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REFERENCE, NECESSITY, AND SOCIAL TERMS

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REFERENCE, NECESSITY, AND SOCIAL TERMS

A Master's Thesis

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To my dearest friends and family, their love and unconditional support carried me through the darkest of times



REFERENCE, NECESSITY, AND SOCIAL TERMS

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I certify that I have read this thesis and have found that it is fully adequate, in scope and in quality, as a thesis for the degree of Master of Arts in Philosophy.

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ABSTRACT

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The aim of this thesis is to provide an application of Kripke's views regarding reference and modality into social terms which pick out social entities. Specifically, I argue that a non-problematic application is not possible as proper names of social entities and social kind names provide counterexamples not only to Kripke's thesis of rigid designation but also to his proposed metaphysical necessities. To circumvent such worries, I introduce the minimally conventionalist idea of criterion of identity regarding rigid designation. The idea is that speakers actually employ a convention, a criterion to track the sameness of an entity across possible worlds. I show this by

arguing that cases of rigid designation from varying domains involve the employment of such conventions which come into play to ensure that the same entity is picked out across all possible worlds. Lastly, I argue that, instead of the classical Searlean intention and belief-based approach to social ontology, we must employ practices to track social entities across possible worlds. The benefit of this proposed paradigm shift is that it can both take into account epistemic opacity that is normal of social phenomena and solve modal problems which spring from the Searlean view on the constitution of social phenomena. The upshot of putting practices at the center is that one cannot evaluate counterfactuals that involve both social entities and shifts in social contexts in a straightforward and a priori fashion.

Keywords: Rigid designation, Modal metaphysics, social ontology, practices, social terms

ÖZET

REFERANS, ZORUNLULUK VE SOSYAL TERİMLER

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Bu tezin amacı Kripke'nin referans ve modalite üzerindeki teorilerinin toplumsal nesnelere gönderimde bulunan toplumsal terimlere uygulanabilirliğini sınamaktır. İşin özelinde, toplumsal nesnelerin özel isimleri ve toplumsal tür isimlerinin sadece Kripke'nin katı belirleyiciler fikrine karşı örnekler oluşturmalarından değil, aynı zamanda Kripke'nin sunmuş olduğu bazı metafizik zorunluluklara tezatlar ortaya çıkarttıklarından dolayı böyle bir uygulamanın dolaysız bir şekilde başarılamayacağını savunuyorum. Bu tip problemleri çözmek için katı belirleyiciler hakkında minimal derecede konvansiyon bazlı bir fikir olan “aynılık kriteri” fikrini ortaya koyuyorum. Bu fikire göre, bir dili konuşanlar kullandıkları terimlerin seçtiği

varlığı mümkün dünyalarda takip etmek için bir konvansiyon, bir kriter kullanmaktadırlar. Bunu göstermek için de farklı alanlardan katı belirleyici örneklerinin arkalarında yatan aynılık kriterlerini çözümlüyorum. Son olarak, söz konusu sosyal varlıklar olduğu zaman, kullanmamız gereken aynılık kriterinin Searle'ün sosyal ontolojiye kasıt ve kanı bazlı yaklaşımlarından türemesinden ziyade, toplumsal yapıp etmelerden türemesi gerektiğini savunuyorum. Bu küçük çaplı paradigma değişimi hem toplumsal olgularda sıkça görülen epistemik opaklığı hesaba katabilirken hem de Searle'ün sosyal ontolojiye yaklaşımının yaratacağı modalite problemlerini çözebilmektedir. Yapıp etmeleri merkeze koymanın başka bir sonucu da toplumsal varlıkları ve bağlamlardaki değişimleri içeren karşılığusal önermelerin değerlendirilmesinin dolaysız ve a priori bir şekilde olamayacağıdır.

Anahtar Kelimeler: Katı belirlenim, Modal metafizik, Sosyal ontoloji, Yapıp etmeler, Sosyal terimler

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CHAPTER 1

INTRODUCTION

What occupies our discourse, what kind of entities? Do we really talk more about water, gold, and cats than political parties, states, money, baristas, trademarks? At least for the politically tumultuous landscape during which this thesis is written, we seem to be more preoccupied with the latter group of entities¹. With this in mind, I think it becomes more than relevant to see what our seemingly politically and socially neutral philosophies of language has to say about that peculiar class of entities, especially when we consider that a good deal of philosophy of language has a metaphysical stake, especially when it comes to the issue of reference.

A line has been drawn, it is now the question of whether it is drawn on sand or whether it has some substance. Specifically, is it the case that this class of objects (social entities) show a considerable amount of unity so as to distinguish itself from others? Can we really talk about social entities in a legitimate and distinct way from, say, natural entities or functional entities? One such estimation comes from Searle

¹ But for those of us who deem talk to be cheap, it should be reminded that sometimes, say, a bankruptcy is felt much more deeply than a car crash.

(1995) where institutional facts are built upon brute facts by collectively assigning a status onto them. Facts regarding, say, money are thought to be built upon, in some part, facts regarding paper bills. Epstein (2015a) augments this by saying that a social (institutional) fact is made up of a social entity and/or a social property. More needs to be said about the nature of social entities; at least we need a rule thumb to distinguish them from other classes of entities until a more definite answer is presented (Chapter 5 aims to achieve exactly that).

Two things are clear enough. First, social phenomena have a life of its own. Money seems to have an independent logic of its own, so do states etc. Sometimes, such inner workings go beyond what is prescribed by human intentionality or the material entity itself. Secondly, social phenomena seem to depend upon human activity or mental attitudes. It seems obvious that without the human element, there is no social, perhaps barring some animal-like semiotics.

The aim of this thesis is to create a contact point between Kripkean view on reference and necessity and social ontology. As I will try to illustrate, the application of the Kripkean view on the social domain is not as quite straightforward as one might expect it to be. There are many proper names and kind names commonly employed to pick out social entities and the question is whether the Kripkean view can accommodate them (lest it runs the risk of being undermined). And if that is the case, a further question is to see whether there can be any necessary statements of social facts.

But what does Kripke's view assert, as showcased in his seminal work "Naming and Necessity"? It can be broken down into two interrelated theses: modal realism and semantic externalism. The claim of modal realism is that modal properties such as possibility and necessity can be discovered, and hence modality is divorced from a priority and analyticity. As such, this view strongly maintains that necessity is not only a matter of linguistic convention or synonymy. For Kripke and those who follow him, the question whether the fact "Water is H₂O" holds across all possible worlds is a matter of scientific discovery. Once we discover the microphysical structure of water, the kind name "water" cannot fail to refer to water. Such a necessity of reference, that kind names refer to the same kind of entities across all possible worlds, is called rigid designation. Same considerations also apply to proper names.

Of course, one of the aims of Kripke, is to refute descriptivism, as has been championed by Russell and Frege, which is usually taken to assert that names are actually disguised descriptions. The primary argumentative tool of Kripke is to show that proper names and natural kind terms are rigid designators, which means that they differ from definite descriptions in their modal profile on the aspect of picking out the same entity (or the class of entities) across all possible worlds.

The other side of the coin is semantic externalism which holds that reference is established through direct contact with an entity or a reference fixing description. But of course, descriptions (unless rigidified²) do not provide good grounds for

² As Janssens (2018) observes, there are three main ways of rigidifying any referring expressions: essentialist descriptions, indexicals like "that", and the "actual" operator. For Janssens, referring expressions that are subject to such methods are *de facto rigid*, that they are rigid not due to semantic properties of the class of expressions they belong to but due to non-semantic facts. As such, it is

statements of necessity. Until we establish a direct contact with, say, Jack the Ripper, the name “Jack the Ripper” do not designate rigidly as it can be anyone else in other possible worlds. This is also the case if we take “Jack the Ripper” to be a shorthand for the description “whoever killed these women is Jack the Ripper” as that “whoever” can be someone else (i.e., pick out a different entity) across different possible worlds.

To alleviate the worry of how we employ terms whose referents we have no contact with, Putnam (1973) puts forward the concept of linguistic division of labor. We might not know that “gold” refers to atoms with the atomic number 79, but as there are some scientists who have discovered that, and as there is a chain of communication between them and the any utterer of “gold”, the utterer cannot fail to pick out gold when he or she is employing the term “gold” (of course, barring some cases of mistaken intentions to refer to something else). The reference of “gold” is transmitted across the chain of communication, however opaque that chain might be.

