

THE LOGIC OF CUSTOMARY LAW:  
with reference to selected African <sup>SOCIETIES</sup> ~~tribes~~

by

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ABSTRACT

This thesis is an attempt to explain the facility with which ratiocination in customary law courts leads to decisions of great import. Or, to put it as a question: how do African judges reach decisions as grave and far reaching as those of their Western counterparts without equivalent court paraphenalia? The answer to this is an examination of how African judges think, and makes especial reference to the semantic philosophy of Ludwig Wittgenstein and its relation to traditional concepts of language and social structure.

## INTRODUCTION

. . . I thought that the solution could be propounded very briefly, but I soon found that to render it probable or even intelligible it was necessary to discuss certain more general questions, some of which had hardly been broached before.

- Sir James Frazer, preface  
to the abridged version of  
The Golden Bough

Before undertaking a journey, it is best to peruse a map of the countryside over which one is bound to travel. This introduction is intended to provide such a guide to the work which follows it. This essay roughly duplicates the organizational pattern of The Golden Bough. Like Anthropology's seminal giant, it begins with a specific problem and mushrooms to the consideration of vast and, at first sight, unrelated areas of thought. Finally, however, just as Frazer returns after ten volumes of digression to the mystery of the priest at Nemi, this paper returns, with the aid of thoughts harvested in foreign fields, to solve the puzzle which gave it birth. Yet it is hoped that one may ape Frazer's virtues without copying his mistakes.

At the outset, it must be understood that the factual material presented here is, at best, third hand, and, therefore, whatever conjectures are based on it are justifiably suspect. Ideally, one could resurrect old law cases. Students should be able to stand in the place of judge, and witness and plaintiff if they are to know, with any degree of precision, what passes through the minds of the characters about which they write. Time traps the form of these cases like the imprints of ancient

flies in spheres of amber. They persistently tantalize, dangling beyond the hope of grasp. This is, in a sense, an attempt to do the impossible, and were this not admitted, certain parts of what follows might seem arrogant. Hopefully, in this instance, prior admission will obviate future conviction. Also, since whatever can be said about the facts of African law cases is perforce somewhat weak, I shall easily avoid a reduplication of the Golden Bough's cardinal mistake by not presenting very much of it.

Since African customary law cases are not all the same, it may help to generalize about the various types and say which are the ones here found so mystifying. Basically, I suggest, there are three types of cases found in the literature on African customary law. First, there are cases where the evidence of one or other litigant is corroborated and a decision is made. Second, there are cases where the evidence of neither litigant is corroborated and there follows no decision. Third, there are cases where the litigants' evidence is not corroborated, or attempts at corroboration are equivocal, and yet a decision is made. This thesis is solely concerned with cases of the third type.

One other problem must be mentioned in the preliminaries. Several attempts have been made to define "customary law". In fact, every author on the subject seems to juggle the term slightly in his own favour. The main body of this paper is concerned with words and meanings so that by the conclusion my opinion about these definitions should be clear. For the time being, however, the essence of "customary law" is that it is unwritten. This is the difference between Western courts and

customary courts, the difference that, in fact, gives rise to the subject.

The thesis is really more about "logic" than "customary law". This concept arises from the philosophy of Ludwig Wittgenstein and represents the furthest digression from the main problem. However, since it does not enter the essay until fairly late, and is then fully explained, it need not be born in mind at the moment.

Having thus drawn a few rags of apology around what will be the most offensive naked protuberances of this paper's body, the journey may commence. Judging from the title, it is as if a trip through a forest were advertised and having bought one's ticket it turns out that the trip takes place at night with only the aid of a hand torch. Now, a torch may give a distorted impression of towering oaks, but its feeble glow will enable one to avoid serious injury from low hanging boughs and to observe a few interesting ferns along the path. If not the anticipated feast, then, it may at least be the plenum that suffices.

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## CHAPTER I

### THE PROBLEM : FACT FROM ALLEGATION

In Law Without Precedent, L.A. Fallers discusses the activities of the customary law courts in Busoga. He presents numerous instances of litigation and often quotes the actual statements of the participants at length. For this reason, I will examine one of his cases in depth in order to reveal the exact problem with which I am concerned. Before doing this, however, it is necessary to give a rough sketch of the Soga social system. To understand the case, it is necessary to understand the social organization of which it is a part.

