In: ed. K. Mulligan, 1987, **Speech Act and Sachverhalt: Reinach and the Foundations of Realist Phenomenology**, Dordrecht: Nijhoff, 29-90.

Promisings and other Social Acts: Their Constituents and Structure

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§1 THE DISCOVERY AND DESCRIPTION OF SOCIAL ACTS (SPEECH ACTS)

> One of the reasons why the subject of speech acts is so much fun, is that you don't have to worry about what all the great figures from the past said, because most of the great philosophers had no theory of speech acts. You can't go and find Kant's view on apologising or congratulating, as far as I know . . . (Searle 1984, 25[1])

The discovery of what Reinach called *social acts* (in 1913) and Austin *speech acts* (in 1962) was first and foremost the discovery of a type of linguistic action which, Reinach and Austin are convinced, had simply not been noticed hitherto. It is true that both authors present their discovery within a theoretical framework and that they hoped that their accounts of the phenomenon discovered would be taken as representative of new ways of doing philosophy. It is also true that there are great differences between the frameworks and the hopes of the two philosophers. But both are emphatic that their primary objective is to bring into focus, and fully *describe*, a phenomenon of which promising is their favourite example. Other social acts dealt with in some detail by Reinach are requesting, questioning, ordering, imparting information, accepting a promise and legal enactment, – which except for the last two – are all at least touched on by Austin.[2] In all these social acts we have "'acts of the mind' which do not have in words and the like their accidental additional expression". Rather, they "are *performed in the very act of speaking*" (GS 215; trans. 36 – my emphasis). These cases of doing something by saying something are, and give rise to changes in the world. They are associated with a variety of different effects. Examples of the effectivity *(Wirksamkeit)* of social acts are both the obligations and claims to which promises and orders give rise and the behaviour, whether a social act or a non-linguistic action, which some social acts are intended to bring about (GS 194-6, 306, 216; PdR 43; trans. 21).

Reinach and Austin shared the conviction that they had *noticed* a new phenomenon (as Brentano and his pupils had noticed the existence of states of affairs or perceptual Gestalts). And since both thought discoveries in philosophy and description go hand in hand, it will be useful to begin by looking at what this emphasis on description actually implied.

Reinach's work on social acts, like his work on mental acts and states such as deliberation and belief, is repeatedly characterized by him as being *descriptive* (e.g. GS 90). His investigations belong to descriptive psychology, the term used by Brentano and all his heirs up to and including the early Gestalt psychologists. The epithet 'descriptive' indicates that clarification and elucidation *(aufklären)* as opposed to explanation *(erklären)* are in order (GS 381). "Descriptive psychology ought not to explain and reduce one thing to another, its aim is to elucidate . . ." (GS 384; WiP 31) Description is opposed to genetic explanation, to the search for empirical regularities, to constructions and to going too quickly. A related contrast is also to be found in Wittgenstein. It is to the first half of this contrast that Austin is alluding in the well-known words: "The total speech-act in the total speech situation is the only actual phenomenon which, in the last resort, we are engaged in elucidating" (*How to do Things with Words* = HTW 148). "There is", writes Austin, "no short cut to expounding the full complexity of the situation." (HTW 38). The numerous attempts to 'explain' – Reinach uses scare quotes – the connexion between claims and obligations on the one hand and promises on the other hand have invariably led to 'hopeless constructions' because the foundation of the theory is wrong, because for example promising is described as making known a resolution. But the first task is to begin at the beginning and make clear what promising really is (GS 188-189; trans. 17). Reinach's conviction of the importance of unalloyed description even leads him at one point to claim that he is not giving a theory of promises (GS 229; trans. 46). But this should not lead us to misinterpret the nature of the enterprise he is engaged in. Descriptive psychology, and in particular the descriptive psychology of meaning, yields not only description, taxonomies and inventories but insight into structure (GS 380, 381, 386; UP GS 380ff., WiP 22ff.) Reinach's theoretical concern is to correct, improve and build on the account of mental acts and sign use set out above all by Husserl. To this end he employs a theory of structure which Husserl, like other 'heirs' of Brentano such as Ehrenfels and Meinong, had already employed. Austin, on the other hand, is concerned to combat a view of language that, due to efforts by logicians to regiment ordinary language with the help of bits and pieces of the propositional and predicate calculi and of early semantics, had won

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This is an expanded version of a talk given in German at Utrecht in 1983. I am grateful to Gottfried Gabriel, Ingvar Johansson and Wolfgang Künne for helpful criticisms.

[1] A heavily qualified version of this point is made at Searle 1983, ix.

[2] Reinach's theory is set out in his monograph *The Apriori Foundations of the Civil Law*, in particular in § 2 *Claim and Obligation*, § 3 *The Social Acts*, § 4 *The Act of Promising as the Origin of Claim and Obligation*, § 7 *Representation*, § 8 *Enactments and the Propositions which Express Enactments*. References to this monograph are always to the *Gesammelte Schriften* (= GS), in which this monograph runs from p. 166 to p. 350, followed by references to the reprint *Zur Phänomenologie des Rechts*, 1953 (= PdR), followed by references to John Crosby's English translation (= trans.). References to other works by Reinach are always to the GS and are preceded by the abbreviation of the title of the work in question and followed by a reference to the best English translation where this exists (see 300ff this volume).

Reinach mentions or deals with the following social acts:

promise GS 174f., PdR 21f., trans. 8f.
acceptance of a promise GS 205, PdR 56, trans. 29
command GS 189ff., 250, 301; PdR 38ff., 110, 171; trans. 18, 65, 106.
question and answer GS 194, PdR 43, trans. 21.
request GS 190, 194, 250, 277, PdR 19ff. 42f., 110, 141, trans. 19, 21, 65, 83.
(legal) transfer GS 177, 253, 273, 282; PdR 24, 112, 137, 146; trans. 10, 66, 80, 87.
assuming and conveying (an obligation) GS 264; PdR 125; trans. 74
informing GS 194, 277; PdR 42, 141; trans. 21, 83.
praying GS 194; PdR 42; trans. 21 (on the assumption that God exists and can read our minds).
act of submission GS 309; Pd R 178; trans. 111.
'meeting of the minds' (*Willenseinigung*) consisting of the social acts of offer and acceptance GS 206; PdR 57; trans. 30.
grant (confer) GS 212, 273, 290, 302, 335f.; PdR 64, 137, 155, 170, 209f.; trans. 34, 80, 93, 105, 129f.
allowing (*Gestatten*) GS 323; PdR 194-5; trans. 120
admonish GS 277; PdR 141; trans. 83.
thank GS 277; PdR 141; trans. 83.
advise GS 277; PdR 141; trans. 83.
waive (a claim) GS 212, 213; PdR 61, 63; trans. 32, 33.
revoke (a promise) GS 212, 213; PdR 62, 63; trans. 32, 33.
enact (stipulate, lay down) GS 297; PdR 165ff.; trans. 102 ff.

This list is a rounded out version of a list given by von Baeyer (1969, 75).

Speech Act and Sachverhalt, edited by Kevin Mulligan

acceptance among many philosophers. Both Austin and the logicians he criticizes accepted that the primary unit of philosophical analysis was linguistic. What was at issue for Austin was the largely unexamined assumption that declarative utterances were the central type of linguistic unit. This is the background to the structure of Austin's argument in *How to do Things with Words.* Explicit performative utterances are there introduced as a class of utterances alongside the class of constative utterances that the logician is assumed to have got more or less right. Only gradually does Austin try to persuade us that in fact the logician has failed to see that both constatives and performantives belong to the category of speech acts, and that a proper appreciation of this plays old Harry with the true/false fetish (HTW 151) and with the simple situations envisaged in logical theory (HTW 143). In spite of their different theoretical backgrounds and ambitions, however, Reinach and Austin come to more or less the same conclusions about the traits of speech acts (see §2) and about the need for a distinction between those linguistic (and non-linguistic) entities that are capable of being true or false and those that are 'beyond truth and falsity' (see §3).

There is fairly widespread agreement about what the discovery of speech acts consisted in. Levinson (1983, 243-44) distinguishes three main points. First, the recognition that all utterances not only serve to express propositions but also perform actions. Secondly, the recognition of a privileged level of action – the illocutionary act – which is intimately associated with utterances of certain types. Finally, the recognition of a type of utterance that directly expresses illocutionary force. Each of these three points was made by Reinach but the way he makes them and the framework in which his account is embedded sets it apart from those of Austin, Searle and their successors. In particular, as we shall see, Reinach's understanding of the type of linguistic action involved in a promise or request is much sharper than that displayed by many more recent theories because of his grasp of a double contrast: the action of promising contrasts *both* with other types of linguistic and non-linguist action *and* with what he often calls internal experiences and what I shall call mental acts and states.

Sophisticated philosophical awareness of the category of action in general and of linguistic action in particular is by and large a recent phenomenon.[3] Brentano and his pupils had concentrated mainly on mental acts, although increasingly within the Brentanist tradition philosophers were to turn their attention to action and linguistic action. But is to Reinach alone that we owe the discovery of that very specific type of linguistic action that he called social acts. Here is Reinach's first preliminary formulation of what social acts are, from §3

[3] Reinach's account of the category of linguistic action has a quite different sort of pedigree than work that traces its origins back to Wittgenstein, Ryle and Austin. For the discovery of action and linguistic action in the Brentanist tradition see Ehrenfels 1982, Höfler 1897§ §77–78, Pfänder 1900. Marty (especially in Marty 1908) studies the role of certain fundamental types of linguistic action, the uses of signs to trigger off (*auslösen*) and steer responses in linguistic interaction. This led him to give an account of the contribution of intimation (expression, *Kundgabe*) – what a speaker shows or indicates as opposed to what he says – and of the complex mental acts that are nested intentions – a speaker's intention that what he says be recognised as an intention that . . . – to the mechanism of linguistic triggering. The effects triggered off by uses of signs can be either deliberate or unintended but although Marty is acutely aware of the difference between intended and unintended, conventionally produced and non-conventionally produced effects he has no notion of what a social act is (Marty 1908 280ff. 490ff). Stumpf's largely unpublished work in Berlin on the descriptive psychology of the will and action seems to have been responsible for the early work by the Berlin Gestalt psychologists on this tropic (cf. Lewin 1926, 1927/1981). Pfänder and Daubert gradually recognised in the first decade of the century that the peculiarities of imperative utterances and questions made it necessary to introduce sub-divisions into the broad category of linguistic action (cf. Smith 1987), subdivisions which Marty had not recognised. In two superb studies *Die Krise der Psychologie* (1927) and *Sprachtheorie* (1934) the Gestalt psychologist and philosopher of language Karl Bühler, building on Marty, put the problem of the relation between action and linguistic action on the one hand, and mental acts and states on the other hand, squarely in the center of his investigations.

'The Social Acts' of his 1913 monograph *The A priori Foundations of Civil Law,*[4] a formulation I quote at some length since many of the contributors in this volume have occasion to refer to it:

> A command is neither a purely external action nor is it a purely inner experience, nor is it the announcing (*kundgebende Ausserung*) to another person of such an experience. This last possibility seems to be the most plausible. But it is easy to see that commanding does not involve an experience which is expressed but which could have remained unexpressed, and also that there is nothing about commanding which could rightly be taken as the pure announcing of an internal experience. Commanding is rather an experience all its own, a doing of the subject to which in addition to its spontaneity, its intentionality and its other-directedness, the need to be grasped is also essential . . . commanding . . . requesting, warning, questioning, informing, answering and . . . many other acts . . . are all social acts, which by the one who performs them and in the performance itself, are cast towards another person in order to fasten themselves in his soul.
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> The function of social acts whereby they make themselves known (*Kundgabefunktion*) could not fulfil itself among people if the acts were not in some way expressed externally. Like the experiences of another person, social acts can only be grasped through some physical medium; they need an external side if they are to be grasped. Experiences to which it is not essential that they turn outwards, can unfold without making any external appearance. But social acts have an inner and an outer side, as it were a soul and a body. The body of social acts can vary widely while the soul remains the same. A command can be expressed in mien, gestures, words. One should not confuse the utterance (*Äusserung*) of social acts with the involuntary way in which all kinds of inner experiences such as shame, anger or love can be externally reflected. This utterance is rather completely subject to, our will and can be chosen with the greatest deliberation and circumspection, according to the ability of the addressee to understand it. On the other hand, it should not be confused with statements (*Konstatierungen*, constatives) about experiences which are now taking place or have just taken place. If I say "I am afraid" or "I do not want to do that", this is an utterance referring to experiences which would have occurred without any such utterance. But a social act, as it is performed between persons does not divide into an independent performance of an act and an accidental statement (*Konstatierung*) about it; it rather forms an inner unity of voluntary act and voluntary utterance. For here the experience is not possible without the utterance. And the utterance for its part is not some optional thing which is added from without, but is in the service of the social act, and is necessary if the act is to carry out its function of making itself known to the other person. Of course there can be statements (*Konstatierungen*) about social acts which are accidental to them: "I have just given a command". But these statements refer to the whole social act together with its outer side, which should therefore in no way be confused with a statement about the latter. (GS 191-192; trans. 19-20, modified)

Reinach's discovery of social acts,[5] as set out in this passage, introduces a number of distinctions. First, the distinction between actions and internal experiences such as shame,

[4] A treatise on the philosophy of law is only apparently an unlikely setting for an account of speech acts. Austin was aware of the way in which problems in speech act theory pose themselves very sharply in the legal domain (see the quotation with which §3 begins below). The juridical aspects of speech acts have been most intensively studied by the linguist Ducrot (Ducrot 1972, 77ff.). On the connexion between Reinach's account of speech acts and his philosophy of law, see Paulson this volume 145 –152.

anger, desirings and perception. Second, the distinction between two types of action, linguistic actions and "purely external actions", such as killings and kissings. Third, the distinction between two types of linguistic action: social acts which, "are performed in the very act of speaking" (GS 215; trans. 36; cf. HTW 124f.) and require uptake and, on the other hand, all those actions in which signs are used but no speech act is performed. Examples of the latter are uses of signs in solitary assertings (GS 193; PdR 42; trans. 21) or the verbal meanderings of children; perhaps also uses of signs to evince emotion or to bring about other types of effects in interlocutors (the types of linguistic action dealt with by Marty and Bühler under the heading of *Ausödsung and Appell* – the triggering and appellative functions of language). Uses of signs to intimate (indicate, announce, show, *kundgeben*) are linguistic

[5] Reinach had only one predecessor. The term 'social act' and some of the theory of this *sui generis* type of linguistic action are to be found in the fifth of Thomas Reid's *Essays on the Active Powers of the Human Mind* (1788, chapter VI, *Of the Nature of a Contract*). Like Reinach, Reid is concerned to distinguish mental acts – which he nicely terms 'solitary acts' – to which linguistic expression and an addressee are not necessary, from 'social acts' or 'operations':

> A man may see, and hear, and remember, and judge, and reason; he may deliberate and form purposes, and execute them, without the intervention of any other intelligent being. They are solitary acts. But when he asks a question for information, when he testifies a fact, when he gives a command to his servant, when he makes a promise, or enters into a contract, these are social acts of mind, and can have no existence without the interventionof some other intelligent being, who acts a part in them. Between the operations of the mind, which, for want of a more proper name, I have called *solitary*, and those I have called *social,* there is this very remarkable distinction, that, in the solitary, the expression of them by words, or any other sensible sign, is accidental. They may exist, and be complete, without being expressed, without being known to any other person. But, in the social operations, the expression is essential. They cannot exist without being expressed by words or signs, and known to the other party. (Reid 1969, 437-438)

Like Reinach, Reid was concerned to refute the "common opinion of philosophers, that the social operations of the human mind are not specifically different from the solitary, and that they are only various modifications or compositions, of our solitary operations, and may be resolved into them" (Reid 1969, 438). Hume is a central target of their criticisms, since, he thinks that "a promise is some kind of will, consent, or intention, which may be expressed, or may not be expressed" (Reid 1969, 453, cf. Reinach's formulation above 32-33. Reinach GS 212-217, trans. 34-38). Like Reinach, Reid argues that social acts are not capable of truth and falsity.

Scottish philosophy was congenial to Brentano and all his heirs, including the early realist phenomenologists. On Hume and Reinach, see Davie, this volume 257-274. On the early phenomenologists' familiarity with Reid, see von Aster 1935, 88 and Peters 1909, a Leipzig dissertation on Reid's theoretical philosophy, by a pupil of Husserl in Göttingen who had also studied in Munich. On Reid and phenomenology, see Mulligan 1987d. It seems that it is as likely that Reinach had some acquaintance with Reid's theory as it is that Austin had some acquaintance with that of Reinach. Aquinas – *Summa Theologica*, III, q.60- and *Vico Scienza Nuova* – anticipate speech act theory only.

Between Reinach and Austin (or Benveniste 1958/1966) speech acts were discussed by the linguist Koschmieder (1929, 62-64; 1945; 1952, 28; 1965 223f.) On Koschmieder on the linguistics of performatives, see Schopf (1969, 207-222), and Conte (1983, 100). Koschmieder adopts the Marty-Bühler distinction between the use of language to represent or assert or describe states of affairs and its use to trigger off responses in an interlocutor. He then distinguishes between the use of the present tense to report a state of affairs and what he calls the 'Koinzidenzfall', the case where the simple present is used to describe an action that coincides with the action performed by uttering the sentence in the simple present. In the latter but not the former case the particle 'hereby' is appropriate.

> the use of the present to report . . . belongs to the level of representation, the case of coincidence belongs to the level of *Auslösung* (triggering responses), although it does not demand a response like an imperative but rather 'is' a triggering . . An *I hereby request* is the release or triggering off of a request, whilst and *I am making a request* is no trigger but a representation like *I am writing* (Koschmieder 1945 (1945/1965) 1965, 33).

actions that may or may not form part of social acts [6] (Although it is true that the distinction between what I intimate and I say in asserting p only makes sense if I *normally* intimate something *to* someone). Finally, Reinach distinguishes between the linguistic actions that are performed in uttering performative formulae and the linguistic and non-linguistic actions that belong to the effects of social acts. Promisings, enactings and orderings "are acts which by being performed intend to effect a change in the world and sometimes do effect it" (GS 306; trans. 108; cf. GS 314; trans. 114)[7]

Reinach warns against confusing mental acts with the new category of linguistic action he has discovered:

> We have to be careful not to distort this state of affairs by dragging in the ideas (or conceptions) to which we are accustomed. A command is neither a purely external action nor is it a purely inner experience, nor is it the announcing to others of such an experience (GS 191; trans. 19).