The present project’s general argumentative structure is one of mediation. As Kripkean modal metaphysics and social ontology are brought into contact, concessions have to be made on both fronts. Specifically, I will try to show that, to accommodate cases that are of interest to social ontology, Kripkean view has to orient its claim on rigid designation to be more two-dimensionalist wherein the semantic contributions of possible conventions are also put in to play. On the other side of things, to alleviate modal worries that I will explicate in the next chapter,

proper names and natural kind terms which are *de jure rigid*, that their rigidity derives from their own semantic properties.

social ontology has to put more emphasis on the concept of practices, rather than its Searlean roots' supposed centrality of beliefs and intentions.

The structure of this thesis is as follows. In Chapter 2, I will give an exposition of the problems one would encounter while trying to apply the Kripkean picture onto the domain of social. While the problems presented there are not exhaustive, I deem them to be of crucial importance. The present project is mostly about trying to provide a convincing solution to them. Chapter 3 assesses the conventionalist charge against Kripke's realism. As such a criticism, if true, will make the application in question impossible (as it would subsume modal metaphysics under the social domain), it is dealt with within a specific chapter of its own. In Chapter 4, I propose the idea of criterion of identity when it comes to the questions of rigid designation which I believe to be a huge step in solving the problems presented in Chapter 1. Chapter 5 asks what the exact criterion of identity for social entities could be when they figure in modal scenarios. The proposed answer involves practices as the preferred method of tracking social entities across possible worlds, so that the rigidity of the terms which pick out social entities is ensured.

CHAPTER 2

PRELIMINARY PROBLEMS

In this chapter, I will explicate three different problems one can encounter while trying to apply the Kripkean view onto social phenomena. First the apparent violations of necessities set out by Kripke when dealing with social phenomena. Second is the classical Searlean thought experiment which I believe, forecloses any talk of necessity regarding social facts. The last one is the problem of reference change which implies the impossibility of rigid designation of social entities. The bulk of the thesis will try to answer these challenges while also providing an early exit strategy in the form of contingent a priori constructions. The challenge of modal conventionalism is dealt within the next chapter as it is directly an attack on the Kripke's theory.

2.1 Violations of Necessities

Before providing the two external problems of our application, I would like to discuss several internal problems regarding Kripke and social entities. If a designator (a term, a name, or even a description, anything that picks out something, really) designates the same object with respect to all possible worlds, then Kripke claims

that such a designator can be called a rigid designator. Kripke (1980) asserts that this is the “intuitive test of rigidity” (p. 48). Now the problem is that, in many cases of counterfactuals that pertain to entities of social nature, it is hard to see how the transworld identity holds. Consider a case where the capital of Turkey is not Ankara but İstanbul. Or perhaps imagine another scenario where Turkey is founded not in Anatolia but in a territory that is owned by French in our actual world.

Here, what is the guarantee that “Turkey”, as a proper name, picks out the same entity in all such scenarios? Several necessities given by Kripke are all violated when it comes to such scenarios. These are the “necessity of origin” (pp. 112-3) and the “necessity of substance” (pp. 114-5). Accordingly, one cannot change the origin of an entity in a counterfactual scenario and claim that one is picking out the same entity across possible worlds. And the necessity of substance refers to the impossibility of imagining an entity being made up of completely different materials in different possible worlds. Yet, one can imagine Turkey, as a country, being originated by different people in different conditions. One can imagine it being founded later due to the Independence War taking much more time and resources. Or perhaps the founding figures could have been different. Or perhaps its constitution was formulated with radically different principles in mind. Or its ethnic makeup is totally different due to some previous migrations that happened in that possible world. As one can see, our intuitions regarding the preservation of Turkey’s identity across possible worlds is quite fuzzy. Some of these scenarios of different origin and substance seem benign while others raise some eyebrows³.

³ Of course there still could be other forms of necessities that pertain to social entities or collectives. For example, Kripke (in a discussion with Quine, 1974) seems to think that, for fictional entities, the author is the one who puts forward the necessary conditions of the said entity and a historical tracing

Such concerns are *prima facie* worrisome, but I think these necessities might be appropriate only for natural entities, as we might require different forms of necessities for different kinds of entities.

2.2 The Searlean Thought Experiment

Searle's (1995) classical work "Construction of Social Reality" tries to elucidate the nature of social entities by considering them as dependent upon collective agreement, or at least, acceptance. What we accept is precisely the fact that a new group of (institutional) facts are imposed upon purely brute facts. This simple paper bill, as Searle's favored toy example goes, counts as money precisely because we either agree on or accept this rule.

We can derive a simple thought experiment from this view: Had there not been a collective agreement regarding the constitutive rule of money, this paper bill in my hand would not count as money. This seems straightforward enough, but we can expand on it: Had there been different collective agreements regarding money, money could both function radically differently and radically different entities could count as money. The gist of these thought experiments is that if the constitution of social phenomena depends upon collective agreements, beliefs, and/or intentions and if we can plausibly imagine possible worlds where collective agreements are vastly different; then there are possible worlds in which the nature of entity at hand could have been different. Anything and everything can be shifted this way, as long as they

can reveal such conditions. Hence, one might claim that the specific necessity properties of a particular state derives from those who authorizes the said state.

are social. The conclusion is that there are no necessary properties or necessary facts when it comes to social phenomena as things could have always been different. And this is not a simple manner of using a homophone to designate something different as the precise nature of money, in this framework, is said to depend upon what we believe or agree it to be. Our beliefs and agreements are what makes money what it is.

This, by itself, does not seem to be a direct problem for the Kripkean view. After all, Kripke could have been more than content to limit his cases of necessities to natural phenomena⁴. But I believe, there is still another way of analyzing this whole view from his perspective. In the way explained before, the Searlean view of social ontology has a hint of a priority as it stresses beliefs and agreements. Perhaps there is an affinity between the analysis of contingent a priori statements, such as “This stick is 1 meter long”, and “France is a state”. As discussed by Stalnaker (1999), “This stick is 1 meter long” is a statement that is contingent, i.e., there are possible worlds where the stick is not 1 meter long; but it is also a priori in the sense that “1 meter” is a matter of convention. So, there are “diagonal” worlds where “This stick is 1 meter long” is true where we both shift the reference of 1 meter and the length of the stick. Similarly, there are diagonal worlds where the actuality of France coincides with our agreements regarding what is a state. Of course, this also entails that “France” not being a rigid designator as we are considering possible ways France could have been under differing beliefs.

⁴ Perhaps with the caveat of accepting that there is no real proper names for social entities.

I do not subscribe to such an explanation as I think there is a lot to be discovered about the nature of social entities. And I do believe there can be a form of metaphysical necessity that can be attributed to social entities.

2.3 The Band of Theseus

Rigidity is especially a common and intuitive affair when it comes to temporality, even more so than modal rigidity. We commonly employ the same term to pick out the same entity across different temporal slices. Hence, there is not a problem in conceptually exporting temporal rigidity to form the basis of modal rigidity. Yet, many social entities are famously evolving throughout their lifetime to the extent where their beginning and end point are radically different.

To make this point clearer, imagine the music band “X” who has drastically shifted not only their genre but also their line up to the point where none of the original members are present today (one such band is the Swedish death metal turned prog rock band Opeth). Now the worry here is that, if this is a common occurrence for social entities, and if “X” is a proper name, should we say that “X” is not a rigid designator as “X” does not even pick out the same entity temporally, let alone modally? We know this is quite expectable from social phenomena as many social groups (states, corporations, etc.) and social practices change over time not only in their individual memberships but also their organizing principles.

This is quite reminiscent of Varzi’s (2004) criticism of rigid designation of 3D objects (entities as having continuing existence through time) where he suspects an

underlying circular essentialism and an insensitivity to step-by-step mereological decomposition. At which point can we claim that “X” is a different entity (or perhaps it does not exist anymore), and at which point we can claim that something essential about “X” is lost? While Varzi’s solution is to shift our understanding onto a more counterpart theoretical basis which comes with a radically different understanding of persisting through time, I do not think we should go that far.

