comes prior to being just, which is similar to types of institutional facts.

222 Ibid., p. 581.
223 Ibid., p. 20.

So, there are two ways of justifying the original position: The conditions which make up the original position are generally accepted, and the principles which result from this particular characterization of the original position cohere with our considered moral judgments, i.e. these principles are a reflective equilibrium. This view of justification promises a standpoint from which we can evaluate our existing institutions despite this standpoint being dependent on collective acceptances. In short, the social facts surviving this process would be the special subclass of social facts normally referred to as moral facts.

But one might object that Rawls's theory does not, in any relevant sense, solve the problem of providing a critical distance from actual moral norms. He does not manage to firmly distinguish descriptive morality, i.e. the standards of justice people in society do accept, from critical morality. Rawls's conception is dependent on conditions that we accept and our considered convictions about justice, i.e. on intuitions. A central criticism of viewing judgments about justice as descriptions of institutional facts was that it made standards of justice dependent on actual social acceptances. But Rawls's theory is also dependent on social acceptances.

Still, we might think that Rawls's original position provides a sufficient critical distance since it forces us to view institutions from an impartial standpoint. The gap between the reflective level and the actual level is sufficient. If one makes standards of justice dependent on actual social acceptances, one might worry about certain features of the consensus. For instance, that some institutions are considered just seems to be dependent on the power balance of different groups. But Rawls removes the influence of factors of this kind with the veil of ignorance, and hence provides a critical distance. Furthermore, Rawls's appeal to consensus in justifying his conception is a necessary but not sufficient condition for his principles of justice, while consensus is both necessary and sufficient if one makes standards of justice dependent on actual social acceptances. And Rawls gives arguments for why the conditions that make up the original position are reasonable. To show that Rawls's theory cannot provide critical distance from actual acceptances, the objector needs to show that Rawls's conditions are not reasonable.

But, the objector continues, there is still another problem: What if an unjust institution fits our intuitions and the conditions we accept?

Ferber's view that meta-ethical institutionalism cannot provide justification seems to be based on this type of worry. I have already pointed out that his worry and the above objection presuppose there being standards of justice completely independent of our collective beliefs and collective practices regarding justice. Although it might be more satisfying to formulate a conception of justice that is independent of our collective beliefs, it is not at all obvious whether we could actually formulate such a conception of justice. Maybe reflective equilibrium is all that we can hope for and, it should be added, this is not as little as the objector makes it out to be. And for the objector's position to be viable, it has to be shown how he arrives at a standard of justice that is completely independent from our collective beliefs and practices, and which facts this standard is based on. Viewing standards of justice as social facts, in combination with Rawls's view of justification, means both that the facts this standard is based on, and how Rawls arrives at this standard, is clear.

Can everyone be wrong?

In the previous section, I pointed to some similarities between Rawls's view of justice and social facts: the justification of the original position partly proceed from consensus and collective beliefs about justice which means that his standards of justice are dependent on collective intentionality. Given this dependence on collective acceptance, can we make sense of one single individual being right and everyone else wrong regarding the standards of justice?

The existence of opaque types of social facts can help us to make sense of this idea. Let us assume, for the sake of argument, that Rawls's conception of justice is the most reasonable conception. In designing the original position, Rawls combined certain features in a new way and argued that his conception of justice follows from accepting these features. But these features are based on collective intentionality, that is, things most people in fact accept, e.g. impartiality, in discussions about justice. So, Rawls's individual intentionality is based on collective intentionality; what we collectively accept in discussions about justice. But the consequences of accepting these particular features

were opaque to us. This is similar to a social scientist discovering recessions and power structures we did not knew of before. So we can make sense of one individual being right and all others wrong about the existence and the nature of these types of facts by invoking the notion of opaque kinds of social facts.

On this view, there is a limit to the extent to which a single individual can be right and all others wrong; if an individual formulates a conception of justice which has no basis at all in our collective beliefs, then this individual cannot be right.