A social act is not a mental act, nor a non-linguistic action, nor just any old linguistic action – although the "fundamental new concept" required (GS 189; trans. 17) involves all three.

Taking advantage of the shared conviction of Reinach and Austin that relatively theory-free description of the phenomenon of social (speech) acts is possible, I shall set out the main traits of the latter according to Reinach in § §2-3, indicating points of convergence between the descriptions given by the two philosophers. I shall then set out the *theory* of dependence on which Reinach relies in his theory of how the parts of social acts hang together (§ §4-5). This is the first of two theories Reinach takes over from Husserl; the second such theory enables him to give a unified account of the great variety of social acts (§6).

§2 THE PARTS OF PROMISES AND OTHER SOCIAL ACTS

There are more and less 'ontologically committed' ways of talking about the parts of temporal episodes, in particular of mental acts and speech acts. Austin often talks about parts, and even necessary parts of speech acts. But it is highly unlikely that he would have wanted to invoke any general account of constituency in his theory of speech acts. More recently, Thalberg makes extensive use of a deliberately informal notion of constituency in his account of mental acts.[8] Reinach not only identifies a number of different parts in social acts such as promising, he also, as we shall see, takes his part talk seriously. What are the different parts of a social act?

I The Linguistic Component – 'The Body of Social Acts'

A certain type of linguistic utterance is essential to the explicit performative, an utterance of which Austin nicely says that it is "a, or even the leading incident in the performance of the act" (HTW 8). Reinach describes what has since come to be recognized as one of the

[6] Austin 1961 232-233; HTW 3; on intimation see Husserl LI I, Récanati 1979 chapters 1, 5, 6; Mulligan 1980 chapter 2; and the papers in Mulligan ed. 1987.

[7] The distinction between acts that do and those that do not have their aim outside themselves (praxis vs. poiesis) has been much investigated in the wake of Kenny and Ryle. On the relation between this distinction and speech act theory see Conte 1983, 118f. Cf. also Hoche 1973 Parts II and III.

[8] Thalberg 1977, 18, 115. Thalberg also believes (19) that the notion of necessary componency is language dependent.

linguistic marks of explicit performative utterances the fact that they occur in the present tense and can combine with 'hereby'. Here is his description of the social act which occurs when someone accepts a promise:

> An informative utterance can refer to a past, present or future experience of accepting. It can therefore be made in the past, present or future tense. The social act of accepting, by contrast, admits only of the present tense. To the 'I have inwardly assented' and the 'I shall inwardly assent' there is on the other side of the contrast only the 'I hereby accept.' One should not overlook the distinctive function of the 'hereby'. It refers to a process that is happening along with the performance of the act, that is to the 'accepting' which here as it were designates itself. By contrast there is not the slightest sense in saying 'I hereby experience an inner assent' (GS 206; PdR 57; trans. 30)[9]

Austin, since he wrote in (and about) English, was able to go further and contrast the use of the simple present in performative utterances with the use of the present continuous in constative utterances (cf. HTW 47, 56-58, 61, 75); German possesses no continuous or progressive aspect. Nevertheless Reinach makes a claim about all social acts from which the linguistic component of a social act – for all languages that mark a simple/progressive distinction – can be inferred. My commanding, my promising, my asking a question are all punctual events, Reinach claims (GS 62, 126, 189 and see p. 63 below).

As the long passage quoted in the first section shows, the signs necessary to a social act may be no more than mere actions, gestures (GS 205; PdR 56; trans. 29). The example of 'I hereby accept (your promise)' is the closest Reinach gets to describing what, since Austin, have been called 'explicit performatives', although he is quite clear about the range and variety of implicit perfomatives:

> The same words, 'I want to do this for you', can after all function both as the expression of a promise and as the informative expression of an intention. We find in other cases, too, that different social acts can make use of the same form of expression especially when the surrounding circumstances leave no doubt in the mind of the addressee as to the nature of the expressed social act. One will generally be certain as to whether there is an act of promising or informing behind the words. (GS 200; PdR 50; trans. 26)

In his discussion of implicit performatives Austin points out that from the use of an imperative such as "Go! " alone it is often difficult to tell whether one is dealing with an order or an entreaty. (HTW 33). Reinach makes the same point, even if he seems to be less impressed than Austin by the degree of explicitness that is introduced into a situation by the use of an explicit performative formula such as "I order you to go" and consequently less interested in the linguistic characterization of such formulae.

> [Requesting and commanding] are fairly closely related acts, a fact which is reflected in the considerable similarity of their external expression. The same words can be the expression of a command or a request; the difference manifests itself only in the way of speaking, in emphasis, sharpness, and in other factors which are difficult to capture precisely. (GS 193; PdR 21; trans. 21. On 'tone of voice, cadence, emphasis', see HTW 74)

[9] The social act of accepting a promise is often overlooked, e.g. by Austin. It is not, as Reinach points out, essential to a promise that it be accepted in a distinct social act. Only uptake is essential (GS 208; PdR 59; trans. 31).

II Social Act Moments (Force) and Experience

Social acts necessary involve determinate sorts of experience, even though, as we have seen, they are not themselves any sort of mental experience. Austin, too, points out that 'mental actions' are 'commonly necessary' to the performance of speech acts (HTW 8). This requirement is in fact the content of the rule or necessary condition Δl for a happy performantive (HTW 15), according to which different sorts of feelings, thoughts and intentions are the concomitants of different sorts of happy speech acts (HTW ch.IV, 138).

Reinach writes:

> We have distinguished the social acts as sharply as possible from all those experiences which do not necessarily express themselves to others [do not have any *Kundgabefunktion*] We now have to take note of the remarkable fact that all social acts *presuppose* such internal experiences (GS 194; PdR 43; trans. 21-22)

As an heir of Brentano Reinach is much more confident about the taxonomy of the experiences underlying speech acts than Austin or his successors. One reason for this is that speech act theory was part and parcel of the linguistic turn in philosophy which, amongst other things, had convinced philosophers that descriptions of psychological phenomena were at best descriptions of the language used to express or report or ascribe such phenomena and at worst mythological projections of such language. Austin voices a common suspicion when he writes that

> . . . we are apt to have a feeling that their [performative utterances such as 'I promise'] being serious consists in their being uttered as (merely) the outward and visible sign, for convenience or other record or for information, of an inward and spiritual act: from which it is but a short step to go on to believe or to assume without realizing that for many purposes the outward utterance is a description, *true or false,* of the occurrence of the inward performance. (HTW 9)

Whatever the justification for Austin's irony about philosophers who postulate varieties of 'fictitious inward acts' (HTW 10), Reinach at any rate saw very clearly that social acts are not any sort of description of or statement about mental acts. And unlike many writers on 'pragmatics' his concern to avoid making the mistake of claiming that speech acts are statements about mental acts does not lead him to ignore or play down the role of mental events in the make up of social acts.

Here are the 'determinate types' of experience presupposed by different social acts.

Social Act	*Experience*
informing	conviction
asking a question	uncertainty
requesting	wish
commanding	will
(GS 194; PdR 42; trans. 22)	
promising	will
(GS 199; PdR 47; trans. 25-26)	
enactment	will

(Bestimmung, see p. 42 and p. 71 below; GS 302; PdR 106; trans. 106)

Of these psychological presuppositions, conviction and uncertainty are always *states*. A will or a wish, however, will be episodes, like the social acts of which they are parts.

Because Reinach distinguishes sharply between social acts, which are not purely psychological, and experiences, which are, and which are constituents of the former, he does not assimilate the force or mode of asocial act to the force or mode of a mental act.[10] The two referring expressions 'Maria's (present) uncertainty whether p' and 'Maria's questioning whether p' do not refer to the same entity, no matter how intimate the relation between their referents actually is. We must therefore distinguish between the force of social acts, their being promisings, informings, etc., and the 'quality' – Husserl's term – of their subjacent mental acts and states, that trait which makes them intendings, states of uncertainty, conviction etc. Reinach describes what is now known as "illocutionary force" of an act as its 'moment' of questioning, asserting etc. (GS 98, 105, 72). The moments of informing, questioning, commanding, requesting etc. all fall under the determinable social act which in its turn is a determinate of the determinable *spontaneous* act described in the quotation from Reinach above (p. 33).

The mode (or quality) of a mental act or experience differs from its matter (or sense): I can wonder whether p or see that p. The moment of questioning or promising must also be distinguished from *its* associated matter. The matter of a spontaneous act is described in some detail by Reinach in his 1911 paper on the theory of judgement and it is this description which he draws on in his description of social acts. Such a matter is always a more or less complex meaning (*Meinen*) by a speaker of some state of affairs (*Sachverhalt*) and its constituents. In order to emphasise that he is talking about the particular intention of a speaker in using a particular linguistic token at a given moment Reinach consistently uses the nominalised infinitive *das Meinen*, translated here by the gerund 'meaning', and avoids nouns such as Husserl's 'matter' – his choice of terms here harks back to that of Brentano and Marty and points forward to Austin's talk of a locutionary as well as an illocutionary *act*. If I inform you that Julia loves Jim then my informing you (social act moment of illocutionary force) and my meaning of a certain state of affairs, together with my constituent meanings of Julia and Jim must all be distinguished within the original episode.

Since the meaning involved in any spontaneous act is episodic it is clearly quite distinct from the *content* i.e. state of affairs with which such an act is associated. The latter is conceived of by Reinach along Baroque Meinongian lines and may be either an obtaining or a non-obtaining state of affairs (in the case of assertings and informings), or the questionableness of a state of affairs (in the case of a question) or the behaviour ordered (in the case of a command) and so on. If Jules and Jim assert on different occasions that Jane is jolly their assertions are made true by just *one* obtaining state of affairs. But there are *two* non-repeatable assertions with their own constituent assertion-moments, meanings and underlying experiences. Truthmaking, however, is only one determinate type of a very general relation of fulfilment or satisfaction that can obtain between acts and their contents; as we shall see in §3 only the social act of informing involves the truth-maker relation, which Reinach calls the relation of "fit". Most social acts intend to bring about a change in the world

[10] Both writers on the theory of speech acts and phenomenologists often assimilate the force of speech acts to the quality or mode of mental events (cf. Austin's term 'mental action' quoted above) But mental acts and linguistic actions differ from one another in a number of different ways. In particular, some mental acts, such as judging and willing are not subject to the will, whereas actions normally are. Actions, but not mental acts, are constituents of those complicated and irreversible orderings that are described by 'by'-sentences. I can terrify Mary by promising to F but I cannot do anything by judging that p. Judging may at best be a part of a higher order mental act or action or the term of a causal relation. Cf. Note 42.

and it is the relevant "corresponding activities" (GS 194) which fulfils these "effective acts".[11] The fulfilment relation between episodic meanings and differently qualified states of affairs (contents) is something we shall return to in §5. Here we need note only that since meanings and contents are supposed to be correlatives we can read off what Reinach thinks about the one by looking at what he says about the other.[12] He makes four descriptive claims about the meanings (or contents) of social acts.

First, they are propositionally articulated. (GS 303; PdR 171; trans. 106). A perception of Peter, like my meaning or referring to Peter in a promise to the effect that I will try to help Peter are not propositionally articulated. But the promise, like an assumption or judgement to the same effect are (GS 119; trans. 349).The distinction between propositionally and non-propositionally articulated acts is of course a central theme of Husserl's *Logical Investigations*, particularly the fifth of these. But Husserl had made the distinction only for mental acts and those actions that associate both mental acts and operations with signs. Reinach extends the distinction to social acts, which involve both mental acts and operations with signs, but operations with very specific properties not dreamt of by Husserl.

Second, social acts presuppose *content-restrictions* (and so, too, *restrictions on meanings*) of various sorts. In other words, not just any old contents (meanings) can form a social act. Thus the content of a promise, as opposed to that of most orders, must refer to the promiser's behaviour. (GS 199; PdR 49; trans. 25). The social act of enacting a legal determination must have as its content that something ought to be the case (GS 302; PdR 1.70; trans. 106). These content-restrictions resemble the content-restrictions on emotions, such as the requirement that pride can only occur where there is a thought or perception concerning oneself (cf. GS 190; PdR 39; trans. 19).

Third, the distinction between the social act moment (illocutionary force) and the meaning (or content) of social acts enables Reinach to make an interesting point, on which he unfortunately does not expand.

> Commanding and requesting have a content just as much as informing does. But whereas with informing it is normally only the content which is supposed to be intimated (expressed, indicated *kundgegeben*) to the addressee and not the act of informing as such, with commanding and requesting it is these acts as such which are supposed to be grasped. (GS 193-4; PdR 43; trans. 21 – translation modified)

If I inform you that I live in Gailingen then the object of your act of comprehension will be the same state of affairs that makes what I say (mean) true and no more than this; you do not grasp, or grasp in the same way, that I have informed you that I live in Gailingen. If, however, I command you to live in Gailingen you must grasp not only that you are commanded to live in Gailingen, but also that this is commanded by me (see p. 44 below).

Reinach's fourth claim runs as follows: the 'intentional content' of the experience necessary to a social act 'is identical with the intentional content of the social act or stands in some relation to it' (GS 194; PdR 42; trans. 22; on a parallel distinction, see Ü, GS 123, 137). Although he gives no example, he probably had cases such as the following in mind. I firmly intend to finish two papers by the end of January and promise the editor interested in the first paper that I shall have it ready by that time. Here the content of the will or intention is not identical with that of the promise but, if we assume that 'intend to finish papers a and b' just

[11] Cf. GS 306; trans. 109; Searle 1983 on the different "directions of fit" between speech acts (and mental acts and states) and the world.

[12] Reinach like Husserl, continually points out that 'content' is all too easily confused with 'meaning' (see especially GS 362ff.) and sometimes talks of 'intentional content', 'objectual correlate' to stress the difference.

means 'intend to finish a and intend to finish b', then the two contents will stand to one another in the simple relation of overlap. I promise to do part of what I firmly intend to do. This point about identity or close connexion of content carries over to the relation between the matter of a social act and the matter of the underlying experience, these are always numerically distinct but they will either each instantiate the same abstract proposition (or propositional type) or they will have parts that do so.[13]

If we combine the third and fourth claims we get the claim, recently advanced by Searle, that

> . . in the performance of each illocutionary act with a propositional content, we express a certain Intentional state with that propositional content, and that Intentional state is the sincerity condition of that type of speech act (Searle 1983, 9).

In Reinach's terminology, in performing a normal social act I intimate the propositional matters and content of my individual meaning and of my individual experience. The particular meaning presupposes the particular experience. They correspond to one and the same content.

Searle puts his version of Reinach's fourth claim and account of fulfilment as follows:

> . . . for every speech act that has a direction of fit *the speech act will be satisfied if and only if the expressed psychological state is satisfied,* and *the conditions of satisfaction of speech act and expressed psychological state are identical* (Searle 1983, 10-11).

III Uptake and its Objects

Social acts are not the property of an individual in the way that his experiences are. Rather, they involve groups of individuals, in particular pairs of individuals. Frege and Husserl have made familiar the idea that the sense of a predicate expression, or indeed the meaningful occurrence of a predicate expression is *in need of completion, (ergänzungsbedürftig)* or *unsaturated.* Reinach argues in parallel fashion that the content, meaning and linguistic clothing of *my* promise are *in need of uptake (vernehmungsbedürftig)* by you if a promise is to occur. The social act of promising contains an act of uptake necessarily and is unsaturated without it. The necessity of uptake should not be confused with two closely related features of social acts. Social acts and mental acts can involve other people by being *other-directed (fremdpersonal).* The mental acts or states of forgiving or envying are necessarily other-directed (and most mental acts *can* be other-directed: I can come to a decision about you) as are the social acts of commanding, requesting, warning, questioning, informing and answering and many other acts (GS 191; trans. 19-20). But this is not, as we shall see, a necessary trait of all social acts. What is necessary to a social act is that it be grasped and that it be *addressed to other people.* But although the necessity of uptake and of asocial act's being addressed are correlatives they are not identical. Reinach's distinctions here are subtle and belong to the small group of distinctions he makes that have not subsequently been rediscovered. Let us look first at the case where necessity of uptake, address and other-directedness are all present:

[13] On the identity of what is thought or experienced and what is said in speech acts, see Vendler 1972, ch.2. Vendler, however, does not distinguish between matter and content. On the propositional nature of the contents of speech acts, see ch.1 of the same work.

> [Commanding] differs in a crucial point from such other-directed acts as forgiving. It is not only related to another subject, it also *addresses the other*.
>
> The act of turning forgivingly to another, like the making of a resolution, can unfold entirely within [the subject] and can lack any announcement [intimation, expression *Kundgabe*] to others. Commanding by contrast announces itself in the act of turning to the other, *it penetrates the other* and has by its very nature a tendency to be grasped [heard, *vernommen*] by the other. We never give a command if we know for sure that the subject to whom we turn with the command is incapable of becoming aware of it. The command is by its very essence *in need of being heard*. It can of course happen that commands are given without being grasped. Then they fail to fulfil their purpose. They are like thrown spears which fall to the ground without hitting their target. (GS 190-191; PdR 39; trans. 19)
>
> . . . commanding . . . requesting, warning, questioning, informing, answering and . . . many other acts . . . are social acts, which, *in the performance itself,* are as it were cast towards another person, by the one who performs them, in order to fasten themselves on to his soul. (GS 191; PdR 40; trans. 19-20)[14]

As Austin puts it, 'the performance of an illocutionary act involves the securing of *uptake* . . . essentially' (HTW 117, 139).

But what exactly is the distinction between being addressed, which is a necessary trait of social acts, and other-directedness which, although a feature of many social acts, is not common to all such acts? Reinach's answer to this question is to be found in a description of a class of speech acts that are often overlooked in the literature. Consider the three speech acts:

> waiving a claim,
> revoking a promise

and what Reinach, following a German legal tradition, calls a *Bestimmung*

> enactment (stipulation, issuance).

An example of the latter would be the case where the German Code of Civil Law – or rather the relevant law-giver – lays down that the ability of man to be a subject of rights begins with the completion of birth. Reinach claims that these three social acts are not other-directed *(fremdpersonal),* that they do not refer to any particular person, yet like all social acts they are addressed to another person and must be grasped.