As far as the solutions to these three interrelated problems are concerned, I think only a modification in our understanding of rigid designation is sufficient in providing a solution to them. That is exactly what I will try to do in the chapters “Reference Change and The Criterion of Identity” and “Establishing Social Practices as The Criterion of Identity.” But now, there is an even more pressing problem that needs to be addressed through and through.

CHAPTER 3

WHAT TO DO WITH CONVENTIONALISM?

The goal of this chapter is to defend modal realism of Kripke and Putnam against the criticism of conventionalism. Here, I will assess the conventionalist argument and provide several counterarguments to it. After all, as the aim of this thesis is to provide a bridge between modal realism and social ontology, it is urgent to provide a defense of modal realism. If not, it will be the case that modality itself can be subsumed under contingent and a priori social processes, rather than being a proper lens through which one can analyze key metaphysical aspects of social phenomena.

The conclusion will be to augment modal realism with a healthy form of two-dimensionalism where modal statements are not only evaluated through the contributions of the state of the world, but also through the contributions of conventions, actuality, and language. So, to see why it is a good idea to be two-dimensionalist when it comes to modality, let us look at what conventionalism asserts and where it is mistaken.

3.1 Modal Conventionalism

A form of the modal conventionalist thesis has been championed by Sidelle (1989) and according to him “The basic claim of the conventionalist is that it is our decisions and conventions that explain and are the source of modality.” (p. 29) Hence, it is that thesis which claims that necessity is only the necessity relative to the convention at hand. But how does Sidelle go on to establish this claim? He first starts by noting that any defense of a necessary a posteriori claim is also a defense of a general principle regarding the necessity of a microstructure or an origin. Where conventions come into play is exactly the adoption of these kinds of general, or abstracted principle on what to regard as necessary in hypothetical scenarios.

What is interesting to Sidelle’s claim is that he regards such conventional principles as analytic truths, and hence, necessary:

“That water *is* H₂O is an empirical, worldly matter; that it is *necessarily* H₂O would result from our convention. The necessity here would be no deeper than the necessity that bachelors are unmarried, and the appearance that it was would result from the fact that we would have a more complex sort of convention that specific the parameters, rather than the values, for our linguistic behavior, leaving the values to be discovered.” (1989, p. 37)

The upshot is that there are no deep modal facts, and in fact, all modal facts derive from our linguistic conventions, even when the specifics of it remain a worldly matter. So, what is necessary turns out to be, for example, nothing but the wide acceptance of the essentiality of deep microphysical, microstructural facts.

Sidelle takes this line of reasoning as an alternative competing account of necessary a posteriori truths but I have reasons to suspect that it falls short of that. First, note that

if something is a matter of convention, there is a sense in which it is only contingent⁵. For example, Stalnaker (2001) asserts that it is only a contingent fact that the words we use mean what they mean, so it is easy to imagine worlds where “bachelor” means something else than it actually means. So, if it is possible to imagine worlds where general conventional principles that support our intuitions about modality are different (perhaps a world where the scientific trend is not to look at the microstructure but to the bigger holistic picture and the necessity derives from such holisms), then there is really no metaphysical necessity to speak of. If this is the direction Sidelle wants to head towards, then it is not really an account of necessity a posteriori that treats it as such, but perhaps a more eliminative account, i.e. all necessities can be reduced to contingencies.

3.2 Two-Dimensionalist Themes

But perhaps there is a way of finding a room for conventions without really eliminating metaphysical necessities. Start by noticing how a counterfactual world where conventions regarding modalities are different is not really a counterfactual world but a *counteractual* one (Yablo’s terminology, 2002). It only involves a shift in the facts of the language and nothing else. (Although it should be noted that it is more plausible to imagine changes in brute facts going hand in hand with changes in pure linguistic facts, as it is quite hard to imagine why there is only a linguistic shift in such a world. Realistically, changes in conventions do not happen by themselves or by the power of pure belief.) So, Sidelle’s conventionalism can be augmented with

⁵ In the previous chapter, I employed a similar line of reasoning to argue that social facts might be only contingent facts. One might now disagree with this by saying that I only argued for the vertical, purely linguistic contingency of social facts, and that there is still a logical space for metaphysical necessity. That is one aspect of the view I am trying to argue for in this chapter.

a differentiation between two kinds of necessities: diagonal necessities and horizontal necessities on Stalnaker's terms, or metaphysical necessities and conceptual necessities on Yablo's terms. There is a slight difference between these, though. Stalnaker's intention was to make sense of a priority through diagonal necessity so that when we are talking about contingent a priority, we are not committing ourselves into saying that a statement is both contingent and necessary (although the concept of a priority gets undermined later on in Stalnaker, 2001). Yablo (2002), on the other hand, allies conceptual necessity with analyticity and narrow content so that we can imagine the conceptual contingency of "bachelors are unmarried men" but not of "bachelors are bachelors" or "cassinis are ovals".

Now, what actually happens when we talk about conventions being at the root of metaphysical necessities? Essentially, what we are saying is that all metaphysical necessities are relative to the convention at hand. Is this really a dangerous view about modality? No, as long as we are not confusing what could have been with what could have turned out to be. Or in other words, there is a problem only if conventions are regarded as a single dimension in which epistemic possibility entails metaphysical possibility. The fact that it is conceivable that "Water is XYZ" does not entail the metaphysical possibility of it, at least the Kripkean lesson goes on like this. Now, the slight change of understanding brought on by two-dimensional approach to such situations is to regard a possible world as "actual" and fix it first, and then to evaluate what goes with regards to possible facts of the matter on other possible worlds. Through evaluating worlds where there are changes in the way we fix the actual world, we can talk about changes in conventions; we can expect a covariation between those two.

3.3 Against Sidelle's Analytical Necessity

But what is actually meant by conventions? Is it only through arbitrary human decisions that we obtain abstract principles of necessary statements (such as identities, kind membership, essential properties)? Let's try to see this in action. Following the famous example, "Water is H₂O", Sidelle identifies the general principle "(x)(If x is a chemical compound [natural kind], then (if p is x's chemical structure [deep explanatory feature], then it is necessary that x has p))" (1989, p. 34, footnote 20). Following Sidelle, if we assume that this formulation is conventional, analytic, and at the root of the necessity of "Water is H₂O", we can imagine there being other forms of conventions obtaining in other possible worlds. But claiming that this is why the metaphysical necessity obtains would be overshooting. This analytic convention (when abstracted from its chemical specification) might obtain in every *counteractual* world, if it is truly analytic that is. But we have reasons to suspect that it does not. First, the claim of Sidelle is to explain the origin of necessity without positing the existence of a modal reality, it is not to "explain it away", so to speak. This is evident from his claim that the general conventional principle which gives us a formulation of our convention of necessity is analytic, that is conventionally necessary. But as stressed above, it does not have to be necessary or analytic, i.e., we can always imagine another convention that can establish necessity. Perhaps a holistic convention can be employed, rather than a microstructural / deep explanatory one⁶.

⁶ Indeed, in Chapter 5, I will propose that the necessity of holisms when it comes to social practices. This is mainly because the right instantiation of a social practice derives from the whole body of knowledge and neighboring practices in which the said practice resides.

One early sketch of such a possible convention could look like this: (x)(If x is a component, then (if p is the whole in which x figures in as an element, x necessarily has p)). If I am a part of a nation, then I necessarily have the property of being from that nation. Likewise, all components of a radio are components of a radio necessarily. This might not seem plausible (I could have been born into another nation, a radio part can be used to build a TV), but that is beside the point. The point is that, when we bypass our current convention about modality, it is entirely plausible to talk about it in such different ways. Now to see why such a weird convention is possible, let's try to imagine a conventionalist's answer to this attack on analyticity of conventions and how they would get stuck in a bad place.

Now, one way out of such a criticism would be to really show the necessity of why we have such a convention in the first place. But there is a limitation on what that answer would look like. First and foremost, while showing the necessity of our modal convention, the answer cannot refer to external facts which necessitate the convention. The analyticity of the convention should derive from human decisions. To say that the state of the world necessitated the convention (i.e., leaving the bulk of the work to the world in an externalist manner) would be to assume modal realism, rather than putting forward a competing view. Just like saying that it is the way the world happens to be which necessitated the identity of water to H₂O.