Busoga was a congeries of petty chieftancies in Uganda. Traditional rulers had some power, but even the most powerful tolerated the presence of an alternative governmental system, the African Local Government, which depended on the British colonial authorities for support. Both chiefs and African Local Government officials conducted courts. Neither were versed in formal colonial government policy, but under the policy of in-direct rule, both were expected to solve problems on the basis of "native law and custom". The courts of the traditional rulers and those of the African Local Government did not usually compete. Traditional disputes over land inheritance within a lineage were generally handled by the chiefs, while more modern problems, such as church marriages, were taken to the African Local Government officials for settlement. Fallers does not always reveal the type of court in which a particular dispute occurs, but usually this is

obvious from the context.

Litigation is an old tradition in Busoga. People serve as their own advocates, although Fallers thinks some get outside advice. There is a hierarchy of courts, most litigation beginning with the village headman and if satisfaction is not found there, appealed to the county courts.

Thus, at the time of Fallers' study, Busoga was a British colonial administrative district. The population have a common heritage of political rule by chiefly bureaucracies. Also, the tradition of dispute settlement by litigation is a common and indigenous feature of the Soga as a whole. So, while traditional chiefs do exist, their authority is limited and waning, and Busoga may, in effect, be considered as a unit.

All Soga further share principles of organization based on descent. These people are extremely patrilineal. Every man belongs to a named patrilineal clan and to a corporate patrilineage. The most important obligation of clan membership is exogamy. A man and a woman with the same clan name must not have sexual relations. While clan membership is somewhat vague and as members of such people have no definite activities, lineages are perhaps the most important groups in Soga life. Lineages have corporate rights in property and whenever a member dies, the lineage meets to decide on a successor to his property and to his wives. Usually, the property goes to a son and the wives go to a brother. All land is owned by a lineage or is temporarily at the disposal of the village headman who can re-allocate it only on the understanding that it will be inherited by the lineage of the man who lately held it.

Soga patrilineages are so strongly defined and so closely bound to the land that they severely affect marriage

patterns. The difficulty in Soga marriage is that women grow up as members of their father's lineages. During this time they are governed by their fathers and brothers. At marriage, however, they move to their husband's home and are governed by and responsible to his lineage. Usually the bride finds this harsh transfer from warm affectionate surroundings to the emotional coolness and discipline of her new home hard to bear. This, no doubt, contributes to the fact that young brides are frequently obstre~~perous~~ and Soga marriage is unstable. This is a major cause of court disputation.

A factor contributing to this instability is what may be called the Soga principle of "genitor-filiation" (I take this term from the lectures of Dr. Martin Southwold at Manchester University, Michaelmas Term, 1968). Descent among the Soga is traced not from the mother's husband to the child, but from the begetter, or genitor, to the child. Thus, a child will have rights in and obligations to the lineage of the man who impregnates his mother. It does not take an overly cynical mind to realize that this man may not be the same one who is the husband of the mother. This is certainly a cause of jealousy, since the recruitment of new lineage members depends on the marital fidelity of a woman who has little objective reason to revere her husband's lineage. The marriages of many Soga women, therefore, are short and plagued with troubles and unpleasantness. Husbands strictly seclude their wives. Fear of adultery is common. Divorce, which only involves the return of bridewealth, is frequent.

From these inherent difficulties in the marriage situation, spring two major types of court activity. The first

Fallers translates as "harboring", the second as "eating two hens". "Harbouring" is a charge made by a husband against his wife's father. After marriage, a woman is expected to spend virtually all of her time with her husband, and should certainly never leave without his permission. As mentioned earlier, wives do not like this rule and frequently abrogate it. If she is found to be staying with her father, he may be charged with "harbouring" her, and if found guilty will have to pay a fine and will probably spend several months in gaol as well. Judging from Fallers' case material, husbands are very quick to accuse fathers-in-law of this.

Even more serious than "harbouring" is the charge of "eating two hens". A delict of this type happens when a father takes his daughter from her husband, fails to return the bride-wealth, and then accepts bridewealth from another suitor. This is profiteering of the worst sort. Conviction of "eating two hens" means a punishment in terms of fines and imprisonment even stiffer than that for "harbouring". This crime does not seem to be too frequent.

One last feature of Soga social structure relevant to the first case, is that their kinship terminology is of the Omaha type. The Soga kinship terminology is fairly unproblematic; only two aspects of it are important. First, that all members of ego's generation are called "sibling" and, second, that it is unthinkable that a woman should address her own and her "daughter's" (here meaning any lineage member of junior generation) husband by the same kin-term.

The case of "Genatio Magino versus Yowasi Maliwa" (Fallers, 1969, pp. 128-135), reveals the problem of this thesis.