Discoveries and revolutionary moral judgments

How would we explain individual and collective discoveries of moral facts and the possibility of revolutionary moral judgments on this picture?[224] From ideas already presented in this study and the discussion of whether or not a single individual can be right, it should be clear that the existence of opaque types of social facts can help to explain collective discoveries of previously unknown standards of justice. For example, from Rawls's work we can learn what our beliefs regarding justice taken together commit us to. Rawls designed the original position and provided arguments for why his principles of justice rather than utilitarianism follow from this position. His argument rests on certain collectively accepted beliefs about justice, but he combined these beliefs in a way people did not see the consequences of. So, Rawls's principles of justice can be viewed as an opaque kind of social fact, which makes it possible to account for both individual and collective discoveries.[225]

224 In *Morality and the Pursuit of Happiness: A Study in Kantian Ethics* (Lund: Lund University Press, 2002), Johan Brännmark offers a similar explanation of the possibility of discovery, but his explanation is less precise since it does not make explicit use of opaque kinds of social facts.

225 I do not mean to say that this is Rawls's own view. He has a stronger idea of construction in mind and there seems to be no room for discovery on his picture: "The parties in the original position do not agree on what the moral facts are, as if there already were such facts. It is not that, being situated impartially, they have

In the same vein, we can account for revolutionary moral judgments. A revolutionary can be seen as referring to a new standard of justice, but it would be new in the following respect: the revolutionary might draw out the consequences of our existing moral judgments, or combining these already existing moral judgments in a new way. So, even though this standard is based on collective beliefs, it is opaque to most other people than the revolutionary, which can explain the perceived novelty of the standard. But this standard of justice must still be based on our moral judgments, so there is a limit to how radical a revolutionary can be while still making a claim to truth.

In this context it is important to remember that the social world, including the standards of justice, is not simply a world of consensus, but also a world of conflict and contestation. Consequently, there will be a number of competing and contested standards of justice and the revolutionary can be taken to refer to one of these standards.

Moral judgments and reasons for action

A meta-ethical position needs to be able to explain the normative and motivating reasons generated by moral judgments: We need to show both how the standards which generate normative reasons exist, and explain the link between making a moral judgment and being motivated to act accordingly.

Let us start with normative reasons. If we look at the social world, normativity is pervasive. This should not come as a surprise given the theoretical tools we have worked with. For example, when we impose functions on objects we impose a teleology. This makes it possible to speak of e.g. good and bad knives according to how well they fulfill their purpose. *Functional concepts* are interesting in this respect; if you understand how to use an object, i.e. if you understand its function, then you can also *evaluate* this object according to how well it fulfills

a clear and undistorted view of a prior and independent moral order. Rather (for constructivism), there is no such order, and therefore no such facts apart from the procedure of construction as a whole; the facts are identified by the principles that result." John Rawls, "Kantian Constructivism in Moral Theory," *Journal of Philosophy* 77, no. 9 (1980), p. 568.

its function. And when we impose the status function of being the president on a person we impose deontic powers such as *rights* and *obligations*, and we make it possible to speak of *good* and *bad* presidents, i.e. there is an ideal standard for presidents.

In general, standards of all kinds generate normative reasons. Moral judgments are similar to many other judgments in this respect. For example, standards of etiquette and law generate normative reasons as well. Strandberg writes: "… if an action is right according to the standard, then there is a reason, according to that standard, to perform the action."[226] For example, given the existing laws in Sweden, there is a reason according to law to pay your taxes. Likewise, according to the standard of justice, you have a reason to act justly. Standards of justice, like other standards, generate normative reasons for action. The trick is to explain how these standards *exist*. On the view presented here, standards of justice are social standards. Their existence is dependent on our considered moral judgments and conditions we accept in reasoning about justice, i.e. on collective intentionality.

There is a difficulty with this view. If no standards of justice are accepted, then no such standards exist, and consequently we do not have a normative reason to act justly. Here, the advocate of the position that moral standards are standards of rationality, or institutional facts of a morally more perfect world as Ferber suggests, has an advantage.