A claim arising out of a promise can be dissolved most simply by the promiser's carrying out the action that corresponds to the content of the promise.[15] It can, however, also simply be *waived.* Waiving must be addressed to another person, and must be grasped, like any social act. But it is not other-directed since it contains no reference to another person (although its

[14] Metaphors such as 'penetrate' and 'fasten on to' are perennially attractive to realists of all persuasions. In his *Principes de Philosophie Realiste* (1985, p. 158) J. Largeault quotes approvingly the mathematician and *Naturphilosoph* R. Thom: For there to be a phenomenon, something must penetrate our eye' (*Paraboles et Catastrophes* Paris: Flammarion 1983, p. 36) and E. Gilson:' that entry of the thing into us that we call sensation' (*Le Réalisme Méthodique*, 1953, p. 82).

[15] Reinach makes *en passant* the interesting observation that the fulfillment of a promise need not be 'phenomenally characterised as such', I need not be aware that what I am doing is carrying out such and such a promise. This case contrasts with the sort of fulfillment relations described by Husserl in the sixth Investigation, such as perceptual verification of an assertion, where such awareness is required (GS 209; PdR 61; traps. 32; fc. also § 5.6 below).

content does: I waive my claim on you that you F) merely to that which is waived, the claim (GS 210; PdR 61; traps. 32). Similarly, promises can be *revoked* – if the claim-holder provides the revoking party with the legal power to do so; the 'intentional correlate' of such a social act is a promise, the person it is addressed to is the person to whom a promise has been made. (GS 211; PdR 62; traps. 33). But I do not waive/revoke *to* you.

Enactments are the third type of social act that need contain no reference to other persons. Although every command presupposes a person or group of people who are commanded.

> . . . enacting does not have this necessary relation to other persons, just as little as do acts like waiving or revoking. Although these acts are addressed to other persons in being performed, their *substance* (*Gehalt*) lacks any personal moment. Whereas I *always* promise to or command *a person*, I simply waive a claim or simply enact that something should be in a certain way. And in the content (*Inhalt*) of the acts, too, we can see the difference in principle between command and enactment. Every command refers to an action of the person or persons to whom it is given just as a promise refers to the action of the one who promises. An enactment, by contrast, just as it does not include necessarily in its content any person at all, does not include any action of a person either. (GS 302; PdR 170; traps. 105)

To say that an act *is addressed* must, I think, mean that it involves a second-order intention. I want my promise or enacting to be grasped. Quite distinct from this are the two cases Reinach seems to want to distinguish under the headings the substance and the content of a social act. We have already come across the idea that the contents of social acts may be restricted in various ways. In the passage above Reinach is pointing out that the content of an order or a promise but not of an enactment must contain a reference to a certain sort of action. But reference to a person or action in the content (*Inhalt*) or matter of an act is distinct from reference to a person – even if it is the same person – elsewhere in the act (in its *Gehalt*). Consider the social acts performed by uttering (1)-(4) in the "appropriate conditions".

(1) I promise [you] that p [= that I shall F]
(2) I ask you whether p (A form that is perhaps more natural in German than in English)
(3) I order you to F [= that you F]
(4) I hereby enact that p

Here the bracketed expressions provide alternative surface realisations of the relevant structure. In each case there is a second-order intention that the act in question be grasped – this, I suggested, is just what it means for a social act to be addressed. But only the propositionally articulated content, or that-clause of (3) necessarily contains a reference to another person. The propositional content of (1), (2) and (4) need not contain any mention of another person. The content of (1) necessarily contains a reference to an action by me (at least in the normal, unmodified case, see p. 85 below), as does (3) to an action by you. (1)-(3) contain *outside* the that-clause or propositionally articulated content of the act a reference to a determinate sort of person. Only in the case of (3) must the person referred to inside and outside the propositional content of the act be identical. In (4) it is a priori excluded that the second argument of the main verb be a nominal argument and so a fortiori that it refer to a person. Perhaps instead of 'substance' and 'content' it would be a good idea to speak of 'content' and 'content' of the 'that-clause' in order to capture this distinction between references to persons inside and outside the that-clause of acts.

The second-order intention that an act be recognized as being addressed, even if, as in the case of an enactment, the intention is merely that the act be recognized by *someone*, is not the

only second-order intention Reinach mentions. As we saw above he claims that in ordering I intend both the act of ordering and its content to be indicated or announced, but in informing I intend only the content to be announced. Unfortunately, in spite of the explicitly mentalist components of his account Reinach does not go into the problems raised by complex or ramified intentions.[16]

Finally, Reinach suggests briefly that although the matter of a spontaneous act is a spontaneous meaning the matter of the mental act of grasping or taking in a social act is essentially receptive. He also suggests that its quality is distinct from that of a presenting act, such as a seeing or hearing (GS 73, note 1; trans. 373, note 11).

IV Confederate and Successor States

Promises and other related temporal episodes of the same type are intimately associated not only with certain episodic components but also with different sorts of enduring states. These may be (i) states in which an actor must be for a social act to occur or (ii) states which come into being when social acts are performed and which, typically, outlive the latter.

One of the best known types of state with which a social act is allied is the position of authority in which someone must be if he is to give an order and closely related to this is the power a law-giver must have if he is to enact that something is the case (GS 199, 309ff, 234ff; PdR 90; trans. 25, 110ff. 53) or the power to revoke a promise mentioned above. These are all states of type (i) Austin describes such states as appropriate circumstances (HTW 15, rule A2 for happy performative utterances). The conviction on which the social act of informing is based and the uncertainty on which the act of questioning is based are states, in particular attitudes (dealt with in Reinach 1911b, ZTnU and 1912/13 Ü; cf. HTW 50). Many social acts are based not only on episodic mental acts but also on belief states bound up with these. Thus the intention to do p on which a promising that p is based requires in its turn a belief that p is not but can become the case.

The two states in which Reinach is particularly interested in his account of social acts are the two results of promising, claim and obligation. These illustrate a new type of effect that social acts may have, distinct from e.g. the non-linguistic actions to which an order may give rise. If Jules promises Jim to do p then Jules has an obligation towards Jim to do p and the latter has a claim on Jules in respect of p. Claims and obligations are clearly not experiences or acts, nor indeed any sort of episode (GS 174ff. trans. 8; HTW 53-54).

We have now looked at all but one of the main marks of social acts according to Reinach. We have found in this account the three components of the discovery of speech acts mentioned by Levinson (see p. 31). Utterances are actions over and beyond their function of representing states of affairs. Certain utterances are bound up with a trait that Reinach calls the social act moment and which has come to be called illocutionary force. A sub-class of these utterances directly express illocutionary force – those containing 'hereby' and a main verb in the present tense. Reinach's account is at its sketchiest when he deals with this last point.

It remains to consider one other mark of social acts – their indifference to truth and falsity. This criterion provided Austin with his starting point but it does not figure in Levinson's list of the main components of the discovery of speech acts, either because Austin himself was

[16] In this neglect of a speaker's second order intentions Reinach resembles Austin and stands to Marty, who attaches a great deal of importance to such intentions, much as Austin stands to Grice and Strawson (see Strawson 1964/71; Grice 1957, Schiffer 1972). On second order intentions in Marty's work see the papers in Mulligan ed. 1987.

sceptical about the criterion's value or because, since Austin, a number of writers have argued that a promise, for example, does have a truth-maker.

§3 'BEYOND TRUTH AND FALSITY'

> . . . writers on jurisprudence have constantly shown themselves aware of the varieties of infelicity and even at times of the peculiarities of the performative utterance. Only the still widespread obsession that the utterances of the law must somehow be statements true or false has prevented many lawyers from getting this whole matter much straighter than we are likely to – and I would not even claim to know whether some of them have not already done so (HTW 19)

Austin's 'first' theory of speech acts – 'the special theory' that is gradually replaced in the course of *How to Do Things with Words* – begun with a contrast between constatives, which can be true or false, and performatives, which can only be (in)appropriate. This is offered as the first preliminary descriptive mark of performatives. The same distinction is also made by Reinach in the course of his discussion of the social act of enactment (stipulation, *Bestimmung*). And indeed Marty had already noted that, *pace* Husserl, questions (and by implication other 'emotives' such as commands) "can be neither true nor false" (Marty 1908, 308).

The sentence in the first paragraph of the German Civil Code, "The ability of man to be a subject of rights begins with the completion of birth" is, he points out, not a hypothetical judgement nor indeed any sort of judgement (GS 299; trans. 103) but an a determination which, though categorical, "stands beyond the alternative true and false" (GS 300; trans. 104). Were we to read the sentence in a textbook of civil law, or were a jurist to make an assertion by uttering the sentence then what we read and what the jurist asserts would be the sort of thing that "can be true or false" and would in fact be true *because* of what the German Civil Code enacts or determines. The utterance which is the enactment or "issuance" of the Civil Code "can – in the teleological sense – be 'correct' or 'incorrect', 'valid' law or 'invalid' law but never true or false in the logical sense" (*loc.cit.*). Just as a command goes wrong if the person uttering the order does not have the relevant authority (HTW 18) so too, were it to have been the case that Bismarck's state was entirely lacking in legitimacy then the promulgation from the German Civil Code mentioned above by the relevant law-maker would have misfired.

In the course of HTW Austin modifies his first crude contrast between what can be true/false and what can be happy/unhappy. Statements, he comes to see, can be happy or unhappy, and the explicit warning "I warn you that the bull is going to charge" can be appraised with reference to the question whether it is true or false that the bull is going to charge (HTW 136). Austin is able to say that speech-acts such as warnings as well as statings have a truth/falsehood dimension only because he does not accept any "simple distinction of true and false" (HTW 147). For he rejects the idea that there is any privileged way in which utterances can relate to facts (HTW 149). Facts come into our assessment of speech acts in "complicated ways" (HTW 142). Truth and falsity are now a "dimension of assessment", and so we are presumably to infer that they are not features that some utterances have independently of any activity of assessment.

If enactment is beyond truth and falsity, this is certainly not the case for all social acts. The social act of informing someone that p contains, as we have seen, the action of asserting and an asserting is the paradigm case, along with silent judgings, of what is this side of truth and

falsity. Reinach is committed to an oldfashioned, realist and univocal notion of truth. And on this view, some social acts are and some are not capable of truth and falsity.

The relevance of Reinach's realist commitment to truth-makers to his account of social acts is most apparent in his discussion of enactment. He there distinguishes sharply between acts that do and acts that do not "fit" states of affairs (GS 304f.; trans. 107ff.). Judgings and assertings are conforming acts, acts of fit (*Anpassungsakte*); questions and enactments are not. The positing character of an asserting "tries to conform" to the independently obtaining or non-obtaining states of affairs.[17] It is true that, as we saw above, a question has as its content or correlate, that with which it is concerned, a state of affairs. But there is no obtaining or nonobtaining state of affairs to which it stands in any relation of fit (GS 305; trans. 107). The assertion that a state of affairs is dubitable is an act of fit but not the corresponding question whether this state of affairs obtains. Similarly, in an enactment something is posited as being such that it ought to obtain but "there is no independently obtaining entity which runs parallel to it and to which it has to correspond" (GS 305; trans. 108).

There are two distinct types of predication that can be made about acts. The first of these applies only to acts that can stand in the relation of fit to the world. "Only conforming acts can be logically right (*richtig* i.e. true) or not right, according as that which they posit as obtaining really obtains" (GS 306; trans. 108).

Reinach gives only judgings and assertions (which are actions but do not require uptake) as examples but, as we have seen, imparting information (a social act) also belongs here insofar as it contains an asserting (cf. HTW 90). And perhaps, too, Austin's example of a warning.

But we must avoid making a mistake which might lead us to think that "the requirement of conforming . . . to the facts" is more common than it really is. It is true that so called wh-questions – for example, "Who killed Virginia?" normally rest on a belief that someone killed Virginia (or some other proposition, depending on the precise intonation with which the sentence is uttered). And since such a belief may fit the facts, must we not conclude that questionings of this sort are acts of fit? To draw this conclusion is to overlook the distinction between episode (questioning) and state (belief). It is because neither the episode nor any part of the episode could fit any fact that Reinach would deny that questioning is an act of fit. And as we shall see in the next section, because Husserl and his pupils distinguish sharply between 'taking Virginia to exist' and 'asserting that Virginia exists' there is no way in which the act of posing a wh-question, as opposed to its non-propositional constituents, or its statal underpinnings, can fit any facts. Questions, enactments, orders, requests, revocations, waivings do not fit facts.

Austin never really explains why he drops the view that "fitting the facts" is a univocal notion – a view he seems to defend elsewhere (Austin 1970 123f.) – and replaces it by the claim that truth/falsity is just one dimension among many of assessment of performatives. One of his reasons comes out perhaps in the following passage:

> Can we be sure that stating truly is a different *class* of assessment from arguing soundly, advising well, judging fairly, and blaming justifiably? Do these not have something to do in complicated ways with facts? . . . Facts come in as well as our knowledge or opinion about facts. (HTW 142)

Austin doubts that the 'attempts that are constantly made to effect this distinction' are successful. Reinach's description of the second type of predication that is applicable to acts is designed to go some way towards effecting a clear separation between social acts that can and

[17] John Crosby's good translation of Reinach 1913 translates 'bestehen' as 'exist', as do translators of the *Tractatus*, rather than 'obtain'.

those that cannot fit the world. It concerns the predicable "– is grounded" (*gegründet*, justified; "is teleologically right")

> A *question is* grounded insofar as the state of affairs which it puts into question is objectively doubtful; an *enactment is* grounded insofar as the norm which is enacted, objectively ought to be. (GS 306; trans. 108)[18]

So social acts are connected in at least two 'complicated ways' with states of affairs. First, the intentional correlates of acts are states of affairs. Second, if an act is grounded, it is grounded by a state of affairs in which the act's correlate occurs. Jim's querying whether p is justified if and only if p is really doubtful. Only states of affairs can stand in the grounding or justification relation according to Reinach (GS 83; trans. 339). But neither of these two connexions with states of affairs imply that such acts fit or conform to states of affairs, i.e. are true or false.

Does Reinach's distinction enable him to overcome sceptical objections of the sort that impressed Austin? Is the distinction between fitting facts and being grounded or justified a clear distinction? It would be necessary to discuss Austin's examples one by one in order to settle this matter. But it should already be clear that it is because Reinach takes the category of state of affairs so seriously that he is able to distinguish between

(a) the relation of fit between some acts and states of affairs
(b) the relation every social act has to its content – a state of affairs which is commanded, questioned etc.

and

(c) the grounding relation between states of affairs.

Reinach would want to argue against Austin that the tatter's willingness in HTW (but not elsewhere) to move backwards and forwards between "– – is true or false" and "– – can be assessed with respect to truth and falsity" leads him to blur the distinctions between (a), (b) and (c). That Jim praised Julia to Jim will turn out to be grounded or not if Julia is or is not really praiseworthy, and to assess whether this is the case we must refer to various true and false claims. But this does not show that the act of praising someone tries to fit a fact in the way that the act of informing does. Yet as long as the distinction between an act or its matter, on the one hand, and the correlative state of affairs on the other hand is not drawn sharply Reinach's position is unlikely to convince.

A number of writers after Austin, from Lemmon and Hedenius onwards, have argued that the use of an explicit performative such as 'I promise . . .'to make a promise does indeed have a truth-maker. It is made true by the act's occurrence.[19] Gardies, who defends this view against Reinach, is able to point to one passage where our philosopher comes close to this theory. As we have seen, Reinach writes about the function of 'hereby' in that social act which is the acceptance of a promise that

[18] Reinach's unfortunate repetition of the term 'right', once in the collocation 'logically right' and once in the collocation 'logically right' may mislead. The latter is opposed both to the former and to all the different sorts of defects or modifications to which acts are subject and which we shall look at in §6.
[19] Lemmon 1962, Hedenius 1963, Grewendorf 1979, de Cornulier 1975, Gardies, this volume pp. 110-111.

> 'I hereby accept' contrasts clearly with 'I have inwardly assented' and with 'I shall inwardly assent'. One should not overlook the distinctive function of the 'hereby' It refers (hinweisen) to an event which is happening at the very same instant as the performance of the act, it refers, that is, to the acceptance which here as it were designates itself. (GS 206; trans. 30)

> Now 'hereby' is here a referring deictic particle. As we know, social acts have components which are propositionally articulated meanings and some parts of these may refer. What 'hereby' designates is part of the episode of which its employment is a part. And as Gardies suggests, the part referred to is the act-quality or force of the whole social act, not its matter. But Reinach distinguishes sharply between namings of objects and propositionally articulated positings. And so we may say that although part of a social act functions as a name this does not imply that its propositional meaning corresponds to or fits a state of affairs.[20]

§4 MENTAL ACTS AND THE THEORY OF CONSTITUENCY AND DEPENDENCE

We turn now from Reinach's description of social acts to his account of their structure. This account has two main features. First, just as Reinach regards a social act as a temporal episode, so too he regards each of the components of these episodes and associated states – that is to say, all the features described above – as particulars. The social act moment of promising, the linguistic tokens employed, their associated meanings – what are nowadays often called mental tokens – the act of uptake and the experience on which all this superstructure is erected – they all belong to the ontological category of non-repeatable particulars.