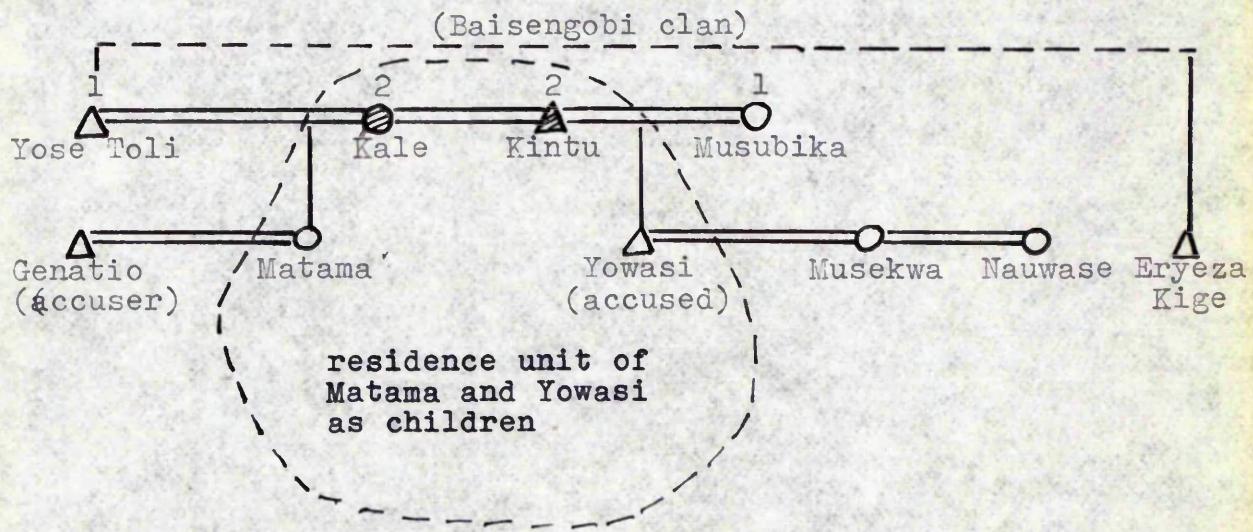
The case begins as Genatio Magino accuses Yowasi Maliwa of seducing his wife and of attempting to negotiate bridewealth for her. All that Genatio knows for certain is that his wife left him, and that three months later he found her approaching her father's house accompanied by Yowasi Maliwa. Genatio seizes Yowasi, gives him a severe beating and evidently takes back his wife. He merely alleges the purpose of the visit to her father.

As it is generally understood that adultery between siblings is impossible, Yowasi and the woman Matama defend themselves by claiming that they are "siblings-of-the-opposite-sex", the literal translation of a Soga kinship term. If this relationship is a valid one, it gives a perfectly acceptable reason for Matama being in Yowasi's house. His claim to innocence is increased by saying that Matama stayed in his house for only three days. The court begins to investigate Yowasi's claim by asking him how many times he had visited Matama while she was living with Genatio. This is an important question, for brothers are entitled to visit their married sisters. Yowasi replies that he had visited them, adding that they also visited him and when they did so he prepared relish to serve them himself, no doubt the sign of a generous host. But the court is not satisfied. They next demand proof from Yowasi that he is Matama's brother. He claims as his evidence the testimony of Yose Toli the first husband of Kale.

Having listened to Yowasi, the court examines Matama. Her defense is less vigorous than his. She states that she and Yowasi are not "from the same womb", but that his father was married to her mother and that they were reared together. When asked how frequently Yowasi had visited her after her marriage, she replies that while he was still young he did visit, but

after he grew up, he no longer visited. The court is curious about this relationship and so she clarifies: ". . . because I grew up in his father's house, I call Yowasi 'brother' but we are not of the same clan; I have one father, he another"

(Fallers, 1969, p. 128). Matama further explains that as she was travelling through the countryside, darkness overtook her and she stopped at Yowasi's house. He was not at home then, but the next morning he put her on a bicycle and was returning her to their father, Yose Toli, when their trip was interrupted by Genatio. After further questioning, she confirms that she had left her husband and had successfully avoided him for three months. This, then, is the case for the defence. The relations of those involved may be traced on the following diagram adapted from Fallers, 1969, p. 129):



Yowasi and Matama claim relationship through the marriage of Kintu and Kale, who are now both dead. Kale was first married to Yose Toli and by this union bore Matama. Likewise, Kintu's first marriage was to Musubika who is Yowasi's mother. Thus, in the Soga kinship terminology, Yose Toli, Kale, Kintu, and

Musubika are all called "parent" by Matama and Yowasi. It later becomes significant that Yowasi's two wives, Musekwa and Namwase are members of the same clan as Matama and of senior generation, so therefore would be obliged to call her "daughter". As mentioned earlier, that "mothers" and "daughters" should ever call the same man "husband" is unthinkable.