Taking standards of justice to be social standards means these standards differ in degree and not in kind from law or standards of etiquette. But we often take standards of justice to be more important than law and other social standards. For example, reasons according to standards of justice are taken to override reasons according to law, i.e. if the laws are deeply unjust individuals are taken to have a stronger reason not to act according to these laws. The distinction between rights and obligations external and internal to institutions is helpful in explaining this feature: Standards of justice are external to institutions in the sense of being institution-general rather than internal to institutions, i.e. institution-specific. So, rights and obligations based on standards of justice are not specific to a particular institution, in contrast to the deontic powers of marriage which are specific to the institution of marriage, but they are general in the sense of being used

226 Strandberg, *Moral Reality*, p. 138.

to evaluate institution-specific deontic powers. Standards of justice are general, or deeper in the sense of constituting part of the conditions of legitimacy for our social arrangements.[227]

How is the link between making a moral judgment and being somewhat motivated to act accordingly to be understood? The externalist position seems the most reasonable; a person making promises or statements of the kind "this institution is deeply unjust", but who lacks any motivation to act accordingly, is *possible*, but we would regard her as odd to say the least. On this view, her failure is not a moral failure but a failure of sociality. So, it is not the case that simply recognizing a standard of justice and making a statement to the effect "this institution is deeply unjust" means that you are necessarily somewhat motivated to act on these reasons, rather the link is *contingent*. But this does not have to mean the link is *weak*; due to education and upbringing most people have some motivation to perform actions in accordance with their moral judgments.

Conclusion

I have applied the tools of social ontology to a new area by considering the meta-ethical thesis that moral facts are social facts. This thesis runs contrary to a powerful intuition many moral philosophers share, that standards of justice are completely independent of our actual moral practice and collective beliefs about justice, i.e. moral values transcend any given social order.

But the developments in social ontology have certain meta-ethical effects; these developments serve to increase the plausibility of this thesis. By now we have a good understanding of the nature of social facts and how they exist. We can explain how statements about social facts can be true or false, and we have a theory of how these types of facts fit into the natural world.

Consequently, the thesis – moral facts are social facts – have a number of ontological advantages; we are able to explain how moral judgments can be true or false since they are taken to correspond to social

227 For a discussion of this idea, see Brännmark, *Morality and the Pursuit of Happiness*, p. 97.

facts. Furthermore, this thesis helps to explain the nature of moral facts and how they exist. Consequently, it demystifies them. And the cost for denying the existence of the so-called moral facts is significantly raised; denying the existence of these types of facts means denying the existence of social facts.

CHAPTER 8

Conclusion: Power and social ontology

The title *Power and Social Ontology* reflects the main purpose of this book, which is to present a theory of social power. Based on advances in social ontology and some new developments proposed in this study, I have provided an account of social power. This title also reflects the main thrust of my argument, which is that a conceptual analysis of social power can be informed by recent developments in social ontology, but also that this field can be enriched, and in fact requires, an analysis of this central social concept.

My analysis of "social power" is informed by developments in social ontology since it relies on the analysis of other social concepts, such as collective intentionality. Furthermore, the existence of social power depends on the existence of other kinds of social phenomena such as institutions and social structures. Theories in social ontology provide a clear understanding of the various social phenomena on which the existence of social power depends. These theories have been used in order to get a clearer understanding of the nature of social power and the various forms it takes. This was helpful for providing a taxonomy of social power, since the different forms of social power is explained in terms of the different social phenomena on which it depends.

In providing a taxonomy, I began by distinguishing brute power from social power in terms of dependence on collective intentionality; social power requires collective intentionality to exist, while brute power does not. Thereafter, I made a distinction between two main

forms of social power: causal and normative. Normative power works through the perceptions of normative reasons while causal power does not. Normative power is directly dependent on collective intentionality, e.g. our collective beliefs that someone is the Prime Minister give this person certain rights and obligations, i.e. deontic powers, she otherwise would not have had. In contrast, causal power is indirectly dependent on collective intentionality, which can explain an interesting feature of this form of power; it can exist even though members of a society do not know that it exists.

Within the class of normative power, I distinguished between two main types: telic and deontic power. Both types of power provide agents with normative reasons for action, i.e. agents feel they ought to act in a certain way. To distinguish between these two types of normative power, I developed the notion of a social status understood in terms of telic rather than deontic normativity: Our social roles are not only defined in terms of rights and obligations, but also in terms of ideals. For instance, being a scientist involves not only rights and obligations but also trying to live up to certain ideals, ideals which can conflict with one's deontic powers. These ideals can provide agents with normative reasons for action as well. Furthermore, other people's view of someone failing to live up to a certain standard can imply powerlessness, e.g. women might be perceived as failing to meet a scientific standard or a standard of rationality solely in virtue of their gender. The central characteristic of normative power is that it works through the perceptions of normative reasons.