Conventionalists taking this route would amount to them saying that there are independent facts that lie at root of the necessity of our convention about modality. In other words, one cannot object by saying, "No, that is not a possible convention because the world does not work in that way". That is why the holistic convention of

necessity sketched briefly above cannot be dismissed that easily. Remember, Sidelle's conception of necessity is simply a matter of linguistic convention. But the conventionalist, if he or she does not want to totally give up on the notion of necessity, should put forward a notion of modal convention that derives purely from human decision yet at the same be analytic and not arbitrary (i.e., not linguistically contingent). This does not seem plausible.

3.4 The Impossibility of Impossibility

If the criticism provided here does hold, it means that under the conventionalist regime there is no necessity whatsoever, as conventions (at least in the way provided by Sidelle) are a sure guide to contingency. This might be a point Sidelle wants to go for, where we only have a weak and contingent conception of "necessity" reserved only for the analytic. But what is more is that we also have to give up the notion of impossibility as evident from Sidelle's (2002) later attack on the necessity of natural laws, according to which natural laws also have their necessity in virtue of analytic linguistic conventions, which he tries to show by the pure conceivability of alternative forms of natural laws. Here, the crucial assumption is to say that pure conceivability is a guide to possibility. But I reckon that such boundless imagination also leads to abandoning any form of impossibility. Just because I can imagine myself to have been born with wings does not mean that it is a possible scenario. One does need the aid of a posteriori methods to see whether such counterfactual scenarios have any buying power. Otherwise, we enter a territory where neither necessity nor impossibility has any hold. And since one does not achieve much with an outdated conception of analyticity (following famous remarks of Quine, and I

would assume that Sidelle does not buy into possible world semantics of modality), the conventionalist should find themselves in a hard place.

One response to this would be to say that there are inconceivable possible worlds, so that one still retains a notion of impossibility. Since the nature of modality at stake here is about the conceptual or the linguistic, one can claim that we cannot really conceive worlds where one plus one is not equal to two, or worlds where cassinis are not oval, given that we mean the actual things we mean by the employment of our terms. But one can conceive a possible conceiver, an agent with radically different conceptual/cognitive powers which can in turn be able to conceive such things. One's power of conception can be offloaded onto such a possible agent which in turn does all the required imagining in a nested manner: "There is a possible world in which a radically different thinker conceives a *possible* world which *prima facie* struck us as impossible/inconceivable." If such a move is valid, then it is the case that the assumption of imagination entailing metaphysical possibility is still at the risk of emptying any notion of impossibility. This is risky because statements of impossibility, just like those of necessity, are quite informative.

One worry about such a move is that it might be impossible to conceive such an agent. But if such an impossibility springs from metaphysical or natural facts about the bounds of cognition, then what is defended here (that metaphysical possibility/necessity is distinct from conceivability) is not really harmed. Of course, I do believe that it could very well be the case that there cannot be such an agent, given what we know about cognition. But this would depend on natural or metaphysical facts and that, in turn, would depend on a view where metaphysical

modality does not depend on conceivability. Asides from this, there is no *prima facie* barrier to conceive such agents and any such barrier would stem from inconsistencies with what we know about cognition and the nature of what is conceived⁷.

As can be surmised, the most peaceful option is to assume a form of two-dimensionalism. Sidelle is right to stress the importance of linguistic conventions, but they are not be-all and end-all. They just point towards a single dimension of modality. Interestingly, the two-dimensional apparatus has also been employed by Einheuser (2006) to defend a minimal form of conventionalism against charges from the realist position. The upshot is that a healthy form of conventionalism should make room both for the modality provided by conventions and by the ways the world could be.

⁷ Chalmers (2002) provides a distinction between *prima facie* and ideal conceivability. Accordingly, imagining such agents might not be ideally conceivable wherein we can detect further inconsistencies in such scenarios, that the idea of such agents can be rationally defeated. But as stressed, such a defeat should not stem from metaphysical grounds, but from purely imaginable grounds: It should be *a priori* impossible to conceive such agents, which is not something quite evident. Otherwise, rather than conceivability entailing metaphysical possibility, metaphysical possibility constraints what can be conceived, which is the position defended here. Hence, if I cannot imagine *cassinis* to be not ovals, this is because of the metaphysical natures of *cassinis* and modality.

CHAPTER 4

REFERENCE CHANGE AND THE CRITERION OF IDENTITY⁸

Chapter 2 tried to showcase the problem of non-rigidity of social terms (especially for proper names of social entities) by showing violations of necessities and how their employment might be limited to contingent a priori statements at heart. Accordingly, it was argued that social entities were suspect to various sorts of changes which went against the thesis of rigidity. After all, if the entity at hand could show radical changes during the time it is being referred to, how could we say that the referring term refers to that entity across all possible worlds. The aim of this present chapter is to provide a solution to such worries in the form of a modal two-dimensionalist approach wherein the rigid designation is taken as a matter of employing a specific criterion of identity.

I believe that previous worries can be boiled down to the worry of reference change, which refers to the phenomenon of the same designator being employed to pick out different entities across different times, contexts, or possible worlds. If this is truly a common phenomenon, then, Koch and Weigmann (2022) argue, it goes against

⁸ The latter concept is distinct from the concept of “criteria of transworld identity” that has been problematized by Kripke. The difference is touched upon at the end of this chapter.

Kripke's classical intuition about reference preservation which forms the basis of his defense of rigidity, be it temporal or modal. In their experimental approach, Koch and Weigmann present their participants with fictional scenarios which involve a teleportation onto the famous Twin Earth where a substance which seemingly behaves as water does is actually XYZ. In the scenario, the characters refer to this substance as "water" and participants are asked whether they are truthful in that assessment. Interestingly, in the version of the experiment where characters lived in the Twin Earth for 40 years, and in which the word "water" was employed often in the presentation of scenario to the participants, 40% of participants answered "true" to the question whether characters in the scenario say "There is water in the pond", whereas the response rate of the same participants was only 16% for the situation in which characters just arrived to the Twin Earth (Koch & Weigmann, 2022, p. 44).

However, even though there is a statistically significant increase in participants' "true" response to the statement "There is water in the pond" after the utterer of the statement has spend considerable time in the Twin Earth, I do not think this can be used fruitfully to argue against Kripkean intuition, which is taken by Koch and Weigmann to assert that once a reference is fixed, it is preserved through the chain of communication (2022, p. 34). For one, we can see that 60% of participants are still reluctant to call the Twin Earth XYZ "water". If anything, the experiment shows a variation in folk intuitions about reference and further work is needed to establish the reason why there is such a variation. Up until then, it is not really that dangerous to assume that Kripkean intuition reference fixing and rigidity mostly agrees with folk intuitions about reference.

But there is also another important point which we can draw from such work. Now, although there is not a data about this point, but it is not too farfetched to imagine a participant answering “true” to the question of whether the statement “XYZ is water” is true because they do not track what water is through its chemical composition but through its functional role in one’s life. In other words, it might truly be the case that for some people water does not refer to H₂O but to that clear substance in which one can bathe in, drink etc. So, instead of saying that “Water [natural kind] is H₂O [deep microphysical structure], necessarily”, it is also possible to say that “Water is the substance with the functional role X”. This might be hard to see in the case of natural kinds where the matter of microphysical structure is already settled, but imagine the case of someone saying, “It might be 2 am in the morning, but the day is not finished until I am fast asleep.” This seems to denote a different way of tracking days, one which diverges from the established way of doing so affirmed by our timekeeping institutions (for an interesting account of such phenomena, see Epstein, 2004, ch. 2.6). Now, if the term “day” is a rigid designator, we can expect it to designate the same phenomena across all possible worlds. But this seems to depend on what we understand from the notion of “same phenomena”. If one means the conventional way of keeping time, then “day” picks out one phenomenon; however, if one means by it whatever happens between one’s waking up and one’s sleeping, then it picks out another across all possible worlds. The same goes for water-as-chemical-substance and water-as-a-functional-kind. But both the conventional timekeeper and the night-owl would employ the term “day” as a rigid designator. And I think it all boils down to how we establish criteria of identity, i.e., criteria under which we judge the sameness of kinds and entities modally.