The second feature concerns Reinach's account of the way such particulars hang together to form a social act. In setting out the structure of different social act. Reinach draws repeatedly and heavily on the theory of structure set out in Husserl's third Logical Investigation, which is entitled "On the Theory of Wholes and Parts".[21]

Because Reinach is *using* this theory, he has little to say about the (many) problems it poses. He refers to it in these terms: "Insofar as philosophy is ontology or the apriori theory of objects, it has to do with the analysis of *all* kinds of objects as such". (GS 172; trans. 6). The a priori theory of objects is formal ontology and not to be confused with the different material ontologies that result from applying the *formal* theory to the domain of mental acts or social acts (GS 431). Just as set-theoretic structures hold whether or not they are applied to psychological, physical, ideal or fictive objects, so too the theory of dependence, wholes and

[20] Curiously enough, it is Husserl in his account of questionings in the *Logical Investigations* (LI VI § §67-70), an account he quickly gave up, who first put forward the view that questionings have truth-makers. But he only adopts this view because he fails to see that questionings, commandings etc. are social acts. See in particular §70 where Husserl formulates the thesis that a question can be true or false, and his discussion of Bolzano's very similar conclusion. See also Marty 1908, 369, who raises some interesting questions about Husserl's view, in particular the question whether Husserl's view commits him to the thesis that questionings are true or false deictic utterances. On Husserl's view commandings, questionings etc. contain referring expressions that refer to components of states of affairs (§70) – the point that Reinach makes about 'hereby'. Unlike Reinach, Husserl concludes from this that questionings have truth-makers.
[21] Husserl here provided in quasi-axiomatic form a theory of existential dependence and part-whole relations which, with the quite different theory of part-whole relations developed by Brentano in his *Theory of Categories* and *Raum, Zeit and Kontinuum (Space, Time and Continuum),* is one of the two great achievements within the Brentanist tradition of work on analytic metaphysics or formal ontology. On Husserl's theory see Smith and Mulligan 1982, Simons 1982.

parts is neutral with respect to the object domain it applies to. It does not, however, enjoy the same degree of neutrality enjoyed by set-theory (nor, correlatively, is it so completely indifferent to its applications as is the latter). It applies primarily to spatio-temporal entities (cf. LI III §13, but also §7 (a)).

Reinach's use of Husserl's theory shows itself first at the terminological level. I list some of the more important of his technical terms and give definitions for them which capture the way they are used by Reinach and which are simplified versions of definitions to be found in Husserl's third Investigation. Reinach uses two groups of expressions.

The first group of terms – (*necessary*) *presupposition*, *foundation relation* (e.g. GS 179; trans. 11), *a is not possible without b, dependence* – concerns a relation which can be defined as follows:

D1. *a* is founded on *b* iff *a is* necessarily such that it cannot exist/endure/ go on/occur unless *b* exists/endures etc.

The four verbs – *exist*, *endure, go on, occur – capture* the cases where *a* refers to a continuant (a thing), to a state, to a process, to an event. Reinach also refers to this relation as a variety of *univocal determination* or *existential connexion,* (GS 185; PdR 32-33; trans. 15) but it is only one variety, because determinations may also be purely accidental connexions between temporal entities. His favourite term for a necessary connexion between temporal entities (it is Husserl's favourite too) is *essential connexion* (GS 185, PdR 33, trans. 15).

D1 covers two quite distinct cases, which can be captured as follows:

D2 *b* is an essential part of *a* iff *a* is founded on *b* and *b* is a part of *a*

D3 *a* is dependent on *b* iff *a* is founded on *b* and *b* is not part of *a* (cf. (LI III §22, §14)

Independence or *self-sufficiency* (GS 192, 197; PdR 41, 47; trans. 20, 24) can be defined as follows:

D4 *a* is independent of *b* iff *a* does not found *b*

Closely connected with the notion of foundation is the notion of necessary *de re* exclusion or incompatibility (ZTnU GS 73, TNJ trans. 330; GS 210, trans. 33)

D5 *a* necessarily excludes *b* iff *b* is necessarily such that there is some independent whole which contains it, but not *a,* as a part. (cf. LI III §10)

One-sided and two-sided or mutual dependence can easily be defined:

D6 *a* is one-sidedly dependent on *b* iff *a* is dependent on *b* and *b* is not dependent on *a.* (LI III §16)

D7 *a* is mutually dependent on *b* iff *a* is dependent on *b* and *b* is dependent on *a*

Reinach's second group of terms refer to the different relata of these relations. He speaks of *bearers*, *fundaments*, *moments,* (cf DI, D3), *abstract parts* (cf. D2). Bearers or fundaments are independent of what they support (GS 179, trans. 11); in (D6) *b* is a bearer or fundament of *a*, which is a moment of *b*.

A third terminological indication of Reinach's commitment to Husserl's theory of dependence is his reference to independent variation, for example, in the passage quoted above (pp. 32-3). Just as colour can vary whilst extent remains constant and vice versa, so too

can the linguistic component of a social act vary whilst its force remains constant or vice versa. Mutual dependence between determinables such as colour and extent goes hand in hand with independent variations of the determinates of these determinables (cf. LI III §4).

Since Reinach's account of social acts builds on Husserl's account of mental acts and since mental acts are the domain to which Husserl applies his theory of dependence in greatest detail in the *Investigations*, I shall outline Husserl's application of his theory to mental acts and then Reinach's adjustments to this. We shall then be in a position to understand Reinach's further step, the application of the theory of dependence to social acts.

Husserl argues that the psychological episodes we call judgings, wonderings, rememberings etc. consist of two mutually dependent features or moments: their matter or sense and their quality. Although the matter and quality of mental episodes are mutually dependent they are clearly only one-sidedly dependent on their bearer, the relevant judger, wonderer etc. This analysis can be represented diagrammatically as follows:

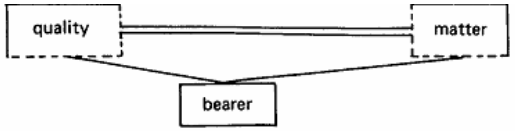


Diagram 1

Here, and in what follows, solid frames indicate that the objects depicted by the nominal expressions in the different boxes exist/endure etc. independently. Single lines running from broken to solid walls of adjacent frames represent relations of one-sided dependence, double lines represent relations of mutual dependence. In order to indicate that quality and matter are essential parts of an act (cf. D3) we make use of nested boxes

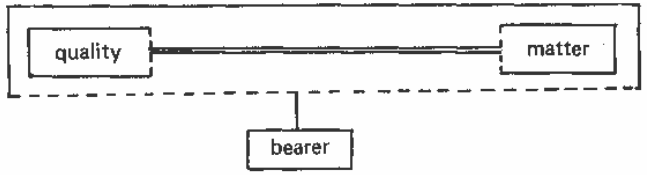


Diagram 2[22]

The two dimensions of mental acts distinguished by Husserl can be understood as a very general version of Frege's distinction between force and sense (or of Wittgenstein's mood/radical distinction, Hare's neustic/phrastic distinction, or of Searle's mode/content distinction etc.). Husserl's distinction, unlike that of Frege's and of many later philosophers, is explicitly formulated as an application of the theory of dependence and constituency to mental acts. In particular, Husserl makes three claims that go well beyond what has been argued by other philosophers writing on the force/sense distinction.

First, the quality/matter distinction applies both to acts that have a propositional matter and to those that have a non-propositional matter – a 'simple' seeing *of* Hans and an 'epistemic' seeing *that* Hans is running, a dreaming *of* Alice as well as a dreaming that Alice is pursuing a flamingo. In other words, what we have here are two of the basic dimensions along which whatever is psychological can vary independently. Secondly, the matter or sense of an act is regarded by Husserl as an occurrent which, although it instantiates a Platonic entity (Husserl talks of "species", rather than "universals") very much resembling a Fregean Thought is not identical with any such entity.

Third, 'quality' is a determinable ranging over not different mental verbs but the corresponding mental events *assume*, *see*, *judge*, *remember* etc. which Husserl classifies according to whether they have the feature *positing* (as do *judging that p*, *seeing that p*, *seeing A*) or not (as in the case of *assuming that p*, *imagining an A*). Some idea of the subtlety of this account can be provided by considering one of its implications. The distinctions just set out imply that from

(1) Jim has just asserted that Jules loves Jane

we cannot infer

(2) Jim has just asserted that Jules exists

Rather, on Husserl's account, the truth-maker of (1) contains an act which is Jim's taking Jules to exist in using 'Jules'. This act, like Jim's seeing or remembering Jules, is a positing act with a non-propositional act quality. It therefore differs from propositional acts such as assertions to the effect that Jules loves Jane or even that Jim exists.

Husserl argues that mental acts also have a third *necessary component* – in the case of perceptions, sensations, in the case of assertings and judgings, signs. The determinable term for this third component is *representatives* (LI VI §25; V §22). But although Husserl claims that representatives are necessary components of acts he fails to say whether or not there are relations of dependence linking signs or sensations on the one hand to quality and matter on the other hand.[22]

Reinach appears to accept the main lines of this account. He too distinguishes between propositional and non-propositional acts, and between positing acts such as asserting and non-positing acts such as assuming (GS 108, 106; trans. 365, 363). And, as we have already seen, he too accepts that all acts can vary in at least the two dimensions of quality and matter. But in a series of improvements to Husserl's views, mainly in On the Theory of the Negative *Judgement*, Reinach develops his account of spontaneous acts, which will be incorporated into his account of social acts. He is at pains to distinguish sharply between punctual, spontaneous acts such as meanings or intendings of objects achieved by using nominal and sentential expressions and the possibly drawn-out episodes or states in which we for example see Hans, dream of Alice or observe a state of affairs. He suggests that the punctual intending or meaning of objects is always bound up with a used expression, must be linguistically clothed (ZTnU GS 66, 70, 73; TNJ trans. 323, 327, 330; GS 360). The relevant intending or meaning – 'meaning', here and elsewhere, it will be remembered, is a gerund, to be read in the same way as 'promising' or 'judging' – is in turn bound up, as we have seen, with a quality, an act moment such as asserting or assuming. Spontaneous meaning can be propositionally articulated meaning or non-propositional meaning (the former presupposes the latter) and it can be positing or non-positing.[23] Reinach's advance over Husserl is his recognition that in the case of spontaneous meanings what we have is a three-way dependence relation between signs, meanings and quality. The picture that results looks like this:

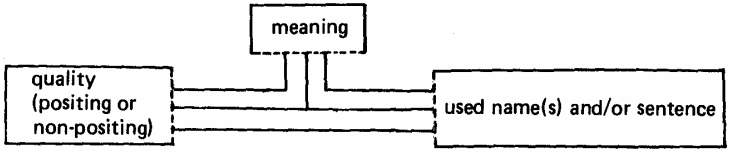


Diagram 3

[22] Husserl is also quiet about the descriptive question as to the nature of the 'psychic constituents' that would play the same role in silent judgings as ordinary signs in assertings (cf. Wittgenstein's better known silence on the same issue). His silence about the ontological status of representatives is probably not unconnected with a genuine worry about the exact relation between essential constituency and dependence, i.e. between D2 and D3.

[23] Reinach does not go into the difference between propositional and non-propositional meanings in any detail.

Reinach's account of signs[24] implies a three-fold classification between:

– mental acts that are not essentially bound up with sign-uses;
– mental acts that are essentially bound up with sign-uses – the complex unity that results is then a species of linguistic action;

and

– social acts, which are communicative in the strong sense that they require uptake, and which contain acts in the last two categories.

Many writers accept only one or two basic categories (Speech Acts or Speech Acts and Mental States). Not every act with the structure set out in Diagram 3 is, as is often assumed today, a speech act. Assertions I make whilst going through an argument alone in my study as well as wishes such as 'If only A were B!' (ZTnU GS 62; TNJ trans. 319), most uses of signs for purposes of calculations, inference etc. and all acts of writing fall short of being speech acts, except in a derivative sense of the term, yet are clearly such as to involve uses of signs in just the way suggested by Reinach.[25]

There is a second improvement by Reinach of Husserl's account of the structure of mental acts, one we have already met with. Mental acts, like social acts, are temporal episodes that is to say events, processes, or short-lived states. It is therefore important not to confuse these with enduring states, in particular with the attitude (*Stellungnahme*) of belief. Beliefs, unlike assertings and dreamings, do not occur. Both Brentano and Husserl fail to distinguish the episode which is judging from the state which is belief. And the widespread contemporary use of the term propositional attitude to refer indifferently to both episodes and genuine states or attitudes means that the exact connnexions between episodes and states are often overlooked. The most important such connexion is described by Reinach. Every judging or asserting that p is one-sidedly dependent on some belief that p. (*ibid*.)[26] That is to say

Diagram 4

This distinction enables Reinach to take up an interesting middle position between two theses about assertion. The Frege-Husserl view that negation attaches to the matter of an assertion and that there is no polar opposite or counterpart to asserting such as denying is now

[24] See last footnote; and B. Smith in this volume pp. 193ff; on those 'representatives' which are not signs but sensations, see ZTnU GS 71, TNJ trans. 327).

[25] On the difference between calculation and communication, see Gardies 1985, ch. 11; on writing, Mulligan 1978.

[26] One case where Reinach's distinction is of crucial importance is Moore's Paradox: "It's raining but I don't believe it". As Falkenberg (1982 p. 124) points out Wittgenstein does occasionally distinguish between 'meaning what one says' and 'believing what one says' (L. Wittgenstein 1936 § 140) but by no means always. Yet the peculiar type of non-logical contradiction to which Moore's paradox directs our attention involves just some such distinction. Reinach would distinguish a) asserting (an episode) that p and that one believes not-p and b) the exclusion relation (cf. DS) between asserting p (an episode) and believing not-p (a state). He would also distinguish between what one asserts and what one intimates or indicates in asserting. On belief that not-p and disbelief in Reinach, see Smith, pp. 203ff. this volume.

widely accepted. Reinach agrees with this thesis but points out that it holds only at the level of episodes. The state of belief which is all too often confused with the episode of asserting that p or asserting that not-p does, he argues, have a polar opposite, disbelief (as do striving, expectation etc). This is the grain of truth in the otherwise mistaken traditional view that judging and denying are polar opposites (ZTnU GS 74, 99, TNJ trans. 330, 356).[27]

Can we draw the quality-matter distinction for the state of belief as we can for judging and assumings? Reinach asserts that conviction, whether it is actual or not (see p. 64 below) has neither the matter of a presenting nor that of a spontaneous meaning but deliberately leaves this question open (GS 74; trans. 331).

Let us look at what the relation of three-way dependence between sign-use, meaning and act-moment involves. Consider an asserting by Jules that Jane is jolly. If we assume, as did Frege or the early Husserl, the by now standard syntactic analysis of the utterance occurring in this episode, the complete picture looks like this:

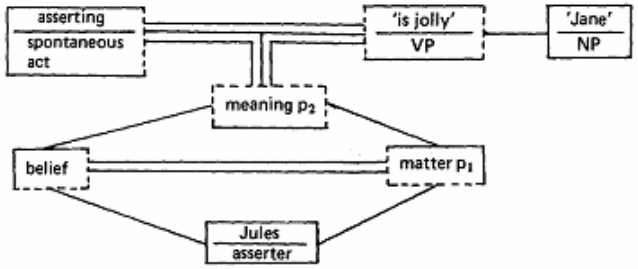


Diagram 5

Here $\frac{\text{asserting}}{\text{spontaneous act}}$ is to be read as: the token asserting of the species or type spontaneous act; $\frac{\text{'is jolly'}}{\text{VP}}$ as the token 'is jolly' of the syntactic type or species VP etc. Notice, too, that the matter of the actual underlying conviction is numerically distinct from the matter or meaning of the spontaneous act and that each instantiates a type, mention of which is omitted in the diagram.

[27] An example of the conflation of the two levels in what is otherwise the best account of the Frege-Husserl thesis since Husserl is Geach 1972, 254f. On judgement, Brentano and Husserl, see Mulligan 1987b. Reinach's account of disbelief and negative wanting yields an explanation of the linguistic phenomenon of 'Neg-Raising'.

§5. *l The Structure of Social Acts*

We are now in a position to see what the connexions are between the different parts of a social act and the states with which it is bound up. The general structure of a social act according to Reinach looks like this:

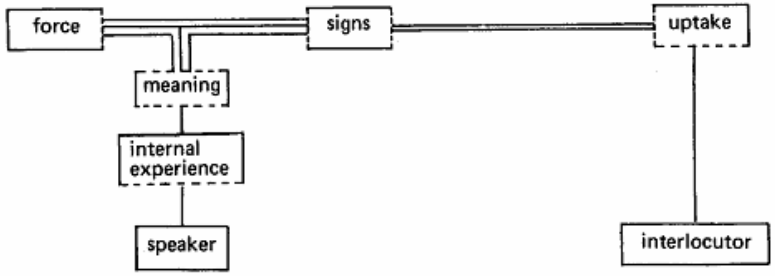


Diagram 6

This is only the bare schema of asocial act because reference is made only to the highest or most general determinables under which the necessary parts of every social act fall and because the extra bits of structure peculiar to the different types of social act, which we shall look at below, are missing. The schema is easily extended to deal with higher-order social acts, cases where more than one social act are meshed together, as is the case with question and answer and with the acceptance or rejection of a promise (GS 206, PdR 55, trans. 30). In such cases we have a structure of the following sort

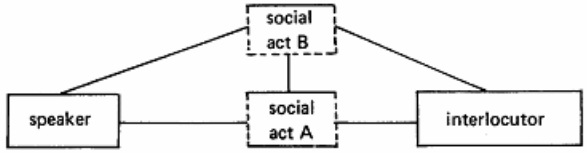


Diagram 7

where A a question and B is an answer or A a promise and B the rejection of a promise. Social acts, then, can stand alone, or presuppose others. But the latter case should not be confused with the fulfilment relation that holds between many social acts and non-linguistic action e.g. between a command and its execution (GS 194; trans. 21).