In contrast to normative power, causal power does not work through the perception of normative reason, and can even be invisible to agents. This feature has been explained in terms of its indirect dependence on collective intentionality: The *invisible type* of causal power depends on the existence of an opaque social structure. People need not have beliefs regarding a social structure for it to exist; rather it is sufficient that people have beliefs about other types of social phenomena for a social structure to exist.

Consequently, "social structure" is an important notion in my account of social power. A social structure exists when members of a social group, in virtue of that membership, systematically have their opportunities (as individuals) restricted or enhanced in ways that are in disproportion to their relevant abilities.

There is also a *visible type* of causal power, which is understood as a "spill-over effect" of deontic power. For instance, the fact that a certain person is the minister of finance and consequently has certain deontic powers can have effect in other areas, such as people buying shares in a particular company. In other words, her status function has certain spill-over effects; she has the ability to effect other outcomes than what it is in her deontic powers to do.

These various forms of social power have certain elements in common, and I have proposed a general definition of social power: An agent A has social power if and only if A has an ability, which is existentially dependent on collective intentionality, to effect a specific outcome.

This account relies on theories in social ontology in different ways. First, the current accounts offer analyses of some social phenomena, such as institutions, on which one form of social power depends. So, the analysis of institutions and institutional facts makes the understanding of the kind of power specific to institutions – deontic power – more precise, since we have a clear explanation of the phenomena on which this type of power depends in order to exist.

Furthermore, the various forms of power share a common feature; they are dependent on collective intentionality to exist. Consequently, collective intentionality is a central concept in analyzing social power. But most analyses of collective intentionality turned out to be too narrow since they focus on highly interdependent individuals acting together in egalitarian settings. From the perspective of social power, it is important to incorporate coerced individuals, and individuals in hierarchical contexts acting together. Christopher Kutz's distinction between having a group intention, i.e. having an intention the content of which is that one's group performs an act, and having a participatory intention, i.e. an intention the content of which is to do one's part of a collective action, is useful for this purpose, and hence for providing a broader account, an account useful for analyzing social power.

However, the main theories in this field are too narrow to be the foundation for a *general account* of social power. There are other social phenomena, relevant to social power, most notably different kinds of *normativity* and *social structures*, which have previously been neglected. I had to extend the investigation to these areas in order to provide a theory of social power. In doing so, I have used the current theo-

ries as a foundation in analyzing these other social phenomena, and sometimes I had to go significantly beyond these theories to develop concepts useful in accounting for different forms of social power.

Normativity turned out to be crucial for understanding the normative form of social power, which works through the perception of normative reasons. I extended the investigation beyond deontic normativity to two other varieties of normativity, which provide agents with reasons for action as well: telic and moral. Rather than focusing on the kind of normativity which follows logically from accepting the constitutive rules of institutions – deontic - I focused on moral normativity, which can be used to *evaluate* the deontic powers of institutions. And rather than considering what *normative* implications one's analysis of collective action might have for, say, collective responsibility, I considered a *meta-ethical thesis*, that moral facts are social facts. Developments in social ontology can lend plausibility to this thesis, since it makes the thesis more precise, suggests how moral facts exist, demystifies them, and makes it harder to deny their existence since the existence of social facts in general would have to be denied as well.

The notion of a social structure has been important not only in developing an account of social power, but also in shifting attention to social phenomena and types of facts previously neglected in social ontology. A social structure is here understood as a social macro-phenomenon, indirectly dependent on collective intentionality. The existence of a social structure can be an opaque kind of social fact. This contrasts to the previous focus in social ontology on transparent kinds of facts concerning social micro-phenomena directly dependent on collective intentionality to exist, such as the fact that this piece of paper is a twenty dollar bill, or that Tony Blair is the Prime Minister of Great Britain.