Now, here can be a new way to save the rigidity for proper names of social entities. The thought goes like this: Since rigidity is about picking out the same entity across all possible worlds, we need to have a sure way of establishing the identity across all possible worlds. And we need to do so without referring to counterparts, to stay within the bounds of the Kripkean frame. Usually, the determination of rigidity is an intuitive business, or the application of a temporal intuition to modal domain. But when we are considering different kinds of entities across different counterfactual scenarios, we employ different criteria of identity. For example, if a disembodied heart was to appear suddenly before me, I would have a hard time calling it a heart (following Millikan's conception of proper functions, 1989). The same goes for dinosaurs, as they would not really be dinosaurs as they do not exhibit the right sort of natural history. As it seems we track functional entities across possible worlds through the proper function they possess, or the proper function in virtue of which these entities proliferate. For biological kinds, we look for proper histories which individuated them as species. For material objects, intuition is to track their material constitution, or the microphysical structure. For individual people, we look for the constancy of biological origin and a vague sense of selfhood. So, seeing whether a designator picks out the same entity across all possible worlds is a matter of employing a criterion.

Now, imagine the absence of this criterion, or rather mistaking one regime of criterion for another. Imagine tracking people across possible worlds just as we track historically neutral objects, by simply looking at material constitution. Suddenly it becomes possible to conceive scenarios where I would have to call a woman that appeared out of nowhere (with no parents, to be sure) "Queen Elizabeth II", simply

due to the sameness of material constitution, which would entail a likeness to the actual Queen. But to be sure, it is not quite arbitrary which methods of modal identification are employed. We think a dinosaur appearing out of nowhere is not plausible (that we would feel weird in calling that entity a “dinosaur”) because it would lack the right sort of biological history and the right sort of ecological ties. And the fact that these sorts of facts are crucial to biological sciences makes it the case that we cannot just employ any other forms of methods to identify biological entities in modal scenarios.

To be sure, we can go down the route of explaining these differing methods by referring to institutions we have in place, which apply both to scientific conventions and folk conventions about how to track entities across possible worlds. But this would put us in a weird position where we would have to stipulate a meta-institution which would guarantee the way we track these institutions and other social entities, which could end up in an infinite regress.

But we could also ground the origins of these methods into a form of modal realism. Here, it should also be noted that this discussion is quite similar to the one of essential properties (or perhaps, entirely the same, but more on this below). If the Queen could not have been born from different parents (that Queen has her biological origins necessarily), then the term “Queen” does not refer to Queen-like entities across possible worlds. A modal fact about Queen (which we also assume to apply to other individual human beings) helps us identify her across possible worlds, it establishes the “sameness” that is required for rigidity. Once the criteria or the

method is derived through essential properties, it helps to fend off against seemingly possible worlds where the reference is shifted or where there are Theseus-like cases⁹.

So, what is the criterion of identity employed when it comes to social entities? A previous chapter showed that they have to be different, that we cannot simply use the criteria which has been initially applied to individuals or natural kinds. Several options emerge which have to do with beliefs, practices, and language. For Searle (1995), social facts are language dependent, which he takes to mean that “First, mental representations, such as thoughts, must be partly constitutive of the fact; and second, the representations in question must be language dependent.” (p.62). Mental representations in questions are mental attitudes, primarily beliefs where facts would not obtain in the absence of certain beliefs. For example, I would not be holding a bill in my hand had no one believed it to be so or had people no beliefs concerning paper bills.

But this view, I believe, is partly mistaken. As Haslanger (2005) argues, our beliefs regarding social facts often mask the reality of what is actually going on. A famous example is the notion of “race”, which people took to denote an actual hierarchy among human beings. But this was a mistaken view which actively hid the reality of the systematic oppression taking place. It seems erroneous to say that our wrong beliefs about social matters help to constitute them. Even in non-problematic cases (such as money), this approach seems to be limited. Even if everyone believed in a

⁹ Here an initial question on the way to solving the problem of Ship of Theseus would look something like this: Do we track the identity of Ship of Theseus by employing a criterion in which we look for material constitution, or the proper history of the ship (that Theseus has sailed with this ship but not with the one made from the parts of the original)? Or do we track it by looking which ship Theseus has declared his own? Are we talking about a neutral object, a historical-functional object, or an entity determined by social practices?

thing called money, is it really money until transactions, loans etc. take place? The money has to be in use, and the use should be accepted collectively. Otherwise, in a world where there is full belief but no practice, money is no different from old decommissioned bills, which can be said to be not real money.

The same line of reasoning also holds when we augment Searle's view by saying that mental attitudes constituting social reality are actually unevenly distributed conceptual resources in a given community (a view proposed by Epstein, 2004). So, one does not have to explicitly believe, or even have the belief of a given social entity to make it so, or to be subjected to standards found therein. For example, one can play a game of chess without fully knowing its rules (many beginners play a full game of chess without knowing the surprising rule of *en passant*, or the proper move set), yet a checkmate would still count as a checkmate as long as no wrong moves are made. Similarly, when one claims that the day still has not ended as one did not yet go to sleep, their claim is judged accordingly to the salient timekeeping institution we have in place for tracking days. But introverted beliefs are not sufficient to constitute social reality and facts, even when they are distributed across society. So, we can say that social reality and the totality of social facts therein are also constituted by practices or, as Haslanger calls it, operative concepts.

So, I would argue (primarily in the next chapter) that the criterion of identity for tracking social entities across possible worlds are practices. That is how we tell apart a circumstantial crowd from a protesting group, systematic racism from individual racist attitudes, bills from cotton papers, a proper state from an unrecognized rule of monarchs. Just as there are proper histories, proper functions, proper microphysical

structures that enable us to track different kinds of entities across modal space, it does not seem absurd to say that there are proper practices which allow us to track social entities and ensure their identity in counterfactual scenarios.

One thing needs to be emphasized here. What is so novel about this approach to rigid designation? Does it not basically boil down to the talk of essential properties?

Basically, it accommodates the concept of rigid designation within the two-dimensionalist framework. Ordinarily conceived, rigid designation has been about metaphysical necessity where the reference of the term has been fixed according to some facts, and upon this first fixing act or baptism, the rigid designator cannot fail to pick out that object which has been fixed as the referent. The rigid designator, as it picks out the same object on all the worlds in which the object exists, refers to the object necessarily. But if we grant the two-dimensional framework, then there is a sense in which rigid designation can fail. If we allow for possible worlds in which our linguistic practices are different, then the strong conventionalist would argue, there is no such thing as a rigid designator, which refers necessarily. But two-dimensional framework grants us a new way to accommodate both metaphysics and conventions. That is to say, rigid designation starts off from a world considered as actual or conventional, then jumps to all the worlds that are counterfactual¹⁰. What the idea of criterion of identity proposed above amounts is a way of showing how rigid designation can co-vary across worlds considered as actual, that we could conceive of worlds where practices regarding tracking entities across possible worlds could have been different to yield different regimes of criterion of identity. If we are to separate between two groups of modal operators just like Einheuser (2006) did

¹⁰ See Einheuser (2005) for a similar approach to rigidity being established in worlds that are considered as actual, in contrast to the idea of absolute rigidity which is insensitive to the actuality.

(carving-necessity, carving-possibility, substratum-necessity and substratum-possibility)¹¹, we can see that it is carving-contingent that we employ a specific method to pick out the same entity across possible worlds, but nevertheless substratum-necessary that they pick out the same entity once the carving is settled¹².

But, on the whole, the issue here somewhat boils down to a revision, or a clarification of Kripke's criticism of the requirement of a criterion of transworld identity before establishing rigidity. As Kripke says, "it is because we can refer (rigidly) to Nixon, and stipulate that we are speaking of what might have happened to *him* (under certain circumstances), that 'transworld identifications' are unproblematic in such cases." (1980, p. 49) The semantic intuition of rigidity seems to precede any such requirements. But the question here is what happens when such intuitions are fuzzy at best, as I think is the case with social terms? To be sure, the solution provided here is not about providing a full description of the counterfactual scenario at hand (a feature of transworld identity requirement criticized by Kripke), but rather about clarifying what we are talking about when we are talking about sameness. As I tried to show, under one criterion, an actual and a possible entity will be identical wherein, under another criteria, they might turn out to be distinct.