There are three differences between Reinach's account of social acts and that of Husserl. First, as we know, Reinach's account incorporates the three-way depen dente relation between signs, meaning and act moment that is characteristic of spontaneous acts. Second, it incorporates the feature that distinguishes spontaneous acts that are social acts from those that are not, the fact that the former require uptake. Husserl systematically ignores all phenomena that are not necessarily bound up with theoretical acts such as judgings, assertings, assumings. And where he does briefly deal with acts such as questions and answers he signally fails to capture their pragmatic dimension. At LI V §29 Husserl points out that when a question is

answered the structure this episode exemplifies is that of a phenomenal "Gestalt quality", a term he replaces in the second edition by 'moment of unity'. Question and answer are not, he points out, a mere sequence, the latter is an individual relation - this is what the term 'moment of unity' means. But Husserl is interested only in the structure of question and answer insofar as some arbitrary thinker or theoriser is aware of an answer - this is what the word 'phenomenal' means here. Husserl's view looks like this:

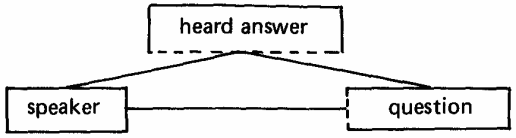


Diagram 8

The answer Jules hears (or indeed gives himself) to his question ties him and his question together but on Reinach's account response and answer tie together both Jules and Jim. [29]

The third difference concerns the notion of an act's quality or mode. Husserl argues for two basic types of force (± positing) and two basic types of matter. This provides him with the marks of the psychological *tout court*. An episode is psychological (but cf. LI, V, 15(b)) if and only if it exhibits the three marks – quality, matter, representatives (i.e. signs or sensations). A psychological episode may involve in addition to one of the two basic types of act-quality a third type of act-quality which is supervenient on one of these. Examples are provided by the different occurrent emotions, desires, volitions etc. which Husserl baptises "non-objectifying act-qualities" to distinguish them from "objectifying act-qualities", a determinable term for the two determinates positing and non-positing acts (LI V § §41-42). The connexion between matter and the different types of quality is, Husserl argues, always of the following form:

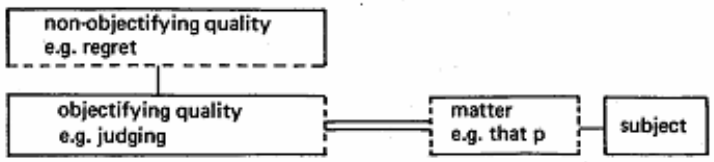


Diagram 9

[29] In a remark added to the second edition of LI (IV § 14). Husserl points out that the domain of *a priori* grammatical relations, in contrast to the narrower domain of logical grammar, includes 'relations of mutual understanding among psychic subjects'. And Reinach speaks of the importance of *a priori* laws of social interaction for sociology (GS 173; trans. 6; cf. GS 202; trans. 27).

Before and after Reinach's discovery, Husserl did indeed occasionally use the term 'social acts' e.g. Husserl 1952, 184, 194; Hua I, 1973, §58, 159f. At Hua XIV, 1973, §2, 166f. we read of

> . . . social acts, by means of which all human, personal communication is brought about. It is an important task to study these acts in their different forms and from here to make the essence of all sociality transcendentally comprehensible.

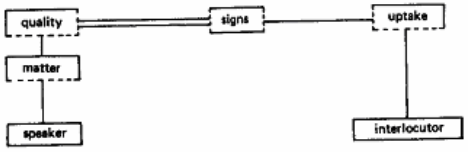
But, as so often, the later Husserl's preoccupation with making sociality and everything else transcendentally comprehensible, (whatever this means), meant that he never did actually examine the structures of social acts. Just as he rarely returned to the tasks begun in the Investigations. The term 'social act' seems to have been a common one. It even occurs in Brentano (1968, 129).

It will be immediately apparent that the matter of a non-objectifying quality is just that of the underlying act-quality (this is Husserl's 'cognitive theory of emotions'), it has no matter of its own.[30] In Reinach's account of social acts, by contrast, we meet two types of act mode each of which has its own matter (e.g. the moment of questioning whether p_1 and the moment of entertaining p_2).[31] And the pair formed by the force of asocial act together with its matter is dependent on the pair formed by the quality and matter of the underlying experience. The latter pair is independent of the former i.e. trivially, it is de re possible for someone to entertain or wonder about p without him asking whether p. There is, however, no contradiction between what Husserl and Reinach say. The former was concerned to delimit the domain of psychological acts, the latter the domain of social acts. Questioning, ordering etc. are not objectifying or non-objectifying acts in Husserl's sense. Indeed precisely because they necessarily involve at least two individuals they differ totally from the acts described by Husserl. And in the case of those social acts that contain what Husserl describes as non-objectifying mental acts, as for example promising, which presupposes the will to do p, Reinach's account can simply incorporate Husserl's analysis of their structure (as in Diagram 11 below).

The meanings that are bound up with the different linguistic components of the act, the namings and predicatings together with the total meaning they make up are determinates of Husserl's determinables 'propositional matter' and 'non-propositional matter'. And Reinach's 'meaning' corresponds fairly exactly to what Austin calls 'sense' (HTW 92ff.). Austin also has equivalents of Reinach's social act moment and underlying experience. But Reinach's account unlike those of Austin and Searle in Speech Acts is able to specify a material difference between social acts and underlying experiences, the former but not the latter are punctual as well as intimately associated with uses of signs. The ontological status of social acts and underlying experiences and of their constituent abstract parts is precisely specified. Whereas Reinach transferred Husserl's quality-matter distinction to linguistic actions and in particular social acts, recent philosophy of language and mind has in general gone in the other direction. Thus Searle writes: "The distinction between propositional content and illocutionary force, a distinction familiar within the theory of speech acts, carries over to Intentional states" (Searle 1973, 261). And indeed because of the anti-mentalism prevalent in exact twentieth century philosophy Reinach seems for a long time to have been the only

[30] The fact that a matter as a whole is always bound up with only one objectifying quality is one of Husserl's reasons for denying that to assert that aRb is, amongst other things, to assert that a exists (see above p. 52). This fact is also at the bottom of Husserl's adherence to the principle that to do assert p is to say One Thing. On the importance of this principle, see Dummett 1981, 36ff.

[31] The bilateral relation of dependence between matter and quality is absent from the non-propositional theories of judgement of Marty and Brentano. What sort of an account of social acts would one have to give if one denied, as Brentano would have, that the matter of a social act is distinct from that of the underlying experience? A social act would, I think, then have the following structure or schema



philosopher in this century to have seen that the mode-matter distinction applies both to mental acts and to social or speech acts.[32]

Both Austin and Searle, the latter in particular in his criticisms of the former (Searle 1973), grapple with the distinctions between complex acts and constituent acts, dependent and independent act parts but both lack the type of theory of these notions we find in Husserl and Reinach.[33]

The possibility of repeated specification of the two moments of mode and matter suggests that the social act moments distinguished by Reinach, such as promising, commanding, questioning, enacting, are themselves determinables. Thus we should perhaps consider enacting as a determinable under which determinates such as award, grade, rule, certify, fall, questioning as a determinable under which interrogating, querying fall, informing as a determinable under which telling, mentioning, reporting fall. Cross-categorisations that take into account the restrictions on different types of matter would then enable us to develop a more fine-grained taxonomy of social acts.

§5.2 *The Basic Social Acts*

Let us look now in turn at the actual structures of some of the different social acts according to Reinach.

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[32] Unlike many philosophers, Searle systematically distinguishes between mental states or episodes and speech acts. In Searle's terminology, the parallel distinction in the domain of Intentional states is that between "representative content" and the psychological mode or manner in which one has that "representative content" (Searle 1982, 261, Searle 1983 ch.1 Searle's "representative content" corresponds to Husserl's matter, but Husserl's "representative content" or "representatives" (LI VI § 25) refers to the signs or sensations involved in acts. One other terminological decision of Searle's needs some comment. He distinguishes between questions about the "ontological category" to which mental states belong and questions about their "logical status" (Searle 1982, 265). By "ontological questions" Searle understands questions such as whether intentional states are neural configurations, modifications of a Cartesian ego etc. From the standpoint of the present paper, which is that of Reinach and the early Husserl, questions about the formal features of states and events, whether mental or not, belong to formal ontology, which has in common with formal logic an interest in formal questions, but differs from the latter in that it is interested not in the formal properties of meanings but in those of objects. What Searle calls "ontological questions" are in the terminology of Husserl, Ingarden and Reinach, questions of material ontology. But questions of this sort, e.g. what are the features of social and physical entities, what are their interrelations etc., and in particular questions raised in the discussion about the identity theory of mind are intimately bound up with formal ontological issues such as the nature of identity, coincidence, dependence, containment.

[33] Austin at one point considers the possibility of splitting speech acts into two parts, a performative opening part and a that-clause but rejects the analysis because of utterances such as 'I liken x to y', 'I analyse x as y' (HTW 90). But it seems doubtful whether these undoubtedly non-propositional examples are in fact explicit performatives. (On the thesis, to which Reinach as we have seen, adhered, that performatives are always propositional, see note 13.)

Searle writes of Austin that he

> still thinks that locutionary and illocutionary acts are separate and mutually exclusive abstractions. The point I am making now is that there is no way to abstract a rhetic act in the utterance of a complete sentence which does not abstract an illocutionary act as well, for a rhetic act is always an illocutionary act of some kind or other (Searle 1973, 148)

Searle here clearly has in mind something like the notion of distinguishable but not existentially separable entities so dear to Husserl and Reinach. But space precludes any comparison of the implicit theory Searle and Austin employ in talking about force and matter (content), illocutionary and locutionary acts, with the Husserl-Reinach theory. In general, we find in the work of Austin and Searle only traces of a recognition that the quite general mutual dependence relation between mode and matter yields a series of specifications of the internal structure of mental and social episodes.

Promising. The structure of a promise differs considerably from that suggested by the bare schema in Diagram 6, above all because of the two states of obligation and claim with which it is inseparably bound up (GS 174-189; trans. 8-17)

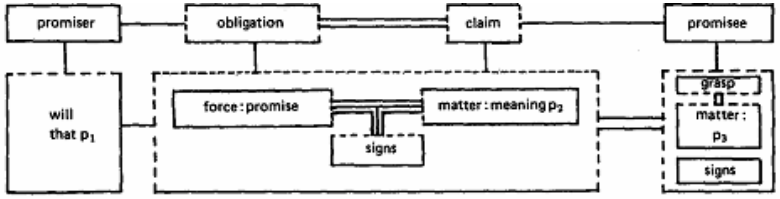

Diagram 10

Promiser and promisee are existentially independent both with respect to one another and with respect to whatever ties them together temporally. The obligation on the promiser to do p and the corresponding claim of the promisee on him are bilaterally dependent on one another and each lasts as long as does the other. But since claims and obligations may have their roots not only in promisings but in for example theft (GS 177; trans. 10) promises are only one-sidedly dependent on claims and obligations, just as they are one-sidedly dependent on people – who would otherwise be in the painful position of permanently promising. The illocutionary force (or moment) of promising, the matter and the relevant signs jointly make up the spontaneous action of the promiser. This action is one-sidedly dependent on the internal experience peculiar to promisings, willing or intending that p. The different subscripts to *matter p* indicate that what are being referred to are numerically distinct mental tokens which are totally similar to one another. Since uptake is not a spontaneous act its matter and signs are independent of one another. As it stands, this is still only a crude picture of a promise. For example, the will to do p is itself one-sidedly dependent on a propositionally articulated assumption that p. In other words, (or rather pictures),

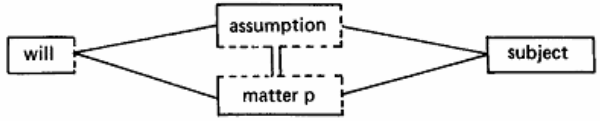

Diagram 11

And matters would become even more complicated were we to take into account the relations of dependence that hold between assumings and the states of belief and disbelief. A different sort of simplification in our picture is that it ignores both the restrictions on the meaning in (or content of) a promise such as that it must concern a future event, an action etc. and reference to the different types of possible linguistic formulae (explicit vs. implicit performatives).

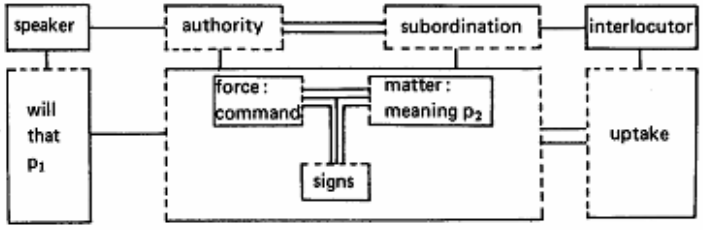

Diagram 12

Commanding. For the sake of simplification I omit any representation of the structure peculiar to the episodic will to do p, of the internal structure of uptake and of the states of obligation and claim to which commandings give rise (GS 207, trans. 31) since these are by now familiar. When a command is issued but the relevant "relation of submission" (*ibid.*) does not obtain, then the command only gives rise to an obligation on the part of the addressee if the latter performs the additional social act of promising to do what is ordered (*ibid.*). Reinach implies also that a command requires not only a state of submission or subordination but an actual prior social act of submission, which seems an unnecessarily strong claim (GS *ibid.,* 196; trans. 23), even for Reinach.

The social act of requesting something is obtained by eliminating the reference in this diagram to the relations of authority and subordination and by substituting the act-force of a request for that of a command. As we have seen, the structure of a request often resembles that of a command as far as its linguistic constituents and subjacent experiences are concerned. A simplified representation looks like this:

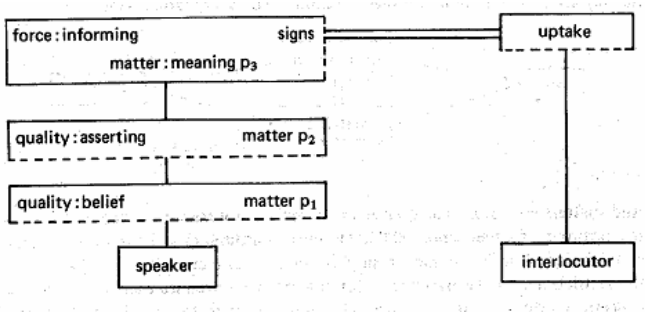

Diagram 13

Informing. It is not always clear in Reinach's account (GS 194, PdR 42, trans. 21) whether to inform someone that p is also to assert that p. But clearly some sub-episode that we might describe as an actualization of the belief that p, or as a positing presentation that p must, on Reinach's account, intervene between the state of belief and the episode of informing.

§5.3 Types of Temporal Entity

Reinach does not simply apply Husserl's theory of dependence and constituency to the new domain of social acts. Any attempt to apply systematically formal distinctions, or a formal theory, inevitably poses problems that are not specific to the domain under discussion. Reinach discovered three such issues and in each case has something new to say about the theory of dependence and structure. Reinach's first contribution to the theory of dependence is a taxonomy of the entities to which this theory applies. Social acts, like all their constituents and associated states and bearers are temporal entities (GS 185, 306, 372), that is to say non repeatable entities. This point is of course closely bound up with the fact that they are and have effects. But Reinach goes further than this and introduces an exhaustive three way classification of all social acts, their parts and associated entities. They are all either *events,* which he describes as being punctual, or *processes,* or *states.* Events occur at a point in time, processes unfold or go on, states last or endure. All spontaneous acts, whether they are simple linguistic actions such as assertings, or the making of a resolution, deciding or preferring, or

social acts such as promisings are, Reinach claims, punctual (ZTnU GS 62, TNJ trans. 320).[34] Utterings of signs and deliberatings, however, are processes. Belief, claim, obligation and those presentations *(Vorstellungen)* that are not processes are states. All attitudes, for example the (un)certainty or critical indifference to which a process of deliberation may give rise or the questioning attitude I may take up with respect to p, and which should not be confused with the social act of asking a question, are states. The act of asking a question is punctual, the state is extended in time (GS 126, 141-42). The three-way classification applies to the descriptive psychology of mental acts (GS 366, 375), to actions and physical entities (GS 415ff.) which is why we must distinguish between "general forms" such as state and process, on the one hand, and "special unities" such as actions, emotions, moods (GS 375) on the other hand.

If Reinach's distinctions are justified this is of quite special relevance to the theory of parts and wholes. For mereological concepts enter into the definitions of process, state and event. Thus events have no temporal parts, states can be segmented to yield homogeneous temporal parts i.e. every such part falls under the same concept as does the entire state. Processes have parts which are non-homogeneous – not every part of a conversation or a deliberation is a conversation or deliberation. And we might add that, on the Aristotelian view of *things*, to which Reinach almost certainly adhered, such entities necessarily have no temporal parts.[35]

But Reinach's views on this matter face two major difficulties. (A) In what sense, if any, is a claim or a belief a state and not, for example, a disposition? (B) Are there any punctual events and if so why should we describe spontaneous acts such as promising as punctual?

ad (A) It may seem obvious that a belief is really a disposition rather than a state, and that my being in authority is merely the disposition of a group of people including myself to recognize my authority. One of the first philosophers after Reinach and Ramsey to clearly distinguish judging from belief, I. Hedenius (1944), argues that the latter is a disposition to perform the former. This objection can sharpened by contrasting what is indeed a genuine example of a state with belief. Consider Sarah's state of complete uninterrupted serenity that lasts, say, an hour and is brought to an end by a silly thought. This genuine state makes true the claim that Sarah was serene from 6 to 7. But now, the objection runs, belief is not (need not be) this narrow kind of state, it normally lasts much longer than a state like serenity could last, so what kind is it? One weak reply to the objection runs as follows. A thing is in a state if some predicate F is true of that thing from t_1 through to t_2, since "– believes-p" is true of Jim for a certain period he is in a certain state during that period. This is a weak reply, and an unacceptable one for Reinach, because it confuses logical and ontological considerations. Reinach should be able to tell us what sort of entity a state is, and how it differs from and makes true such a predication.

One way out of this dilemma for Reinach is suggested by some work of Meinong's on dispositions. Let us agree that dispositions are not temporal entities, they do not occur and

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[34] Reinach's distinction between punctual social acts and punctual linguistic actions reappears in Vendler's distinction between performative verbs which have achievement (punctual) time schema and what he calls the non-performative *decide*-group of verbs *(realize, discover, identify, recognize).* The former but not the latter can occur normally in the first person singular (Vendler 1967 ch. 5, 1972 WE; GS 189; trans. 18).

Reinach mentions praising, blaming and forgiving as acts that resemble assertion. Just as asserting can occur in informing so too can forgiving, praising and blaming occur in corresponding social acts. But they can also occur alone, without uptake. These actions can be expressed in what Austin calls impure, half-descriptive fashion and in constatives (HTW 83ff.)