Having examined the defendant, the court examines Genatio, the plaintiff. Genatio denies knowing Yowasi or the family connections on which his defense is based. He says that when his wife left him he reported the matter to the subvillage and village headmen, but took the matter no further. An interesting thing then happens. The court asks Genatio: "This Yose Toli of whom Yowasi speaks - did he marry [Yowasi's] mother, Musubika?" (Fallers, 1969, p. 130). Judging from this question, the court has misunderstood Yowasi's defense; they have confused the genealogy and have asked Genatio if Matama's begetter married Yowasi's bearer, when in fact Yowasi claims the converse. Genatio, of course, denies that this marriage took place, and his answer is correct, but since the question is improper, his response may confuse the court.

Next, the court moves beyond the genealogical issues, and asks Genatio how he knows that it was Yowasi who took his wife and how on the day he found them that he knew Yowasi was going to negotiate bridewealth. Genatio replies that as he was going to market, he discovered them at his in-law's house and assumed the motive for their visit. That is, he assumed that Yowasi was about to negotiate bridewealth for Matama with Yose Toli. After further questioning, he admits that he has no real evidence that bridewealth negotiations were in fact occurring.

Next, the court asks Genatio if he informed his in-law Yose Toli when his wife left; he answers yes, and adds that he visited Yose Toli twice. Their final question returns to the genealogical issue: "Yowase says that Matama is his sister and that he used to visit your home. How is that?" And Genatio's response is: "I don't know that and I call upon Yose Toli. If he knows that Yowasi is the brother of Matama, then I won't plead further".

Several important items emerge from Genatio's testimony. The court establishes that his behaviour is consistent with that of an aggrieved husband, that is, he informed all the right people when she left him. They establish a lack of evidence in his claim that Yowasi was negotiating bridewealth for Matama. And the court succeeds in getting him to admit that if Yowasi's claim to be Matama's brother is truthful, then he will drop the case. Significantly, Yowasi and Genatio both appeal to Yose Toli as authority on the genealogical aspects of the case.

The next task of the court is to examine Yose Toli. Yosi Toli is already in some difficulty. His daughter admits to being away from her husband for three months and he is, therefore, open to the charge of "harbouring". Even worse, Genatio alleges that Yowasi tried to negotiate bridewealth for Matama which implies that Yose Toli is guilty of "eating two hens". So, while Yose Toli's name has hardly been mentioned in the proceedings, every charge by Genatio against Yowasi threatens him with a possible fine and prison sentence.

Upon examination, Yose Toli shows no signs of equivocation. Genatio is his in-law, Matama is his daughter, but Yowasi, he does not know. He further agrees with Genatio, that

Yowasi did indeed seduce Matama. Yose Toli acknowledges that Genatio found the pair coming toward his house but denies any intention of beginning bridewealth negotiations. Yose Toli does not really deny the facts on which Yowasi bases his case - the marriage between Kale and Kintu. Rather, Yose claims that Kintu stole Kale from him and never properly married her, but Fallers ascribes this to the re-activation of an old wound rather than to anything directly significant.

Yowasi's key witness, thus, disappoints him. After pointing this out to him, the court asks him if he has another witness. He offers to bring forth Eryeza who is supposed to know that Matama and he were reared together. The court, however, is not interested in further testimony. In a brief decision that makes no reference to the arguments, they decide against Yowasi. Genatio receives one-hundred shillings in compensation, and Yowasi is fined fifty shillings and imprisoned for four months.

Although convicted, Yowasi appeals the case to the county chief. In the second trial he adds two more contentions to his case. First, that his intention in being at Yose Toli's house could not have been to negotiate bridewealth because he brought with him no accompanying party or money or livestock to give as presents. He argues that Genatio attacked him rashly without asking any questions and beat him severely. Yowasi further claims that because of this unwarranted beating, Genatio himself fears prosecution and is therefore doubly intent upon seeing him convicted of adultery.