¹¹ Carving-type modality refers to the way the conceptual or linguistic practices could be, whereas substratum-type refers to the different ways the world could be, which can in turn support or do not support these carvings.

¹² Of course, this would commit us to view reference as a natural substratum relationship between a designator and an entity. Assuming an externalist stance to reference, this is not very unnatural to say as we can refer to entities that we have never acquainted or had a direct contact with.

CHAPTER 5

ESTABLISHING PRACTICES AS THE CRITERION OF IDENTITY FOR SOCIAL ENTITIES

The aim of this chapter is to provide a definite answer to the question of criterion of identity for social entities when it comes to the question of rigid designation of social terms which refer to them. To do that, I will first provide several considerations which will show why such a criterion cannot be established via mental attitudes and collective agreements which are taken to be constitutive of social entities. Then I will provide a thought experiment to further illustrate this point. The scenario provided therein will also provide several clues to why we should favor practices over mental attitudes when it comes to the matter of criterion of identity. Lastly, I will flesh out a view of social practices that is in line with the considerations I have provided.

5.1 Considerations

Now, before providing a definite answer to the question of how to establish the identity of social entities across different possible scenarios, there are several things we should expect from a robust criterion of identity for social entities. Continuing from the discussion of the previous chapter, these considerations will help us in estimating what the answer should roughly look like. In doing so, a delicate balance

must be struck between our philosophical expectations and common intuitions regarding social phenomena and yet, these intuitions must be left if it turns out that they yield a confused picture of things. And I think that this is indeed the case.

The first is the matter of opacity. It is safe to assume that social phenomena and social entities spring forth from human activity. What is debatable is the exact form this activity takes. Should it involve human intentions and beliefs or just gross regularities in behavior and practice? I believe we have grounds to defend the latter. This is because crucial cases of social phenomena happen without precise knowledge or agreement of the people whose activity shapes the said phenomena. As discussed above, race is such an example. But someone could take a race realist position that has both ethical, ameliorative properties and is rich enough to do justice to the complexity of the matter. A more apt social example comes from the case of states wherein the state is said to be constituted by the actions and beliefs of its citizens. Taking a cue from Epstein (2013, 2015a, 2015b, 2019), we can analyze states as constituted by a set of frame principles which ground the fact that X is a particular state, and a set of anchoring facts which put these frame principles in place. The frame principle usually has the form of “For all X, if X is (a set of conditions which instantiate states) then X is a state”, which can be seen as a more generalized formula of Searle’s constitute rules. Now, this formula answers why a particular entity is a state in a synchronic, metaphysical manner. But to ask why this principle is the case would be to ask about anchoring facts and the answer would range from explicit collective agreements to mere regularities in practices (see Epstein, 2013 where he defends only the possibility of the latter). Such facts, once uncovered, reveal why frame principles obtain in the first place. In the case of states, the instantiation

conditions would look for whether there are adequate legislative, executive, and judiciary etc. mechanisms in place. And usually these would be the conditions that are explicitly put in place and defended both by the public and the government. Or rather, one might come up with a “simple story” which characterize states as originating from a collective transfer of moral duties to a larger, more capable entity (Collins & Lawford-Smith, 2016). But then comes along someone like Weber who makes the observation that “state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory” (1946, p. 78)¹³. This is exactly the point where the intentional stance for anchoring would fail because, presumably, no state would actually want to make the claim or have the belief that their unique instantiating condition is based purely upon monopolizing and legitimizing violence. Rather, they would have intentions and beliefs that conceive the entity that they are constituting as something of another nature, perhaps something ethical or mythical etc. But their practice would indicate otherwise, and Weber would be in the exact position to make observations on states as essentially being the successful owners of the right to violence. No one believes their state to be like this, or rather, no one explicitly constitutes their state on a principle of violence, but that would still be the end result of the practices at hand. So, as it seems, we have anchors without “ships”, and ships that are not anchored in beliefs. Hence, if we are to give an account of the criterion of identity for tracking social entities across the modal space, we should be mindful of opacity.

¹³ On the same page, Weber also says “If no social institutions existed which knew the use of violence, then the concept of 'state' would be eliminated, and a condition would emerge that could be designated as 'anarchy,' in the specific sense of this word.” So, it is clear that Weber takes legitimate use of violence as a necessary property of states.

Secondly, although it is not exactly the place make claims about the origins of criterion of identity, this matter can guide us in the right direction. Some regimes of criteria of identity might be found entirely upon arbitrary human decision, i.e., they might be entirely conventional. Some, on the other hand, would be based upon exact “carvings of nature’s joints”. In other words, they might be the only right way of tracking down these entities that also do justice to their nature. It is not implausible to think that looking at the microphysical structure of natural kinds really does justice to their nature. But a weak conventionalist approach would still want to maintain that such an employment of criterion of identity for natural kinds is still a convention. And this objection would be weak precisely because it is still very much an open possibility that this convention is the only plausible and rational one, given our knowledge of the microphysical structures of physical entities. The convention that we currently employ very well could have been the only convention that can be supported by the substratum at hand. Here, if we combine the observations about the opacity of social phenomena and the discussion at hand, we can see that our criterion of identity for social entities should do justice to the nature of what is really taking place. In other words, when trying to determine whether we are still talking about the same social entity across different counterfactual scenarios, we should track the entity by tracking whether it still has its actual operant qualities. For example, if playing football is a necessary practice for a football team, we would not really call a football team that exclusively plays volleyball a football team. Alternatively, it would be impossible for a football team to exclusively play volleyball. Similarly, a state without any apparatus of police and military would not really qualify as a state, assuming that Weber’s observation holds that is. It indeed is conventional for a football team to play football, which gives it the appearance of contingency. But if

we think that the practice of playing football is the sole substratum which can support being a football team, then it seems necessary for a football team to be, well, playing football.

Thirdly, the matter of opacity gains a new power when we refer back to semantic externalism of Kripke and especially Putnam. If we grant that there is a linguistic division of labor in a given speech community and that division of labor also applies to our ways of talking about social phenomena, we can see that we can regularly employ social terms correctly without really having deep understanding of the phenomena and entities those terms set out to capture. As it seems, this division of linguistic labor is both a property of the social character of language and also an explanatory factor of it. A given speaker might not be able to form theoretically adequate intentions that is commonly conceived to constitute the social phenomena, but still, speakers can constitute it by referring back to the original baptism in an opaque chain of communication or by performing practices that are sufficient to bring forth the phenomena. Take Bratman's (1999) conception of collective agency which involves individual intentions that a group of people do P ("I intend that we do P"), and also the common knowledge criterion of such intentions ("I know that you intend that we P, and you know that I intend that we P"). Such an account of collective agency, aside from being cognitively burdensome to the point of being unrealistic, eliminates forms of alienated cooperation from counting as collective agency. Shapiro (2014), on the other hand, has a more inclusive approach where intentional contribution of participants does not have to be pure intentions for the collective end. Hence, my contributions can help to constitute a collective agency without me sharing the goals of the collective itself. This view, in my opinion, is less

cognitively burdensome and is more inclusive in the sense that it captures the situation of, say, an alienated wage worker in the bringing about the agency of a corporation. This worker can still talk about the goals of the corporation without really realizing what is really involved in them. All this says is that, when looking at collective agency (groups), grounding and anchoring facts about it do not have to be intentional in the form of “For all x , if x is supported by explicit and agreeing intentions of a group of people, then x is a collective agent” and “This frame principle is explicitly agreed upon”¹⁴.

These are all also reasons for why intuitions (our explicit beliefs about our institutions, cultural practices etc.) cannot really be a tool for settling the matter when it comes to modal scenarios involving social entities. If social entities can be epistemically opaque to the extent that people whose actions do constitute the entity are not really aware of what they are really constituting, then it takes an a posteriori approach, a full blown examination, to tell us the bounds of the social phenomenon at hand. Such an a posteriori determination of the phenomenon will, in turn, might give us the exact constituting factors of the phenomenon which is crucial in determining the reference of the term that sets out to pick out the phenomenon.