[35] A four-way distinction between events, processes, states and things along these lines is worked out by Ingarden (1964, chapter V) who may first have come across the distinction in Reinach's seminar. For some applications and discussion of the distinction, see Mulligan and Smith 1986.

they do not endure in the sense in which Sarah's state of serenity endures. Nevertheless, every dispositional statement is made true by the enduring existence in the relevant substance of a state (in the narrow acceptable sense of the word) which cannot be read off from the predication. Salt can dissolve in water; that this is true is due not to the continued inherence in the salt of a disposition to dissolve – this is a mere linguistic trick answer obtained by nominalising the predicate – but to the continued existence of the chemical structure of the salt. Then we may say that the 'state' of belief is actually a disposition (to judge, to inform etc.) which in turn is based on an actual state – in the narrow sense – which does inhere in the believer. This state is the neurophysiological trace (imprint) or result of the first acquisition of the belief that p. The 'states' of authority and obligation are more complex. They can only be saved by rejecting Reinach's absolute distinction between having authority and being held to have authority and by distributing the latter amongst a plurality of subjects. I enjoy a position of authority only if some sufficiently large group of agents hold me to be in authority. But that I am held to be in authority is a disposition of these agents to agree, if asked, that I have authority, to treat me as such etc. Actualisations of these dispositions are mental acts but these in turn are based on non-phenomenal, ingrained underlying states that ensued on these people learning to attribute authority to me.[36]

ad (B) What can Reinach possibly mean when he says that my asserting or promising p are punctual? He does not (only) mean that, as Vendler puts it, the time schema of these verbs is punctual (1967, 97ff.), that Jim cannot be said to be meaning that p. Reinach is primarily concerned with the structure of social acts themselves, and it is for one constituent of these that he claims punctuality. Of course, if he is right the linguistic consequences will follow immediately. If my promising is punctual then all references to it and reports of it will be made true by a punctual event and so cannot be formulated in the continuous aspect.

There is a claim intermediate between the 'linguistic' claim – performative verbs in the progressive form cannot be used to perform promises etc. – and the strong, ontological claim to which we shall come shortly. Namely, the phenomenal or phenomenological claim. This asserts that promising, unlike uttering or deliberating, seems to the speaker to be punctual. Consider the related case of the phenomenal non-locatedness of emotions as opposed to sensations such as pain. Emotions take place roughly where my body is - where else could they take place? But they are not given to me as localized. In the same way, the argument might run, my promisings are such that I cannot be aware of them as having had any duration. Perhaps because they are only "loosely linked to time".

Unfortunately Reinach gives no account of what it means to say that my promising that p or my asserting that p are punctual. The problem is that such events depend on processes, i.e. on temporally extended entities, in particular on utterances and uptake. So the question arises: when does the promise occur? A similar problem had worried both Husserl and Meinong: when do I hear a melody? After I have heard the last tone, most of the tones . . . ? (Cf. Meinong 1899/1971, III; Husserl 1966, 216ff.). Can one say that the punctual promising is identical with the end of the last temporally extended component of the entire process of utterance and uptake? In the case of the melody this would mean that my hearing the melody

[36] Reinach occasionally distinguishes between actual and non-actual states (GS 189; trans. 18) e.g. of belief. An actual belief that p such as the belief that lasts as long as my assertive utterance "Jane is jolly" but which could outlive the latter for a short period of time (e.g. whilst I expatiate on aspects of her beauty) is a real psychological state of precisely the same sort as Sarah's serenity. But it is doubtful if Reinach would accept that my 15 year old conviction that p is a real neurophysiological state of my body. On Meinong's theory of dispositions, see Mulligan 1987e; a common but wrong-headed objection to the category of states, particularly physical states is that they are actually complexes of events and processes. This is to confuse the 'is' of constitution with identity.

is just (the end of) my hearing the last tone of the tone sequence I have been listening to (notice the different time-schema of the verbs 'hear' and 'listen to'). Or to take another related example, my winning the race would be identical with reaching a certain point on the race track.

But a promise is distinct from the final phase of the interlocutor's grasp of the last sign uttered, winning is distinct from reaching the tape. The very fact that, on Reinach's theory the production of the moments of act force and meaning and of the temporally extended utterances are dependent on one another implies that they are distinct. Similarly, the act as a whole and the end of the uptake of the last word are mutually dependent and so distinct. The occurrence of promising depends as we have seen on a complicated relational network, just as winning presupposes a relational network – the winner must be ahead of other competitors etc.

There is an ambiguity in the use of the word 'promise' (or 'command' etc.) which may easily mislead and which must be cleared up. When Reinach says a promise has occurred and describes its inner structure the promise he is describing is not identical with any promise any single individual could make. To the promise which occurs, uptake is necessary, but the promiser is not responsible for the uptake. What the promiser does in the narrow, usual sense of the word is to produce the trio of sign, meaning (matter) and social act moment (force). (He *has* the relevant underlying experience, or is *in* the relevant state). This is an essential of part of the promise that occurs. When Reinach describes promisings etc. he is not in the first place describing what people do but what happens i.e. complex patterns of what pairs of individuals think and do and of social arrangements. (The ambiguity in the use of the word 'promise' is yet another example of a linguistic phenomenon often pointed out by the Brentanists: a psychological or action term is often used to refer to a whole, one part of which can also be referred to by using the same term. Thus "Jim's regret that p" may refer either to the whole consisting of Jim's awareness that p and his emotion or to the latter).

If we make such a distinction then we may say that (a) the production of act force and meaning *coincides* with but is not identical with the end of the relevant verbal action, and that (b) the occurrence of a social act and ending of uptake are not identical but coincident. To be coincident is to occupy the same spatio-temporal position. A promise occurs at the point in time which is the ending of the process of uptake but these are not identical.[37]

This suggestion means that we must opt fox one of three ontological alternatives. Either we say that the punctual production of meaning and force precedes but is bilaterally dependent on uptake. Or we say that the former is bilaterally dependent on the latter relative to the whole social act. (cf. LI III §13). Or that a promise is a relational moment linking my promising and your uptake, where the latter depends only unilaterally on the former.

Whichever option we adopt, some distinction between what I do and what gets done is needed to overcome a well-known disagreement in speech act theory. Intentionalist accounts of illocutionary force in terms of speaker's (complex, communicative) intentions argue that Austin was misled about the nature of illocutionary force by concentrating on institutionally based locutions and the associated social arrangements (Strawson 1964). A sharp distinction

[37] In §2 I distinguish between philosophers who employ part-whole talk but do not want to be committed to any serious account of parts and wholes and philosophers who do. A similar distinction applies to the event/process/state/disposition classification. Wittgenstein's philosophy of mind often makes use of such a classification. But we are not to think that any theory might be in the offing. For neo-Wittgensteinian scepticism about such a classification and references to it in Wittgenstein, see Baker and Hacker vol. I, 19801 597ff. For an account that takes parts of episodes seriously, see Thompson 1977.

On the relation between punctual events and processes, see Johansson 1987, who argues that the former are a species of 'non-genuine parts'. Coincidence is discussed and employed to solve a variety of different problems in Simons 1987.

between the structure of the promise that occurs, on the one hand, and the promise I perform together with its psychological or intentional underpinning, on the other hand, indicates how this disagreement can be overcome.

§5.4 Dependence

Reinach's second contribution to the theory of constituency and dependence concerns a distinction he introduces between two types of dependence.

Dependence can mean different things. In the definitions given in §4 all the variables were nominal variables ranging over spatio-temporal entities.[38] In Diagram 5 we referred to tokens instantiating types or species. Both Husserl and Reinach thought that dependence relations normally only obtained between temporal (or spatio-temporal) instances of universals – 'essences,' or 'species' as they called them. I shall use capitalised expressions as syntactically independent names of denizens of this third realm. Thus instances of Use of the Negation Sign depend unilaterally on instances of Use of Name of State of Affairs according to the syntactic theory set out in the fourth of Husserl's Logical Investigations.[39] Or consider a fragment of the structure of a promise, the dependence relation between the spontaneous social act of promising and the mental act of intending. This one-sided dependence relation would be read by Husserl and Reinach as follows:

(A) No instance of the species Social Act of Promising can occur unless some instance of the species Episodic Volition (Intention) occurs.

For philosophers with Platonist leanings such as Husserl and Reinach the step to a reading of the following sort is a small one:

(B) the Species Promising depends on the Species Episodic Volition (cf. LI III 7(a)).

Neither of these two interpretations assert that any temporal entity exists, the former is a hypothetical sentence in so far as it concerns temporal entities, the latter is categorical but contains only names of species. For Reinach and for Husserl a dependence relation such as that between a particular promising and a particular volition – call them Peter and Vera – normally only obtains in virtue of one or both of these two claims. Peter actually depends on Vera because at least one of (A) or (B) is true. Peter actually depends on Vera means that Peter could not have occurred without Vera. But this particular dependence relation is, for Husserl, an *instantiation* of (A) or (B), as the singular sentence reporting it is an instance of a general claim (A) or the specification of a singular claim about species (B). Reinach is quite explicit about how the distinction between particular dependence relations and their heavenly counterparts applies to the specific domain of social acts. The moment of promising in Pierre's promise yesterday at midday is an instantiation of the species Act of Promising which 'realizes' itself in this and that promising (GS 303), the particular meaning or wordy thought bilaterally dependent on this moment of promising is an instance of the *Satz* or abstract proposition hovering above its realizations in Pamela's promise in English yesterday and Pierre's promise in French today (*ibid*). It is true that Reinach does not mention any linguistic

[38] Reinach indicates at GS 372 that some of the entities studied by descriptive psychology are temporal but not spatial. He gives no argument for this view and it seems to me to be justified only to the extent that many psychological entities do not *present themselves* as being localized.

[39] On the difference between the Frege-Husserl view that the logical connectives combine with names of states of affairs and the standard view, see Gardies 1975/1985 ch. VII.

type of which the uses of tokens by Pamela or by Pierre would be realizations, but we may be sure that; like Husserl, he was committed to them.[40]

Two questions now suggest themselves. Is there a nominalist reading of (A) which would back up particular dependence relations such as that between Peter and Vera without committing us to Platonic species? (A distinct question: is there an Aristotelian reading of (A) committing us only to instantiated species?). Are there examples of particular, individual dependence relations which are not backed up by general claims like (A) – however it is interpreted – or (B)?[41] Reinach described some such examples and even seems to have been aware of the implications that the existence of such cases have for the theory of dependence. Consider the two social acts of enactment and command:

> The two acts can be related in such a way that an enactment founds a command. The leader of a group can tell the members of the group that he enacts that this or that should be thus or so. He can then give the command to the individual members to realize the content of the enactment. In other cases an enactment or a command is found by itself. But an enactment can never complete (*ergänzen*) a command in the way in which a command can complete an enactment as the means which realizes the enactment (GS 302-303)

The relation between instances of Enactment and instances of Command is not backed up by claims of the same sort as (A) or (B). It is not the case that no instance of Command can occur unless some instance of Enactment occur. But, says Reinach, it is possible for a command to be one-sidedly dependent on an enactment. Another example of this type of sporadic dependence is the relation between convictions and what Reinach describes as presentings (a determinable for mental acts such as seeing, smelling etc., see Smith this volume, 197ff) which Reinach explicitly describes as a relation of possible, not necessary foundation (ZTnU GS 73-74; TNJ trans. 330; cf. also the description at GS 210 of the complex case in which someone requests that a promise be accepted).[42]

§5.5 A Promise is a Gestalt

The third and final contribution by Reinach to the theory of dependence can be dealt with briefly. Social acts are temporal entities yet they are neither purely psychological nor purely physical entities (GS 172, 178; trans. 6, 10). The same is true of actions, whether linguistic or not. Reinach, we can say, has raised for the first time the question as to the precise ontological status of actions and social acts. He gives no explicit answer to this question but from the foregoing account it will be apparent that there is an answer implicit in his theory. It would be

[40] It is worth noting that Reinach often uses the term 'act' to refer to a particular rather than to a species. He also sometimes uses the term 'experience' to refer to a particular social act rather than the experience that underlies a social act.

[41] Distinctions closely related to those I have drawn in the last two paragraphs are drawn in Ingarden 1974 18, Simons 1982 §4, Smith and Mulligan 1984, Johansson 1987.

[42] Actions provide another example of specific or sporadic dependence relations. Although winning is generically dependent on competing, the constituent actions in Ingo's action of advancing his career by refuting Popper stand in a relation of specific dependence. One can advance one's career without refuting Popper. But notice that the impossibility of refuting Popper by advancing one's career is backed up by a generic exclusion relation between instances of Refuting Popper and instances of Advancing One's Career. It is important not to confuse the relation of 'possible foundation' between actions with a) causal relations that may also hold between the relata of this relation, b) any claim to the effect that actions are more than patterns of certain sorts of bodily movements and mental acts and states, or c) part-whole and overlap relations that may obtain between manifolds of bodily movements and their effects. See Mulligan 1982.

in the spirit of his theory to say that an action is a non-summative whole all of whose parts are psychological i.e. mental acts, volitions, spontaneous acts, or physical i.e. certain bodily movements and sign-uses. The only obstacle to expounding Reinach in this way is the status of the states of belief, obligation, of having a claim and subordination in his theory. Although he says they are temporal entities it is difficult to see how they can enjoy the status of accidents, that is to say of non-repeatable dependent particulars, that he accords so much more plausibly to mental episodes and social acts. But the modification of Reinach's notion of state suggested above shows how the states of belief, obligation etc. can indeed be seen to enjoy precisely the status of dependent particulars they need if they are to fit into the ontological framework employed by Reinach.

Above I have used the term 'episode' as a determinable term for events, processes, and short lived states. Here is a table of the distinctions employed:

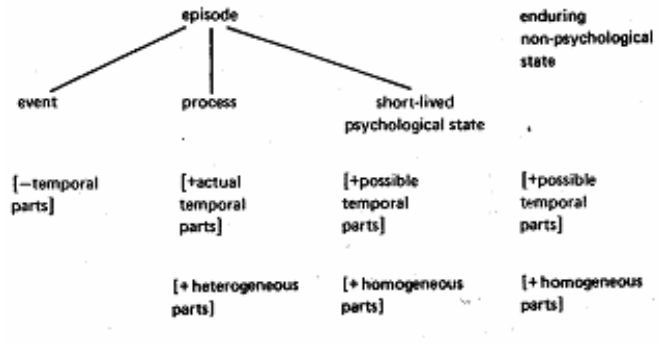


Diagram 14

To say that a state has possible temporal parts just means, of course, that it is possible to segment it temporally.

§5. 6 How to Get Satisfaction

Realizations of the contents or correlates of social acts stand in the relation of correspondence[43] (satisfaction or fulfilment) to these acts. Because contents are states of affairs, Reinach thinks they must be ideal objects. As we have seen, he distinguishes different types of fulfilment relation corresponding to the different types of content that different types of act have. Only the social act of informing or the spontaneous linguistic action of asserting (or, we may add, any of their determinates) displays what Reinach calls the fulfilment relation of fit (in Searle's terms the direction of fit is from mind and words to the world) in which the world satisfies the act by being the way it is said to be. Other social acts are satisfied or fulfilled not through there being any fit between wordy thoughts and world but through the execution of the behaviour commanded etc. (GS 306, 194; trans. 108, 22). The contents of the different social acts are differently qualified states of affairs: obtaining and non-obtaining ones, enacted and commanded ones, states of affairs requested or in question *(ibid.)*. What is the *form* of such relations of satisfaction?

[43] On this relation see Mulligan 1985, 154f. and Mulligan 1987b.

In the *Logical Investigations* Husserl had briefly described the bi-polarity of judgements and assertions. The latter can be true or false, a true elementary assertion is made true by an obtaining state of affairs. (LI IV §14). Most of Husserl's efforts, however, are devoted to setting out the structure of 'phenomenal' fulfilment relations, that is situations in which I am aware that I am verifying (or falsifying) a given assertion or aware that a given assumption is illustrated (or not) by some other assumption (LI VI). Marty, too, set out a completely general account of the possible non-phenomenal fulfilment relations into which judgings, presentings etc. (as he understood these acts, and his account differs considerably from those of Husserl and Reinach) and variously qualified states of affairs (again as he understood these entities) could enter (Many 1908, 406ff., 421ff., 293ff., 370ff.; 1916, 155ff.). In language like that used in the Tractatus, Marty calls these relations of 'ideal similarity or adequation'. Marty claims that e.g. commands can stand in this relation, and this provides us with an important clue.

Realisations of social acts (cf. Searle's conditions of satisfaction, Searle 1983, *passim*) are non-phenomenal fulfilments, like the truth-making relation, and unlike verification or falsification. I can do what I have promised you without either you or I being aware that it is my promise that is being fulfilled. (Such awareness is an optional, if common, extra). In order to see what sort of relation obtains between an act and its realisation it is important to see that to say of a promise or an assertion that it *has* a determinate sort of realisation is not to give any 'absolute' determination of the act. There are absolute determinations of acts, as we have seen, e.g. promisings are and must be grasped. But to say of an act that it can be fulfilled is to predicate a 'relative' determination of it (Marty, *ibid*; Husserl 1894, § §4-6). Reinach, however, in addition, hypostasizes in Platonic fashion the content of acts. The latter really do actually carry around their abstract conditions of satisfaction with them. But if we remember that to be capable of fulfilment is a relative determination of acts and if we bear in mind the distinction made by Reinach between the abstract content and its realization, between what is commanded and the execution of this command (GS 306; trans. 108) then we can bring together Reinach's account of the structure of social acts with his account of the conditions of satisfaction of social acts. We may say that a social act s is de re such that it may be fulfilled and we may explicate this relative determination of *s* by saying that for any social act *s* and the realization of its content *r*, *s* and *r* are ontologically independent of one another but where both occur then a relation of fulfilment (satisfaction, adequation, ideal similarity) in one of its determinate forms necessarily obtains. In pictures

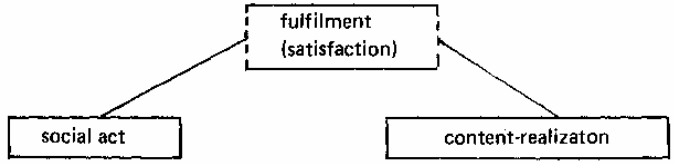


Diagram 15[44]

Here is Reinach's description of the social act of enacting and its content or condition of fulfilment:

> Every enactment *(Bestimmung,* stipulation, decree) as such aims at the realization of that which it posits as something which ought to be . . . Only that which can be and can also not be, which can have a beginning, duration and end in time, is the possible content of an enactment. We should first of all think of events of external nature and of internal nature,

such as actions, omissions etc. If such an enactment, as for instance the enactment of the director of a building company that a bridge should be built, is efficacious for the members of the company then this state of affairs stands for them as one which ought to be . . . If a state of affairs stands for a group of subjects as objectively required in virtue of an enactment, then action realizing the state of affairs is consequently required of these subjects. (GS 306-307; trans. (slightly modified) 108-109)

Recent work has highlighted the existence of cases of de re mental attitudes and acts in which it is not an arbitrary realization of the abstract content of an act that satisfies it but a quite particular realization of an act's abstract content. What satisfies my meaning that *woman* is not a woman who merely satisfies some specifiable content or description but a woman who in addition is picked out and meant in other, perceptual ways.[45] Reinach mentions in passing the possibility of such cases. The passage just quoted continues: "The enactment can of course directly refer to this action" i.e. not merely to an abstract content which can be arbitrarily[46] realized.[47]

§6 SOCIAL ACTS AND THEIR MODIFICATIONS

§6.1 How to Sham and Deviate

The reader of *How to do Things with* Words is struck by the great variety of speech acts Austin describes. And subsequent work has shown that even the many speech acts described by Austin is only a small cross-section of the different pragmatic possibilities. Reinach, it seems, describes only a small number of speech acts. Perhaps this is the result of his lack of interest in the linguistic details of speech acts, a critic might suggest. In fact, Reinach's

[45] Husserl provides the beginning of a theory of such de re acts in the theory of indexicality k. set out in LI V; on this see Mulligan and Smith 1986a.
[46] Cf. Searle 1983, 62ff., on particular vs. general conditions of satisfaction.
[47] In Mulligan 1985, 169-70, I suggested that obtaining states of affairs be seen as temporal entities like assertings and existent complexes, not as abstract contents. On this Stumpfian view, obtaining states of affairs are bilaterally dependent on the occurrence of a suitable asserting and the existence of the relevant complex object, although each member of this pair is independent of the other. Ie.:

By substituting *commanding* etc. for *asserting* and *execution of state of affairs commanded* etc. for *obtaining state of affairs* we obtain representations of all the different types of fulfilment relations into which social acts can enter.