Yowasi's second new contention is that it is a custom of the Soga that there is more than one kind of relationship

between people. Even though he and Matama are not of the same clan and consequently not forbidden to marry, marriage for them would be equally unthinkable because having grown up together they are like brother and sister. He further claims that on the basis of this, Yose Toli's testimony is sufficient to exonerate him. This is also the point at which he insists that since his two present wives are "mother" to Matama, a marriage between them is impossible.

In spite of these new arguments, the county court is unimpressed and Yowasi stays in gaol to complete his original sentence. The final verdict of the court is what Fallers calls an "utterly fact-minded decision" (Fallers, 1969, p. 321). The last statement of the judges is simply: "there is no true evidence that Matama is a sister. For that reason he is defeated".

The obvious question arising from these proceedings is how has Yowasi been convicted? At what point in the trial is his guilt determined? This is not a simple problem and no answer can be given at present. Rather, there is a problematic aspect of the case which when properly analysed will yield an answer to the larger question. The problem is this: In the case of Genatio versus Yowasi, there are numerous allegations and remarkably few facts. The court is essentially presented with a history. This history is reported from several points of view by different people, the various fortunes of which are all intimately bound up with the details of the history and the final decision as to which version is right. They agree on few parts of this history as fact, and each adamantly clings to his own account of disputable points. Yet, a decision is reached with little ratiocination, a harsh sentence is passed,

and is upheld on appeal. How is this possible?

The first point, that there is a dearth of facts, is a crucial one. Exactly what has happened? That Matama left her husband is generally acknowledged. Approximately three months elapse before she encounters him again. This meeting is a tumultuous one, with the interpretations given by the various participants differing wildly. The elements on which all agree are these: Matama is on Yowasi's bicycle and together they are nearing the house of Yose Toli, her father. Genatio and several of his friends happen along the path. He is incensed at finding his recalcitrant wife with another man and he and his friends fall on Yowasi and severely beat him. Genatio takes the two facts - that Yowasi and Matama are together at Yosi Toli's house - and constructs a picture of the situation. In his picture, Yowasi is bringing Matama to her father's house in order to pay bridewealth for her. This is the picture he brings to court as an accusation. In attacking this picture, Yowasi is most eloquent, Yosi Tole most adamant, and the court most sceptical. Genatio's picture is thus declared invalid.

The mass of allegations generated by Genatio's hastily drawn picture are easily dispersed. But equally important are the questions its dismissal raises. When all testimony is complete there are three interpretations of the events in this encounter. Yowasi accounts for his being there by claiming to have been returning Matama to her father. This gives him motive and reason for being with Matama and for their being in Yose Toli's courtyard. Genatio accounts for their being there by giving the negotiation of bridewealth as their motive. Yose Toli's is the most incoherent. He explains why Matama is with Yowasi, but he does not explain what they are doing at his house.

After careful probing, the court throws out Genatio's version of the history. This leaves only two choices. Now, the important thing is that if Yowasi's account is accepted, then Yose Toli is implicated in "harbouring". For if after three months separation from her husband, a wife is found with her father, a conviction for "harbouring" is likely to result. Thus, if Yowasi's version of events is correct, Yosi Toli is, in effect, left in possession of stolen goods. With Genatio's interpretation rejected, Yowasi's is the only complete one remaining, the only one able to account for his being at Yose Toli's house. The court rejects his version, but by so doing they leave the question: why did Yowasi bring Matama to her father? Were they only en route to another place? Would an adulteress bring her lover to her father's home without some sort of understanding with him?

But a fact more central to the case is simply that Yowasi has been caught with another man's wife. Now, Soga have a very handy interpretation for this situation. With some exceptions, they recognize only one reason that a man would be with another man's wife, and that is adultery. This is, no doubt, a product of the obsession Soga have with the protection of their wives. The sons of a wife even suspected of adultery may turn out to be less than sons. Yowasi's defense is an attempt to fit himself into one of the exceptional cases. Brothers do not commit adultery with their sisters, in the Soga scheme of things. If sexual relations occur it would be incest and this is a matter to be handled within the lineage. Yowasi reasons toward the concept of siblingship in two directions. First, that his behaviour is typically that of a brother, and, second, that he and Matama grew up in the same household treating each

other as siblings.