Now, in prioritizing practices, there is a possible pitfall. The points above can be read as a total disregard for the cultural emic beliefs held by a community. After all, if we solely focus on social practices as constitutive of social phenomena, one can always disregard a given web of social meaning to make claims of the kind “Yes, that is your

¹⁴ For another strategy, see Bazargan-Forward’s (2022) approach wherein he proposes the idea of division of agential labor. Accordingly, collective agency (and hence, intentional action) can be divided into roles among participants in the form of “a deliberator” who settles the matter for “the executor”.

belief but what actually goes on is something entirely else.” This is not a good thing to say to a community under anthropological examination and it does sound awful a lot like a form of cultural oppression. And this yields a dire tension with one of the core tenets of social ontology, namely that our way of describing the social world should also be ameliorative. Even minimally, without holding an ethical position, a healthy dose of relativism in the methodological sense must be maintained in order to correctly observe the social phenomena at hand, to prevent the scientist’s own cultural prejudices from getting in the way. But what is proposed here is not that we should disregard beliefs of people about their own institutions and other social phenomenon. Indeed, exact concepts (independent from individual beliefs about them) at play in a given social context are constitutive of practices themselves (McMillan, 2018). The claim here is that we should employ practices to track social phenomena across modal space precisely because modality and mental attitudes do not go hand in hand when those attitudes are taken to be constitutive of the phenomena. Suddenly everything becomes possible since everything can be believed in. If we believe hard enough, we can carryover the capital of France to Argentina.

As can be seen, the point is not to disregard beliefs, but to put practices, what is actually done, at the center and this is because of both theoretical needs of the modal kind and because practices do make a better job of capturing what really goes on in the social domain.

5.2 The Discount Transfer Phenomenon

To see all of this in action, imagine going to a grocery store where you can get discounts for specific items only after your total exceeds a specific amount. Now, this policy is written out in a way where only you can get the discount for yourself, given that you have bought enough things above the required amount. But the cashier is lenient in a way where he will let the person after you in the line use the discounts (they might want to use the discount even though their total is below the specific amount) by writing them to your receipt (but of course you do not pay for these extra discounted items). Presumably, this is only so if you and the person after you agree.

Now, imagine a new cashier just beginning her shift. She can adopt this practice without really knowing that the way the store policy is written bars people from transferring their discounts. She might even forget to ask for your assent in transferring the discount to the next person, so you will be surprised to find some extra items in your receipt but the amount you have paid exactly corresponds to the item you yourself have bought, so there will not be much dissent. So, the belief in the explicit rule here will not really matter for the constitution of the social reality, as neither does your belief in the practice.

Similarly, there can be another cashier which is a rules-as-written type of person who voices his dissent against the practice. But that does not necessarily get in the way of the practice, he might still grant discounts to other shoppers either because they expect it, or because he fears some ethical backlash from his coworkers if they were to seem him withholding discounts to other shoppers.

Lastly, there can be a foreign cashier who does not really know the language but operates in a “Chinese Room” manner where he knows the sentences he has to utter during transactions without really grasping their meaning. As such, I do not see anything getting in the way of this cashier being able to implement the discounting practice. Of course, once the word gets out, presumably there will be an investigation into whether there is a form of forgery going on. After all, you have been getting receipts that include items that are not in your possession. But this says something about the legal character of the social phenomena at hand, about its normative evaluation, not about the reality of what is going on in the market.

What is the role of beliefs in this case? Against the classical Searlean claim of collective agreement, people do not have to explicitly endorse the practice, that much we have seen. Moreover, like the foreign cashier, people do not even have to have explicit knowledge of what they are doing to constitute these practices¹⁵. This is to the point where multiple different beliefs and interpretations of situations can be supported by the actual practice. The most radical claim here would be to say that not even one person in the grocery shop has to have discount-related beliefs for there to be a discount transferring phenomenon. But I do not intend to go that far; as far as there is a practice, either some individual beliefs are supported by it or not. For example, all the customers could have had a radically different (and mistaken) interpretation of the situation wherein they think that some extra items appear on

¹⁵ This is also interesting from the perspective of action theory as Anscombe (1963) famously asserted that one has the immediate non-observational knowledge of what one is intentionally doing. In our case, there is something worrisome when the foreign cashier is granting discounts, without really knowing what he is doing. The worry is defused when we grant that the cashier is granting discounts without really intending to do so as all he intends to do is to speak some words that he does not really understand. This plays into our hands, as the constitution of social reality of discount transferring does not even have to have intentions at play on the part of the person authorized with the transfer.

their receipts due to the cashier making them up in order to reach a sales quota to get a bonus. And people who get to buy discounted items might interpret the situation as one of goodwill on the part of cashier. To complicate things even further, this cashier might even be our “Chinese Room” cashier! All the beliefs in play in this particular scenario are actually supported by the structure of the discount transferring practice that has been established by precedence. After all, none of the customers or cashiers think that they are in a situation where, say, they are partaking in a democratic election for a leader. Even though previous mistaken beliefs are quite understandable (and somewhat fitting) beliefs and interpretations of the discount transfer phenomenon that is actually taking place, to interpret the situation as one of election would be unreasonable given the customers’ knowledge that they are in a grocery store, shopping for items they want. Interpretations that can be supported by the practice at hand come in as more salient options.

So, rather than being constitutive of social phenomena, beliefs and intentions are supported by social phenomena. Some beliefs, as interpretations, are supported by the phenomenon (that they are rational or fitting). Intentions, similarly, are directed towards practices (“I intend to grant a discount transfer” which is impossible without the existence of the practice). Of course, this does not bar the idea that some intentions might be necessary for a social phenomenon to occur in its first instance. In our example, certainly the discount transfer phenomenon could have been the overt intention of a cashier. But as my question is to see how to track these social phenomena across modal space *after* the fact of their establishment, we do not really need to pay much attention to such initial intentions.

5.3 Characterizing Practices

Giving an exact theory of social practices might be quite the task. Quaranto (2022), in her analysis of the practice of dog whistling and how it can be instantiated without an intention to do so, says that “while it may be minimal, the pre-theoretic notion of practice is not uninformative. In fact, it’s sufficiently rich to distinguish social practices from at least some other collective phenomena.” (p. 330). What does such a pre-theoretic understanding of practices involve? According to Quaranto, following a Searlean approach to constitutive rules, practices do not involve mere behavioral regularities; but rather, certain actions (intentional or unintentional) count as certain social phenomena only in the light of a “right kind of practice” (2022, p. 330). On top of this familiar observation, Quaranto goes on to stress the importance of history and structure of specific practices. From the example of discount transfer in a grocery store, we can see how both of these factors come into play. The reason that the “Chinese Room” cashier can be said to carry on the practice of discount transfer is precisely because there is a history of precedence that is propagated to cashiers working in that store. This propagation does not even need to take the form of an explicit socialization or social learning. If the right kind of history, along with the structure of the discount transfer practice (i.e. that the option to get a discount on some items becoming available due to the previous customer exceeding a specific amount in his or her buying), is at place, we can identify the practice of discount transfer. More importantly for my own goals here, this should provide us with a jumping board to imagine discount transfer practice across different counterfactual scenarios.

Now, a worry here is that I might be putting the cart before the wagon. After all, counterfactuals are most frequently used to investigate the nature of a thing or a class of things so that what is essential to the said entity can be revealed through counterfactual thought experiments. But as I stressed before, our intuitions regarding how a social entity or a phenomenon behaves modally are quite fuzzy. Is it possible to have a world where the capital of Canada is Ankara, and still be talking about both Canada and Ankara? So, I maintain, it all boils down to establishing a method of tracking these entities across possible worlds. And currently the best of way of doing so seems to involve characterizing such entities to be constituted by practices, as I tried to show that our modal intuitions regarding practices are in a much better spot. In the case of Ankara being the capital of Canada, we should refer back to established practices of declaring cities as capitals of countries. But what should we do when we have many different practices for declaring a city as capital at varying levels? As Quaranto rightly observes, social practices come with varying levels of generality in the sense that Canada's established practice of declaring a capital might be subsumed under a more general, global practice of declaring a capital. If Canada got its capital through the declaration of a monarch, wherein rest of the world got theirs through a referendum, which practice should we employ to determine the question of possibility of Ankara being the capital of Canada? I think it all depends on the actual practice that is relevant to the scope of the scenario at hand. If the scenario involved Ankara being a capital of any other country than Turkey, then by all means it becomes rational to take the capital establishing practice as one involving a referendum. But if we are limited to Canada, and if Canada is actually bound to the practice of establishing a capital through the decision of a monarch, then that should be the practice which determines the possibility of the scenario.