But why should we want to allow for occurrent if transitory states of affairs if we are prepared to dispense with abstract or Platonic states of affairs (cf. Mulligan, Simons and Smith 1984)? My own suspicion is that they are required to do justice to the aspectual and temporal discriminations with which our access to the world suddenly becomes equipped at the sentential level (discriminations which are not necessarily present at the perceptual or nominal level). Smith, this volume, pp. 189ff, gives a superb account of various reasons for wanting to 'save transitory states of affairs' and, building on ideas of Reinach, he suggests how this might be done.

account shows how it is possible to come to grips with a much broader range of speech acts than those we have already met.

Social acts do not always occur with the structure proper to their normal occurrences. Often they are sham or pseudo acts which deviate in various ways from the normal case. According to Reinach, a lie, for example, is a sham or pseudo-assertion; it is to be compared to the sham or pseudo-questions that often occur in conversations. In an elegant analysis of lying, Gabriel Falkenberg points out that adherents of the view that lies are pseudo-assertions use words such as 'genuine' suspiciously often. "If the expression 'genuine' here is not rhetorical padding and has some other meaning than 'sincere' . . . then this meaning of 'genuine' ought to be specified" (Falkenberg 129). But he has not been able to find any such specification in the work of adherents of the view such as Reinach and Shwayder.[48] In fact, Reinach develops and makes use of a *theory of modification* that will go a long way towards specifying exactly what 'genuine' means.[49] This theory was developed by Brentano, Twardowski, Marry and above all by Husserl.[50] Just as Austin was to rediscover most of the descriptive traits of social acts described by Reinach, without employing anything like his predecessor's theoretical framework, so too Austin was to describe as 'abuses' and 'misfires' what Reinach had described as 'modifications' of the normal type of social act. Austin, like Reinach, was persuaded that there was a system to the different types of infelicity, to "the ills to which all action is heir" (HTW 105), one which could be read off from the felicity conditions for successful speech acts. But Austin did not employ the theory that Reinach was able to apply. What was this theory? Brentano had sharply distinguished in his Psychology of 1874 between two sorts of adjectives, determining adjectives such as 'red', 'happy' and modifying adjectives such as those in 'dead king', 'painted horse', 'imagined castle'. Adjectives of the first sort do, whereas those of the second sort do not 'enrich' or further specify the content of the noun expression. In addition to this type of semantic or meaning modification (*Bedeutungsmodifikation*) Brentano and Marry were aware of different types of syntactic modification, particularly those involving nominalisation. Brentano's adoption of a nominalist position around 1900 way bound up with his use of a syntactic schema that Chisholm has aptly called 'concrete predication'[51] In order to eliminate predicate and relational expressions Brentano nominalises adjectives and verbs in order to get sentences containing only nominal expressions and the copula. Thus "Roses are red" becomes "Roses are red-things" and "Jim judges" becomes "Jim is a judging something (*ein Urteilender*)".

In his fourth Logical Investigation Husserl introduces a far-reaching distinction between, on the one hand, syntactic and semantic modification, and, on the other hand, the two fundamental syntactic relations of constituency and dependence. Modifications are operations taking us from a 'normal' to an 'abnormal' function of an expression. Husserl's examples of transformations or modifications are: the different sorts of *suppositio*, in particular *suppositio materialis*, better known as the mention – as opposed to the use – of a sign, the nominalisation of a sentence to form a name, the transfer of a name in subject-position to an objectposition in a sentence, the transfer of a sentence occurring as a protasis to a position in which it figures as apodosis, adjective nominalisation, the modification of adjectives that removes them from

[48] Shwayder 1965, § V.7; opponents of the view include Lewy 1939-40, who refers to Moore's lectures.
[49] Reinach's account of modification is set out in Reinach 1913, which Falkenberg appears not to know.
[50] Cf. Höfler 1922, 186; Twardowski 1894, 288, Brentano 1968, 46; Marty 1940/65, 159, 1916 §4. Brettler 1973, 115, suggests that two long additions to the text of the fourth of *the Logical Investigations*, at LI IV §35 and §38, both of which expand on the topic of modification, may have been prompted by Reinach. Kuroda 1973 puts forward Marty as a candidate. Both may be right. Meinong and his pupils wrote extensively on modification, in particular on its role in aesthetic experience. For an account of these applications of modification, see Smith 1987a.
[51] Chisholm 1978/82, 5.

their predicative role and gives them an attributive role; and indeed all cases of the modifying predicates discussed by Brentano. (LI IV §11). Of examples such as these Husserl writes:

> We are here dealing with alterations in meanings or, to be more exact, with *alterations in the act of meaning that have their roots in the ideal nature of the meaning-realm itself*. They have their roots in modifications of meaning, in a certain other sense of 'meaning' that abstracts from expressions, but which is not unlike that of arithmetical talk of 'transforming' arithmetical patterns. In the realm of meaning there are *a priori* laws allowing meanings to be transformed into new meanings in different ways while preserving an essential kernel (LI IV III).

The *theory* of modification has to explain what it is for a modified and an unmodified form to have something in common. Husserl's promising attempts to develop such a theory turn on the idea that every meaningful use of a sign has a specific internal complexity. Not only do sign-uses fall under different meaning *categories,* by virtue of which they can combine to form higher-order unities that stand in relations of dependence, they also exhibit or contain syntactic, semantic and morphological *features*. These features in their turn stand in relations of dependence to one another. And typically modification involves cancelling one or more of the features a use of a sign has and/or of the relations in which these stand, whilst the remaining features remain invariant under transformation. (This is Husserl's theory of syntactic forms, stuffs, cores and coreforms.)[52]

Let us consider three examples of modification. Twardowski deals with the semantic modifications brought about by the adjectives in 'artificial limb', 'forged banknote' and 'former minister' – a complex function that may also be performed by adverbs and adverbial phrases. Determination is a simple function, but modification in these examples involves

> first the function of a partial removal of the content of the idea expressed by a given noun, and second the function of replacing that removed part of the content – which is a result of combining a given adjective with a given noun by other positive or negative characteristics (Twardowski [1927] 1979, 29)

'Forged' has the effect of cancelling some of the features of 'banknote' but not, for example, the feature 'piece of paper' which is common to both forged and non-forged banknotes. This sort of modification differs from that performed by 'abolishing adjectives' – the type of modifier which had most interested Brentano and Marty – such as 'past', 'possible'[53] Thus we see that with the help of no more than the notion of semantic features and the notion of syntactic combination (of an adjective with a noun) it is possible to understand the transition from an unmodified to a modified item in terms of that 'preservation of an essential kernel' of which Husserl speaks. The operation that turns an ordinary use of an expression into a use of

[52] This theory is set out in the first appendix to Husserl's *Formal and Transcendental Logic,* in LI IV 111 and in logic lectures published as *Husserliana* XXIV*,* 1984. For discussions of the theory, see Kuroda 1973; Kuroda, writing within the framework of transformational grammar, fails to see that Husserl distinguishes between modifications on the one hand and syntactic and semantic relations of dependence and constituency on the other hand. On this, see Mulligan 1980, ch. 4, and §6.3 below.

[53] Austin, too, wrote on such modifiers as 'real', which Twardowski calls "restitutive adjectives". See Austin 1962, 68f.; Ryle 1951, 33, where 'alleged' and related modifiers are dealt with as examples of 'systematically misleading expressions'; Geach 1956/67

that expression in which it itself is named[54] is our second example. Ironically, many philosophers now accept, as far as this particular case goes, just the conclusion to which Husserl had been led by bringing the use-mention distinction within the orbit of the theory of modification, namely that a modified and an unmodified item have something in common. What Garver calls the Postulate of Pure Mention – a fiction beloved of certain logicians – involves overlooking that:

(1) 'cat'

is really an 'interesting function' – to use Garver's phrase – of

(2) cat.

The mistake arises because of the attractive simplicity of the view that (1) is an ordinary name of (2) and so has nothing in common with it.[55]

As the last quotation from Husserl makes clear, he regarded meaning-modification as something that pertains primarily to meaning acts in which signs are used and not to unused linguistic tokens or unusable linguistic types. So it should not surprise us to learn that Husserl also describes a type of modification that pertains to acts in general, whether or not these are meaning acts, and which I shall call act-modification.

We have seen the matter of a linguistically expressed act, for example of an assertion can be modified so as yield a non-propositionally articulated matter. This occurs when. an assertion such as:

(1) The rose is red

is nominalised to yield the nominal component of

(2) The red rose is beautiful

If now we drop the restriction to linguistically expressed acts we see that the same sort of modification is involved when, for example, a perception that the rose is red gives way to a perception of the red roses.[56] This type of modification of matter or content (LI V § §35-36) differs from what Husserl calls *qualitative modification* (LI V § §38-40) in which it is an act's quality which is modified. Instances of positing-acts can be *modified* to yield instances of non-positing acts.[57] If Jules states out loud, or to himself, that Jim loves Julia this positing act can be modified to yield a public or private wondering to the same effect.[58]

[54] Cf. LI IV §11 where Husserl points out that quotation marks as used in this particular form of modification are deictic expressions; on Husserl's theory of deixis see Mulligan 1987 and Mulligan and Smith 1986a. Reinach, too, deals briefly with quotation marks as deictic expressions , see GS 386

[55] Cf. Garver 1965, 231; Anscombe 1959, 82-85, Wittgenstein's distinction in the *Tractatus* between indices and arguments at 5.02; Mulligan 1980, ch.2., and the excellent account in Künne 1983, 186-196.

[56] In some sense there is a case for saying that modification does not go in the same direction in linguistic and non-linguistic cases, what is normal in the one case may be modified in the other case.

[57] Bell 1979, ch. 3 arrives in an impressive fashion, and independently, at a Fregean account of judgement and assumptions like Husserl's. This is all the more surprising because he rejects the theoretical value of the dependence relations implied by Frege's theory of unsaturatedness.

[58] Since judging that p is not subject to the will, act modification may only work in one direction.

The phenomenom of modification is closely related to two other phenomena: the marked-unmarked distinction in linguistics and the distinction in psychology between optimal or proto-typical cases and non-prototypical cases (deviations –see Holenstein 1980, 71ff.) And of course a very general distinction between

It should be noted that the fewer components a philosopher admits into his ontology, the less he will be inclined to accept Husserl's theory of modification.[59] If an assertion has no more than a merely linguistic complexity and so no specifically psychological complexity a lie will either be seen as an assertion or as something totally different (a new speech act) and the intermediate position according to which a lie has much but not everything in common with an assertion, and is therefore a pseudo-assertion, will be ignored.[60]

§6.2 *Types of Modification*

Reinach's[61] account of modified social acts proceeds as we would expect it to. Given the abstract schema of asocial act (see Diagram 6) we need only subtract or replace its different components one after another to obtain a list of determinate modified types of social acts. Husserl's account of the modification of the quality of mental acts and of their matter carries over to the domain of social acts. The same is true of Husserl's account of linguistic modification (to which reference is made at GS 431).

In 1911, in the course of distinguishing between episodic judgings and statal beliefs Reinach wrote:

> . . . one may not speak of lying as a case of genuine assertion at all. We have to deal rather with a quite peculiar modification of assertion, or quasi-assertion as it were, lacking proper vivacity, and something for which we may find an analogy in the quasi-questioning which is a frequent occurrence in conventional conversation. *Genuine* questioning as much rules out a prior conviction with respect to that which is being questioned as genuine assertion excludes disbelief in that which is being asserted. A conventional question, where we know all about what we are asking about, is not a genuine question; and a lie, something which involves a disbelief in that which one purports to assert, is correspondingly not a genuine assertion. (GS 63, trans. 320)

The 'not unimportant connexions' (*loc.cit*.) between normal and unmodified acts are pursued in greater detail two years later. There is

standard and non-standard cases is as old as Aristotle. Husserl himself wrote on proto-typicality (see Husserl 1966 and Holenstein *Ibib*.) when Jakobson described the way in which unmarked and marked items in a linguistic system are acquired and lost, he used the language and theory of Husserl's theory of dependence to formulate his claims,on this see Holenstein 1975, smith and Mulligan 1982 §5. Smith, this volume in order to deal with the problem of our knowledge of the external world.

[59] Husserl's theory of act-structure and act-modification raises a number of problems: (1) He fails to make Reinach's distinction between episodic judging and belief, which is a state. Husserl's addition to the text of LI V § 38 in the second edition, in which he says he is leaving open the question whether belief has sub-types, may be a gesture in Reinach's direction. For it was Reinach's contention that belief, but not judgement, admits of degrees. (See LU *Husserliana* XIX/I, 501; Findlay's translation, 639, Vol II. See also Husserl's worries about qualitative modification at Husserl 1984, Hua XIX/2, 894). 2) Husserl is never really clear about the relation between his two terms 'positing' and 'non-positing' and what is described by verbs such as 'see', 'wonder', 'judge'. Is it a determinable-determinate relation or is, as I would suggest, [+ positing] a feature of judging, in the same way in which phonological features are contained in meaningful sounds? (3) What is the relation between the act-quality which attaches to a propositional content as a whole and the act-quality attaching to its components, when the relevant act-qualities are of opposite sign? On these questions, see Mulligan 1987b.

[60] We saw above (p. 66) that psychological and action terms are often ambiguous as between wholes and parts. We can now add that nouns such as 'assertion' are sometimes used to refer to normal assertions and sometimes to modified assertions.

[61] It is interesting to note that Reinach here talks of pseudo-assertions as involved in lies. It seems that his later distinction between assertions, which are not social acts, and informings (*Mitteilen*) which are and which contain assertings, has not yet been made.

> . . a certain definite modification of social acts; besides their full performance there is a pseudo-performance, a pale bloodless performing – the shadow, as it were, next to the bodily thing. One should not think that in such cases there is only the speaking of the words which usually accompany the performance of the acts. There is more than that at stake. The acts are performed, but it is a *pseudo-performance* (*Scheinvollzug*); the performing subject tries to present it as genuine. (GS 195; trans. 22)

Four types of modification of the basic structure of social act can be distinguished.

1. (In)Sincerity Conditions. The first type, which Reinach has already begun to describe in the quotations above, simply cancels the different experiences which are necessary components of the unmodified social acts.

> Social acts which occur with this modification do not presuppose the inner experiences (listed above p. 38); in fact, the very nature of a pseudo-act excludes them. A genuine conviction cannot underlie a pseudo-act of informing, genuine uncertainty cannot underlie a pseudo-question, a genuine wish and a genuine will cannot underlie a pseudo-request and a pseudo-command. (GS 195; trans. 22; cf. G5 203, trans. 28)

Reinach's description of the first type of modification needs to be supplemented. His point (one also made by Husserl at LI VI §70, Findlay's trans. 851) that sham social acts of this type involve an attempt to deceive remains no more than a hint. What exactly is the relation between the intent to deceive and the other components of the act? Although Reinach and Husserl have the machinery available, they do not give us such an account. For detailed descriptions of nested intentions and a speaker's non-natural meaning we must turn to Marry and Grice. Reinach contents himself with mentioning that the presence of an intent to deceive is distinct from promising on stage[62] Which part of an experience is it that must be transformed to obtain a modified social act of the first type? The obvious answer is: act-qualities of the appropriate sort. The matter of the experience underlying a pseudo-request is simply not bound up with the act-quality will. But matters must of course always be bound up with *some* specific act-quality. And so we see how important it is to spell out how qualities such as the intent to deceive can replace simple wishes etc.

Reinach's account of the first type of modification in which the experience underlying a social act is replaced by another type of experience hides two different claims. The first claim is that social acts can occur without the type of experience they normally possess, This claim is relatively uncontroversial. But Reinach associates with it a further claim that where a modification of this first sort occurs we have an instance of insincerity or "social dishonesty or hypocrisy", an attempt to present oneself as a genuine commander, requester etc. (GS 195; trans. 22). Reinach admits that he is here 'extending' the concept of lying. Now it has often been questioned, with good reason, whether e.g. a command can be insincere *in the same sense* as an informing.[63] It is therefore important to keep the two claims strictly separate. Reinach's theory of the first sort of social act modification commits him only to the view that we can meaningfully ask about any apparent commanding 'Does he really intend what his

[62] GS 203, footnote 1, (cf. also the important second footnote on this page); trans. 50, footnote 24; cf. Anscombe's distinction between 'real pretences' and 'mock performances', in Anscombe 1958.

[63] Kenny 1963, 219; Heal 1977 esp. 199). To be fair to Reinach it should be pointed out that he makes at one point just the distinction needed if we are to see the asymmetry between e.g. informing and commanding which is responsible for the fact that they cannot be said to be (in)sincere in the same way. See above p. 40.

overt behaviour suggests that he intend?', not to the view that we can ask 'Is he sincere'? If the answer to the first question is negative we have a case of a modified act of the first type.