In these ways, I have used the developments in social ontology to provide an account of social power, but I have also worked in the other direction, arguing that this field lacks an adequate and sufficiently broad analysis of social power. Most theorists have not paid attention to the concept of social power since they assume a consensus-oriented and cooperative view of social phenomena. Searle's deontic power account is an exception to this claim, but he provides an account of only one form of social power. My contribution consists in giving the concept of social power a central place in social ontology, and providing

a general account of social power, an account which is significantly broader than the deontic power account, consequently accounting for different forms of social power.

Bibliography

Bachrach, Peter. and Morton S. Baratz. *Power and Poverty: Theory and Practice*. New York: Oxford University Press, 1970.

Barnes, Barry. "Social Life as Bootstrapped Induction." *Sociology* 17, no. 4 (1983): 524-545.

Brännmark, Johan. *Morality and the Pursuit of Happiness: A Study in Kantian Ethics*. Lund: Lund University Press, 2002.

Bratman, Michael E. "I Intend that We J." In *Faces of Intention: Selected Essays on Intention and Agency*, 142-161. Cambridge: Cambridge University Press, 1999.

Bratman, Michael E. "Shared Cooperative Activity." In *Faces of Intention: Selected Essays on Intention and Agency*, 93-109. Cambridge: Cambridge University Press, 1999.

Bratman, Michael E. "Shared Intention." In *Faces of Intention: Selected Essays on Intention and Agency*, 109-130. Cambridge: Cambridge University Press, 1999.

Dahl, Robert A. "The Concept of Power." *Behavioral Science* 2, no. 3 (1957): 201-215.

Dreyfus, Hubert. "The Primacy of Phenomenology over Logical Analysis." *Philosophical Topics* 27, no. 2 (1999): 3-24.

Easton, David. "The Perception of Authority and Political Change." In *Authority*, ed. Carl J. Friedrich. Cambridge: Harvard University Press, 1958.

Elster, Jon. *Sour Grapes: Studies in the Subversion of Rationality*. Cambridge: Cambridge University Press, 1996.

Ferber, Rafael. "Moral Judgments as Descriptions of Institutional Facts." In *Analyomen 1: Proceedings of the 1st Conference 'Perspectives in Analytical Philosophy'*, 719-729, ed. G. Meggle and U. Wessels. Berlin: Walter de Gruyter, 1994.

Foot, Philippa. *Virtues and Vices and Other Essays in Moral Philosophy*. Berkeley: University of California Press, 1978.

Gilbert, Margaret. "Walking Together: A Paradigmatic Social Phenomenon." *Midwest Studies in Philosophy* 15 (1990): 1-14.

Gilbert, Margaret. *On Social Facts*. Princeton: Princeton University Press, 1992.

Gilbert, Margaret. *Living Together: Rationality, Sociality, and Obligation*. Lanham: Rowman & Littlefield, 1996.

Gilbert, Margaret. "The Importance of Us – Review." *Ethics* 108, no. 4 (1998): 811-812.

Gilbert, Margaret. *Sociality and Responsibility: New Essays in Plural Subject Theory.* Lanham: Rowman & Littlefield, 2000.