There remains the further question of how to individuate practices, or the question of criterion of identity for practices themselves. McMillan, in his book “The Constitution of Social Practices” (2018) provides several key insights into these questions. His view of practices is grounded in action theory, wherein practices are regularized actions under descriptions where only some of these descriptions qualify these practices as intentional action (so the previous considerations I have proposed are not really at risk). Moreover, as these descriptions of actions also embody a web of knowledge peculiar to the domain of practice at hand, knowledge and concepts that figure in it are constitutive of practices. “Throwing a marked paper in the ballot box” only becomes the practice of “voting” in the light of a complex net of neighboring practices and social knowledge where we have the appropriate concept of “vote”. But there is no requirement in his theory for people to have explicit knowledge of the concepts they are employing so the considerations of epistemic opacity are saved.

As practices and concepts are individuated through the specific historical context in which they figure, McMillan warns us against the dangers of what he calls “retroactive redescription” which denotes the employment of current concepts to make sense of past practices. If Romans did not have a concept of war criminality, it would be dangerous to assess Julius Caesar as a war criminal given that war criminality is a concept loaded with our present conception of the matter. Rather, we should assess practices and concepts in their full contextual specificity.

What I have been defending is the idea that whenever we are tracking the sameness of a social entity across modal space, we are tracking practices to ensure that identity. To connect this with the exposition of McMillan, the fact that practices are usually context-bound implies that social entities are also context-bound. This means that one cannot evaluate social entities outside their specific configuration of their relevant and neighboring elements and the overall history. What does this entail for modality? Basically, modal inquiries have to be limited to their contexts. If the specific configuration and history is absent, there could not have been baristas in Ancient Egypt, no matter the surface level-similarity.

The rival approach is to consider social entities, at least social kinds, as universal tools. According to Epstein (2019), in the process of grounding, we set up social kinds as universal tools whose boundaries transcend temporality and modality. This enables us to consider a social kind in possible worlds in which the actual anchoring of the social kind does not really obtain. Hence, it becomes plausible to entertain the idea whether there could have been baristas in Ancient Egypt or whether Julius Caesar was a war criminal. But how this could be, given the enormous specificity that is lost in such a process? As McMillan stresses, actual empirical investigation will reveal more differences between social kinds and practices in different contextual cross-sections than it does similarities. For example, the matter of war criminality, as a contemporary concept, certainly involves contemporary worries and observations. So, it is not obvious whether a given social kind will unproblematically find its counterpart in another context, possible world, or time span. But on top of this, even when we are explicitly putting down the grounding conditions of war criminality (roughly something like “for all x , if x engages in practices a , b , and/or c ;

then x is a war criminal”) then it is equally unobvious whether these practices have their counterparts in other contexts or times. It was the horrors of the 20th century warfare practices that fueled the Geneva Conventions, not the warfare practices of ancient Romans.

Of course, here one encounters a kind of Goldilocks problem: how specific or general should we be when trying to individuate practices? For instance, should we talk about European warfare practices, 20th century warfare practices in Europe, or even more specifically (and perhaps, absurdly), warfare practices in the South Bavaria in the last day of 1967? McMillan’s answer is:

“When identifying and characterizing types of behaviour, a good first rule of thumb is to try to maximise specificity and precision to whatever extent remains consistent with retaining empirical generality in a given realm of activity in a given spatio-historical context.” (2018, p. 113)

As we can see, the answer does not only spring from methodological worries but also from being truthful to the ontology of practices, i.e., to the fact that practices are constituted within spatio-temporal boundaries in the form of coalescing domains of activities. As such, we can construe specificity as a methodological demand that comes from the nature of practices. As the form of investigation demanded here is holistic in nature, to determine whether Julius Caesar was a war criminal requires us to look whether Imperial Romans had the similar practice of war criminality; similar in its object, in its domain, in its interconnectedness with neighboring domains of activity etc. Of course, the answer in such an inquiry will almost always be a no. But when it is carried out to possible worlds, to the domain of ‘could-have-been-the-case’s, the suggestion here would be to export the whole of the specificity to the

possible world under observation. The rigid designation of a social kind or the name of a proper social entity stems from the practices that underlie them. And as practices have to be exported to the possible world under investigation in their full specificity, we would not really call, let's say, a Martian a war criminal unless we observe the same historical structure and specificity we come to expect of war criminality. So, if we are to follow McMillan's holism to its full extent, social modal inquiry quickly evolves into an inquiry of whether the practices at play can be fully present in a given modal scenario. This might seem quite exclusionary and rigid but as long as we are confident that this account does justice to the nature of social phenomena and as long as things do not evaporate into thin air under counterfactuals involving changes in beliefs, it should be our preferred method of evaluating social modality.

To sum up two results of this discussion: Firstly, if we are keeping the context of practices fixed, then the matter of evaluation is quite straightforward as the practice at hand is inherently tied to the social entity in question. Such are cases that can be called intra-contextual counterfactuals. On the other hand, the best thing we can do to accommodate the evaluation of questions such as whether Ancient Egyptians could have baristas or whether Julius Caesar could be considered as a war criminal (trans-contextual counterfactuals) would be to look at the body of knowledge and practices inherent to such contexts and to see whether we observe intelligible analogues to our own conceptions.

CHAPTER 6

CONCLUDING REMARKS FOR A BETTER POSSIBLE WORLD

I think that the discussion above provides adequate reasons not only to consider practices as the criterion of identity for the rigid designation of social terms, but also for reevaluating the Searlean approach to social ontology. Moreover, I believe that the example of discount transfer phenomenon and its analysis solves the problem of Searlean thought experiment I mentioned in Chapter 2. Beliefs and intentions seem intuitively important, yes, but what contributes to the construction of the social world, I believe, turns out to be practices. For example, it is causal-explanatorily important to consider the beliefs and intentions when it comes to evaluating phenomena such as stock exchange or voting. And it seems valid to assume that without people's beliefs and the value they attribute, money or vote does not seem to amount to anything. But what I provide here is that if such mental attitudes are not translated into concrete practices, nothing will really change.

This thought also provides the basis for the solution of the problem I dubbed "The band of Theseus" and the widespread violation of temporal rigidity. As it seems, even if everyone believed that the cover band I and my friends have formed is Metallica, we would not really be Metallica. Why? Because we lack the practical history

associated with Metallica. If we were to “infiltrate” Metallica, one by one, and were to take part in the practices that make up Metallica then, by all means, we would be Metallica. And as long as we operate as a metal band, as long as the practices are sound and intimately tied with the history of Metallica, there would be no intuitive problem in us being Metallica. I do not want to claim that “Metallica” means the totality of historically situated practices, rather, my claim is that to see whether I and my friends would count as Metallica under such scenarios, we should track such practices.

With this issue out of the way, I think this is a good place to talk about the shortcomings of this present project, for there are several. For one, as you might suspect, I do not say much about specific practices for I believe that it is the job of the social scientist to unearth which social entities can be tracked through which practices. Related to this, the question of whether we can employ practices to track social entities or whether they are metaphysically constitutive of social entities is left ambiguous. The weak version of the thesis defends the former as I suspect that properly establishing the latter would take much more work than allowed within the bounds of this current project. Moreover, one central question of social ontology is entirely left untouched, which is the question of collective agency. While the weaker claim has no qualms about such issues, as it only provides a way of modally identifying collective entities, the possible strong claim (that practices are constitutive of social entities in the necessary and sufficient sense) should have much to say about this. Specifically, if collective agents are nothing more than an aggregate of closely tied practices of individuals, then how do we answer questions such as the culpability and responsibility of collective agents?

Nevertheless, if I were required to emphasize one lesson that we can draw from this work, it would be the all too familiar Marxist lesson of primacy of action over interpretation. After all, if modality is about possible worlds, any modal scenario involving social entities can also be about possible futures of our society. And if it all comes down to practices, then it is more than necessary to envision social change through changes of practices.



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