§6.3 How to Do Things Conditionally with Words

II Conditional Deviations and Syntactic Structure. The second group of modifications described by Reinach fall into two sub-types – *conditional social acts* and *social acts with conditional content.*

A social act may be unconditioned (the normal or unmodified case) or conditioned

> There is a simple commanding and requesting and there is a commanding and requesting "in the event that". Of course not all social acts are subject to this modification; an act of informing "in the event that" is not in the same sense possible. This becomes understandable only when we consider that an efficacy proceeds from certain of the social acts. If a command is given or a request is made, something is thereby changed in the world. A certain action now stands there as commanded or requested . . . Since informing does not have any such efficacy, it is not susceptible of being conditioned. But with the conditional commands and requests, the efficacy is made dependent on a future event . . . One should not of course confuse this conditional performing with the announcing of a possible later performing. In our cases there can be no question of any such later performance. With the occurring of the event the efficacy of the act is – without any further contribution of the bearer of the act – just what it would be if an unconditional act were now performed. And from the moment it is clear that the event will not occur, it is as if no act at all had ever been performed (GS 195-196; trans. 22-23).

Reinach's description covers cases such as the command given by the General of a European army to one of his officers: "In the event that the Russian or N. American army crosses our frontiers, I command you to do p". Behaviour p only appears to be required to the relevant officer when his country is invaded, only then does the obligation to do or omit something begin to endure. Because the utterance of the performative formula and the occurrence of the conditional act, on the one hand, and the coming into existence of the state of obligation, on the other hand, are separated from one another in time, we can describe this type of modified social act as a scattered temporal object. In the normal unconditioned case the end of uptake and the coming into being of the state of obligation are simultaneous, the parts of the episode of commanding overlap or are simultaneous. But "the General's conditional command" designates a temporally scattered object, just as "the butter in the kitchen of the Ritz" designates a spatially scattered object. The social act moment of conditional promising is a derivative type of force and not to be confused with any new type of act-matter or content. Modification of the act moment in a social act, of its force, is the analogue in the domain of social acts of Husserl's account of qualitative modification in the domain of mental acts.

Act-modification differs from *modification of content or meaning.* A perfectly normal unmodified commanding may take as its matter or meaning (and so, correlatively, as its abstract condition of satisfaction) a matter (and content) that is restricted by being *time-bound* or by being conditional on some event occurring. Reinach points out that the temporal specification may concern an event that the speaker regards as bound to occur, but it may also concern an event that seems merely possible.

> *The unconditional command with conditional content* immediately makes binding the realization of a certain action when (*bei*, if) a possible future event occurs. It immediately produces - under certain presuppositions (the relevant states of authority and subordination – *KM*] – the obligation to do or omit something when an event occurs; the occurring of the evens simply makes the obligation actual (GS 196; trans. 23).

Acts with a normal social act moment (force) but a conditional content (meaning) are not temporally scattered objects, the obligation comes into being with uptake and persists thereafter.

The distinction between conditional acts and conditional contents (meanings) introduces a sub-categorisation into the categories of social act force and of matter or meaning in a social act. We know that Reinach regarded the linguistic dimension of social acts as being interdependent on these two other dimensions. He also stresses that the "linguistic modification" of the expression in a modified act is distinct from the "descriptive pecularity of the act performance" (GS 277, trans. 83). Does a syntactic analysis of the linguistic component of our two types of modification confirm that they are distinct? Reinach's own description of the 'body' of social acts was limited, like that given by Austin, to a specification of certain possible collocations ('hereby') and certain excluded co-occurrences (past and future tense). But the theory of dependence and constituency, applied by Husserl to syntactic problems, should allow us to check whether Reinach's distinctions at the level of act-force and meaning can be cashed out syntactically.

Explicit performatives either contain that-clauses in their surface structure "I promise that I'll come" - or syntactic modifications of these - "I order you to come". That-clauses in performatives along with those in expressions of indirect speech and thought are determinates of a syntactic determinable whose structure is not:

Diagram 16

which is the structure of a normal, elementary sentence but rather:

Diagram 17

where the outer box now signifies that the enclosed expressions are modified.[64]

Diagram 17 represents part of the structure of:

> (1) Jules said that Jim was jolly

and, if we vary the quoted expressions, of

> (2) I enact that this bridge is to be built

namely the structure of that-clause. The left-hand sides of (1) and (2) have a very different structure from the right-hand sides, since although syntactically dependent, they are not modified expressions. The that-clauses can complete "–––––––– makes me happy" but the

[64] This use of boxes within a box to picture the result of modification has an interesting similarity with our use of the same device above to signify necessary containment. The use of a sign does not contain any operation of modifying, it contains the result of a modifying; I do not perform any syntactic modification – *pace* some transformational grammarians – in asserting "that red rose is beautiful" but my asserting contains what might have been the result of a nominalisation. Husserl is led by consideration of such distinctions to say that sign-uses that contain the 'results' of modifyings contain the modifications leading to these results, but only 'potentially'! On nominalisation, clauses and infinitives, see Gardies 1985 ch. VII.

left-hand side of each sentence cannot do this even when provided with a second nominal argument (*I enact this makes me happy, *I order you makes me happy). It would therefore be wrong to analyse each half of each sentence in the same way. The correct representation of e.g (1) looks like this:

Diagram 18

Notice that, since no indication is here given of the syntactic types that the different tokens instantiate, the relevant dependence relations are specific, not generic. Now the (Husserlian) claim that that-clauses are modified expressions (transformations) is relatively uncontroversial. But Husserl, as we have noted in passing above, also thinks that in non-atomic sentences the logical connectives combine with names of states of affairs, i.e. with sentences obtained via the modification called nominalisation. I shall exploit this view to give a grammatical analysis of the linguistic components of the different types of social acts with conditional contents (meanings).

An unconditional enactment with a conditional content such as

(3) I enact that if she comes you go

has the structure:

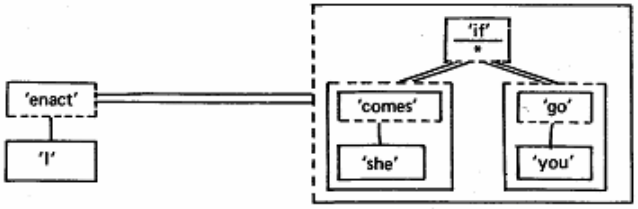


Diagram 19[65]

The connective 'if depends on two nominalised sentences; every nominalised sentences is dependent on instances of a wide-ranging syntactic type – represented here by '*' – which embraces the connectives, verbs such as verbs of saying and thinking and modifiers such as 'is true'.

A command with a time-bound content looks like this:

Diagram 20[66]

[65] On conditional contents in speech acts, see Heringer, J. 1972; Levinson 1983, 266-267; de Cornulier 1975 ; Dummett 1981a, ch.10.

What is the syntactic structure of an act which is conditional? The structure of, for example:

(4) In the event that she comes I order you to go

will be:

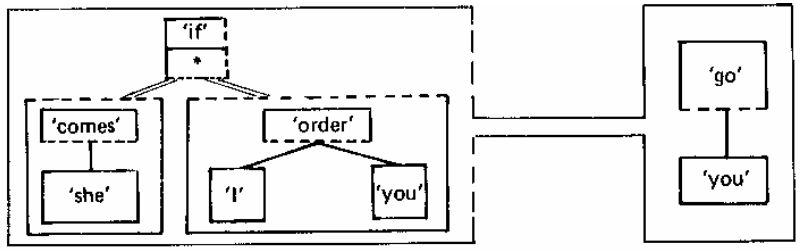


Diagram 21

Our syntactic analysis, then, confirms Reinach's account of *how* a social actmoment can be performed – in a normal or in a modified fashion – and of *what* it is that is promised, commanded or enacted – a conditional or an unconditional meaning.[67]

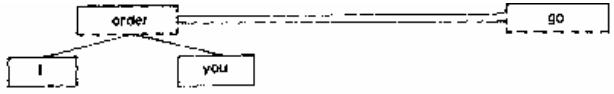
§6.4 Beyond the Couple

Ill Speaking to the Multitudes and Collective Commands. A mental act is the property of one person and the normal social act is the property of a pair of individuals. But modified social acts can draw into their nets more than mere pairs.

> Social acts can be performed by a number of persons, and can be addressed to a number of persons. This second peculiarity is found only among social acts, whereas the first is found also in the sphere of merely external actions and merely internal experiences. I can direct a command to two or more persons together. A single social act then has several addressees.

[66] Our notation allows us to distinguish between the content of an assertion of a conjunction and that of a conjunction and that of a conjuction of affirmation. On coordination and subordination as grammatical concepts, see Gardies 1985 ch. VIII.

[67] The notation employed here to give an account of syntactic structure also allows us to represent the structure of e.g. "I order you to go [– that you go] " in such a way that only one occurrence of 'you' – in the "deep structure" – is required. (I pass over the question whether infinitive clauses are direct modifications of sentences or modifications of that-clauses, which are themselves modifications):



But the price for such an analysis is that the distinction between nominalised and non-nominal-constituents is no longer marked.

> The effects of such an act are then necessarily different from the case where there are just as many social acts as addressees. Whereas in this case there are as many obligations as there are addressees – even if the social acts have the same content – there is only one obligation in the case of asocial act with several addressees, and this obligation is shared by them. I command A and B together to get something for me. Then there arises only one obligation, the content of which is getting the thing, and A and B are together bound by this (GS 197; trans. – last clause modified – 24).

Reinach's point that only social acts can have a multitude of addressees provides yet further confirmation of the distinction between social acts on the one hand, and other types of linguistic action as well as mental acts, on the other hand. Collective social acts bring with them a further level of complexity.

> More difficult and more interesting is the case where several persons together perform one social act. Each of the persons performs the act, for instance, commands, and in each case the performance finds external expression. But each performs the act "together with the other". We have here a very distinctive kind of "togetherness". It should not be reduced to identity of content or of addressee, and even less to the deliberate simultaneous performance of the act; in these cases we would always have several independent acts. We have here to do with the case where each of the persons performs the act "in union" with the others, where each knows of the participation of the others, lets the others participate, and participates himself; we have *one single* act which is performed by two or more persons together, one act with several subjects (*ibid*., trans. modified).

Since only one act is performed only one claim and one obligation are thereby effected.[68]

Reinach's point is that the different performances form not a heap but a single, whole performance – the modified act – which has properties the sum does not have, e.g. the property of bringing about one obligation. Each of the different performances is, strictly speaking, and *pace* Reinach, independent of the others, though not of the uptake of the whole they belong to. They are not mini-social acts in the sense that their bearers have to stand in relations of uptake to one another. The only non-independence these acts enjoy apart from their relative dependence qua constituents of one whole is that their matters overlap: I am aware of all the other co-commanders, so are you. Reinach, however, seems to imply that that the different co-commanders are somehow linked in an even more intimate fashion. But apart from mentioning an example of a linguistic action that has the structure in question, those actions the criminal law deals with under the term "complicity", he throws no more light on the question.

In a fine analysis of the grammatical structure of *person* which sets out the different combinatorial possibilities open to the personal pronouns, J.-L. Gardies has indicated just what the extra restrictions on the matter or sense of co-commandings or co-actions must be. The example Gardies uses is the linguistic action (no speech act) of choral singing in which the singers all sing together.

> Nous entrerons dans la carrière quand nos aînés n'y seront plus . . .
> *(La Marseillaise)*

[68] Husserl, we have seen, claims that when I make an assertion there is only One thing I say – see above Note 30. Reinach's theory makes a similar point about the way complex social acts and confederated states form One Done Thing.

The choral *Mitfühlen* here and in similar cases is, he argues, incomprehensible unless what is meant in each utterance of *nous* is *me and (an) other me(s),* rather than simply *me and them* (Gardies 1985, ch. V, §1). In the latter case, although the group of persons mentioned in each utterance of "nous" would always be the same, the senses of each utterance would differ -would fail to be in harmony, in contrast perhaps to the music. In the case of cooperative social acts, then, I suggest that a component of the meaning in each constituent performance will be a token of *me and (an) other me(s).* The structure of the linguistic component of this type of modified social act is:

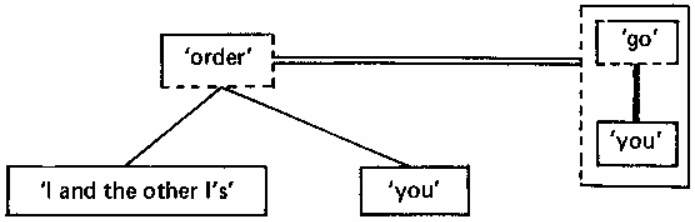


Diagram 22

If A, B, C etc. together address a command to E each sub-act a_1 , a_2, a_3 making up the modified co-command will have the linguistic structure set out in Diagram 22. And the act as a whole will look like this:

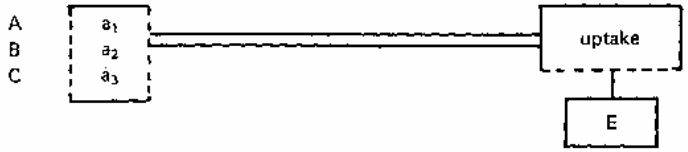


Diagram 23

The meaning of every constituent performance in a co-command (at least as far as its conceptually expressed content is concerned – 'I' is after all a deictic expression) resembles completely that of every other performance. Gardies' analysis puts Reinach's intuition on a sound basis.

§6.5 Representation

IV Representative Social Acts. Reinach's fourth type of modified social act is the case where an act is performed by a proxy, where I command or promise "in the name of another" (GS 198ff., 275-297; trans. 25ff.; 82-98). This type of episode is, of course, peculiar to social acts; I can promise for you but I cannot be sad for you. Representative modification is described and discussed elsewhere in this volume by J. Brown (pp. 119-131).

Reinach's account of modified acts gives us much more than the happiness conditions of normal, simple social acts; it provides us with a theory of happy families of modified acts. He is able to treat in zoological fashion the different types of deviation from the norm to be found in the domain of social acts. Each major type represents an adjustment to the basic schema for social acts as set out in Diagram 6. He is able to come closer to his ideal of setting out the different patterns or structures of which different mental acts, sign uses and bodily movements are the constituents. Each new type of social cement – Hume's term for the institution of promising – he describes is more comprehensive – spatially, temporally or structurally - than its predecessors.

We started with the monadic mental act or experience of one individual which is, at least locally, independent of all other acts and individuals. We moved then to the prototypical social act which links a pair of individuals in a particular spatio-temporal location. Some such acts – promising, ordering – by virtue of the states they bring into being ensure that individuals continue to be linked to one another over a period of time: I am obliged to do this and you have a corresponding claim on me to have this or that done, and claim and obligation can endure. Modifications of social acts mean multiplying the number of actors and addressees involved in a single act or they introduce social acts which are temporally scattered, whose parts occur at intervals throughout the lives of different individuals, whilst never losing their status as parts of single complex unities. The structure of representative acts, finally, shows how e.g. promising can tie together two spatially and temporally separated individuals, the person in whose name the promise is made and his representative (cf. GS 287). Representative acts have an importance that extends well outside the legal sphere (GS 277). At this level of complexity we begin to get some idea of how mental acts can trigger off complex social structures, of how linguistic and non-linguistic actions can serve as relays for mental events in the network of society. And our picture of society, which began by looking very bare, since it seemed to be populated only by isolated mental acts and bodily movements, regains some of the density possessed by our ordinary (and most theoretical) pictures of or ways of talking about society. Yet this density has not been regained by postulating mysterious social entities but by successfully adopting and applying a structuralist account of social acts and related temporal episodes and states. [69]

A feature of Reinach's account of speech acts that strikes any one familiar with more recent work on the subject is the complete absence in it of any appeal to the notion of a rule. The rule-rhetoric characteristic of philosophy of language since Wittgenstein has as its counterpart in Reinach a pervasive use of essence-rhetoric (cf. GS 397). Reinach might have wanted to make the following points about contemporary appeals to rules as a theoretical device.

[69] Reinach makes use of the notion of modification at a number of places in his writings: at ZTnU GS 98, TNJ trans. 356, where the correlate of an apprehension is said to be modified when we pass from this punctual act to the corresponding act of assertion which is made up of a series of punctual acts; although at ZTnU GS 62, TNJ trans. 320, the correlates of these acts are described as identical. On the modifications of the value of projects depending on the different circumstances in which these are envisaged or are to be realized, see GS 140-141. One of the marks of the distinction between punctual spontaneous acts and presentings is the presence or absence of a type of modification described as "being capable of being attended to", it is impossible to pick out and concentrate on one of the objects I name in the course of making an assertion but if I am looking at a landscape I can pick out and concentrate my attention on one or more features of the landscape whilst having a presentation of the landscape as a whole (ZTnU GS 67; TNJ trans. 324). On 'presentation' (Vorstellung) as a modification of sensory acts, see Reinach's review "Paul Natorp, Allgemeine Psychologie, nach kritischer Methode", GS 360. See, too, Reinach's brief account of the type of modification effected by quotation marks referred to in Note 54.

Not all the components of asocial act involve rules. Intentions, like all purely psychological items, are not rule-followings. But whenever a public item is manipulated, whenever a rule is followed then we have a rule-following, which can of course be the following of many other rules. Rule-followings are one and all temporal episodes, unlike rule-followers and rules. A trivial enough point, it would seem. Marty and Husserl never tire of stressing that uses of words, functionings of signs are occurrences (See e.g. *LI* I §10). But then, is it not possible directly to describe the relations between rule-followings, actual and possible, in such a way that these relations form a small easily surveyable family including: regular coccurrence in contexts C1, C2 etc., containment (necessary, accidental etc.), dependence (unilateral, bilateral, multilateral etc.), phenomenal fusion? If there are constitutive rules, Reinach might ask, are not the followings of these rules episodes that constitute temporal wholes? But then why not simply describe these and their parts and their interconnections for what they are And if we can do this does not the appeal to rules become superfluous? The belief that direct description of this sort is possible underlay the programme that emerged when Brentano and his heirs applied their theory of structure and relations to descriptive psychology and the theory of language. To the more successful results of this tradition belong Husserl's account of categorial grammar, Marty's accounts of nonnatural meaning, inner form and linguistic change, Bühler's theory of phonology and deixis, the phonology of Jakobson – and Reinach's structuralist pragmatics.

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