Gilbert, Margaret. "The Structure of the Social Atom: Joint Commitment as the Foundation of Human Social Behavior." In *Socializing Metaphysics: The Nature of Social Reality*, 39-65, ed. Frederick F. Schmitt. Lanham: Rowman & Littlefield, 2003.
Goffman, Erving. *The Presentation of Self in Everyday Life*. New York: Anchor Books, 1959.
Gross, Neil. "Comment on Searle." *Anthropological Theory* 6, no. 1 (2006): 45-56.
Haslanger, Sally. "Gender and Race: (What) Are They? (What) Do We Want Them To Be?" *Nous* 34, no. 1 (2000): 31-55.
Hunt, Lynn. *The Family Romance of the French Revolution*. London: Routledge, 1992.
Jämställdhetslagen (The Equal Opportunities Act) SFS 1991:433.
Kim, Jaegwon. "Problems of Reduction." In *Routledge Encyclopedia of Philosophy*, ed. Edward Craig, CD-ROM, Version 1.1, 1999.
Kutz, Christopher. "Acting Together." *Philosophy and Phenomenological Research* 61, no. 1 (2000): 1-31.
Kutz, Christopher. *Complicity: Ethics and Law for a Collective Age.* Cambridge: Cambridge University Press, 2000.
Lagerspetz, Eerik. *Opposite Mirrors: An Essay on the Conventionalist Theory of Institutions*. Dordrecht: Kluwer Academic Publishers, 1995.
Ledyaev, Valeri G. *Power: A Conceptual Analysis*. Commack: Nova Science Publishers Inc, 1997.
Lukes, Steven. *Power: A Radical View*. 2 ed. New York: Palgrave Macmillan, 2005.
Lukes, Steven. "Searle and His Critics." *Anthropological Theory* 6, no. 1 (2006): 5-11.
Mackie, J. L. *Ethics: Inventing Right and Wrong*. London: Penguin Books, 1990.
Mill, John Stuart. "Statement on Marriage." (1851). http://oll.libertyfund.org/Home3/Set.php?recordID=0223.21 (accessed 2007-03-18; print-out rests with the author)
Mill, John Stuart. *The Subjection of Women*. In *On Liberty and Other Writings*, ed. Stefan Collini. Cambridge: Cambridge University Press, [1869] 1989.
Miller, Seumas. *Social Action: A Teleological Account*. Cambridge: Cambridge University Press, 2001.
Morriss, Peter. *Power: A Philosophical Analysis*. 2 ed. Manchester: Manchester University Press, 2002.
Moural, Josef. "Searle's Theory of Institutional Facts: A Program of Critical Revision". In *Speech Acts, Mind, and Social Reality*, eds. Günther Grewendorf and Georg Meggle, Dordrecht: Kluwer 2002, p. 271-287
Petersson, Björn. "Collectivity and Circularity". Forthcoming in *Concepts of Sharedness: New Essays on Collective Intentionality*, eds. Katinka Schulte-Ostermann, Hans Bernhard Schmid, Nikos Psarros. Frankfurt: Ontos Verlag, 2007.
Pettit, Philip. *The Common Mind: An Essay on Psychology, Society, and Politics*. New York: Oxford University Press, 1993.
Pettit, Philip. *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press, 1997.
Rawls, John. *A Theory of Justice*. Cambridge, Mass.: Harvard University Press, 1971.
Rawls, John. "Kantian Constructivism in Moral Theory." *Journal of Philosophy* 77, no. 9 (1980): 515-572.
Rousseau, Jean-Jacques. "A Discourse on the Origin of Inequality." In *Classics of Modern Political Theory: Machiavelli to Mill*, ed. Steven M. Cahn. Oxford: Oxford University Press, 1997.

Ruben, David-Hillel. *The Metaphysics of the Social World*. London: Routledge & Kegan, 1985.
Sayre-McCord, Geoffrey. "The Many Moral Realisms." In *Essays on Moral Realism*, ed. Geoffrey Sayre-McCord. Ithaca: Cornell University Press, 1986.
Schelling, Thomas C. "Dynamic Models of Segregation." *Journal of Mathematical Sociology* 1 (1971): 143-186.
Searle, John R. "Collective Intentions and Actions." In *Intentions in Communication*, 401-415, eds. P. Cohen, J. Morgan, and M.E. Pollack. Cambridge, Mass,: MIT Press, 1996.
Searle, John. "Collective Intentions and Actions." In *Consciousness and Language*, 90-106. Cambridge: Cambridge University Press, 2002.
Searle, John. "Why I am Not a Property Dualist." *Journal of Consciousness Studies* 9, no. 12 (2002): 57-64.
Searle, John R. *Speech Acts: An Essay in the Philosophy of Language*. New York: Cambridge University Press, 1969.
Searle, John R. *Intentionality: An Essay in the Philosophy of Mind*. New York: Cambridge University Press, 1983.
Searle, John R. "Intentionalistic Explanations in the Social Sciences." *Philosophy of the Social Sciences* 21, no. 3 (1991): 332-345.
Searle, John R. *The Construction of Social Reality*. New York: The Free Press, 1995.
Searle, John R. "Responses to Critics of The Construction of Social Reality." *Philosophy and Phenomenological Research* 57, no. 2 (1997): 449-458.
Searle, John R. *Mind, Language and Society: Philosophy in the Real World*. New York: Basic Books, 1999.
Searle, John R. *Rationality in Action*. Cambridge, Mass.: MIT Press, 2001.
Searle, John R. "Social Ontology and the Philosophy of Society." In *On the Nature of Social and Institutional Reality*, 15-39, eds. Heikki Ikäheimo, Eerik Lagerspetz, Jussi Kotkavirta. Jyväskylä: University of Jyväskylä, 2001.
Searle, John R. "Social Ontology and Political Power." In *Socializing Metaphysics: The Nature of Social Reality*, 195-211, ed. Frederick F. Schmitt. Lanham: Rowman & Littlefield, 2003.
Searle, John R. "Reply to Gross." *Anthropological Theory* 6, no. 1 (2006): 57-69.
Searle, John R. "Social Ontology: Some Basic Principles." *Anthropological Theory* 6, no. 1 (2006): 12-29.
Smith Barry, and John R. Searle. "The Construction of Social Reality: An Exchange." *The American Journal of Economics and Sociology* 62, no. 1 (2003): 285-309.
Stoutland, Frederick. "Why are Philosophers of Action so Anti-Social?" In *Commonality and Particularity in Ethics*, eds. S. Heinämaa, L. Alanen, T. Wallgren. New York: St. Martin's Press Inc, 1997.
Strandberg, Caj. *Moral Reality: A Defence of Moral Realism*. Lund: Lund University Press, 2004.
Taylor, Harriet. "Enfranchisement of Women." In *Essays on Sex Equality*, ed. A. Rossi. Chicago: University of Chicago Press, [1851] 1970.
Thomasson, Amie L. "Foundations for a Social Ontology." *ProtoSociology* 18-19 (2003): 269-290.
Tuomela, Raimo. *The Importance of Us: A Philosophical Study of Basic Social Notions*. Stanford: Stanford University Press, 1995.

Tuomela, Raimo. "Collective Acceptance and Social Reality." In *On the Nature of Social and Institutional Reality*, 102-136, eds. Heikki Ikäheimo, Eerik Lagerspetz, Jussi Kotkavirta. Jyväskylä: University of Jyväskylä, 2001.
Tuomela, Raimo. *The Philosophy of Social Practices: A Collective Acceptance View*. Cambridge: Cambridge University Press, 2002.
Tuomela, Raimo. "Collective Acceptance, Social Institutions and Social Reality." *American Journal of Economics and Sociology* 62, no. 1 (2003): 123-165.
Tuomela, Raimo. "We-intentions Revisited." *Philosophical Studies* 125 no. 3 (2005): 327-369.
Tuomela, Raimo, and Kaarlo Miller. "We-intentions." *Philosophical Studies* 53 no. 3 (1988): 367-389.
Velleman, J. David. "How to Share an Intention." *Philosophy and Phenomenological Research* 57 no. 1, (1997): 29-50.
Wennerås, Christine, and Agnes Wold. "Nepotism and Sexism in Peer-review." *Nature* 387 (1997): 341-343.
Williams, Bernard. "External and Internal Reasons." In *Moral Luck: Philosophical Papers 1973-1980*, 101-114, Cambridge: Cambridge University Press, 1981.

What is social power? How does it fit into the world of institutions, practices, rules, and norms in which we live our lives? Of what does the authority of a president or the informal power of a fashion guru exist? A peculiar fact of the field of social ontology – concerned as it is with concepts like institutions and collective action – is that social power has been almost completely missing from it. In this book, Åsa Andersson rectifies this deficiency. She provides a new approach to the conceptual analysis of social power and explains the forms it takes, using recent developments in social ontology. The various forms of social power share a common feature; they depend for their existence on collective intentionality. Andersson also offers a critical discussion of John Searle's, Margaret Gilbert's, and Raimo Tuomela's work, probably the most important theories of the social world available today. She concludes with an investigation of normativity in relation to the social world, arguing that moral facts are social facts.

ÅSA ANDERSSON is a philosopher at Lund University.

Bokbox Publications
ISBN 978 91 86980 39 9