The most important part of the first contention is his claim to have exchanged visits with Matama since her marriage. Proof of this would virtually be an admission by Genatio that Yowasi is his in-law. There are three different statements on this point. Yowasi claims that visiting was frequent and reciprocal, Matama that visiting was occasional and ceased when Yowasi grew up, and Genatio that visiting never occurred, or, Genatio implies this by avoiding the question altogether. In fact, Genatio claims not even to know Yowasi at all as eventually does Yose Toli. Most likely these claims are merely a rhetorical rejection of Yowasi (see Fallers, 1969, p. 131). Clearly, all the parties in this dispute are known to one another. One may speculate that Matama's statement is the most likely, if for no other reason than that it is the least extreme and after all, she has least to win or lose in the case. So, speculating further, probably Yowasi did visit Matama after her marriage. Does his stopping to visit after maturity indicate a change of status? Ordinarily it would not. Yowasi has two wives of his own and since these marriages probably coincided with his own maturation, that the frequency of his brotherly visits then decreased is not surprising. This phenomenon is, after all, fairly universal. But, regardless of the strength or weakness of the argument, the court does not find it particularly relevant.

The second issue is obviously the crucial one. Significantly, Yowasi calls on Yose Toli to confirm his account of his step-siblingship with Matama, and he agrees to abide by Yose Toli's testimony. Even when Yose Toli denies his claim,

he still, in the appeal after conviction, contends that there is sufficient evidence in Yose Toli's testimony to exonerate him. It turns out that the court does not think so, but the interesting point is why he should think so. Yowasi expects Yose Toli to confirm that they call each other "father" and "son". On the other hand, Genatio seemingly expects him to deny this. Genatio is right. Yose Toli denies that Yowasi is his son. He admits that his ex-wife, Matama's bearer, left him and subsequently married Kintu who begat Yowasi by a previous marriage. Now both litigants claim justification from this testimony. Genatio because of the bald denial of kinship, and Yowasi because of the admission of relevant historical data. Was this all that Yowasi expected of Yose Toli? Probably not, or he would not have been addressing him as "father" earlier in the trial. At any rate, Yose Toli's statement does not obviously decide the issue of guilt or innocence.

One difficulty in evaluating Yose Toli's evidence is that he is himself so vulnerable to Genatio's charges against Yowasi. One thing that clearly results from the trial is that Yose Toli does not suffer. Thus the purpose of his testimony is clear and if his evidence is a means to that end, he must at least be suspected of some dissimulation. This certainly complicates the trial. Yowasi must be disappointed with Yose Toli's behaviour, but he cites his evidence as authoritative until the very end. The reason for this is that when the scanty admissions concerning Yowasi's family history are fitted into the kinship terminology Yowasi is to Yose Toli in the relation of "son" to "father". From this position his conclusions is quite logical. For who is "daughter" to my "father" is "sister" to me. From the viewpoint of the kinship terminology, then,

Yowasi's genealogical evidence demonstrates his innocence. But the courts do not think this is true evidence that Matama is a sister.

The object of analysing this case is to disclose its complexity. There are essentially two facts which cause litigation: Matama's leaving her husband and her being found with Yowasi. This is virtually prima facie conviction of adultery unless Yowasi is entitled by virtue of kinship to be so intimate with her. This he attempts to prove. His first stumbling block is Yose Toli, whose deceitful testimony considerably weakens his case. But if Yowasi is innocent, then Yose Toli, by implication, is guilty of "harbouring", "eating two hens", or both. In this either/or situation Yose Toli's conduct is understandable if not laudable. But in spite of Yose Toli's deceit, a third fact emerges: that Matama and Yowasi did grow up in the same household. Unfortunately for them, the master and mistress of this household are both dead, and they are probably the only ones who are qualified to describe their childhood circumstances. But the court shows no interest. There is also a contradiction between the final verdict and the kinship terminology, which adds to the difficulty of understanding why this decision is made.

The total picture of the case "Genatio Magino versus Yowasi Maliwa", then, is one of few facts, much allegation and some deception. Argumentation is long, involved and sometimes, by Soga standards, remarkably lucid. Yet the final decision is curt and seems to ignore many of the arguments. Fallers passes this over by referring to the "fact mindedness" of the court. But there are few facts and they are somewhat contradictory.

Also, the judges evince no difficulty in reaching a decision. Often the judges will disagree, but this is a quick and seemingly effortless verdict. All this adds up to the conclusion that, taking everything into account, the decision of the judges is not obvious, which is to say that the arguments are not logically resolved into a conclusion. It is true that both litigants agree on a certain core of facts, slender though that core is. Therefore, either they see the facts differently or the decision hinges upon something beyond the facts. The remainder of this thesis is a search for that something beyond the facts.

I have thus proposed a question: How do the customary law courts of the Basoga make judicial decisions? How do they determine who is innocent and who guilty? How do they separate fact from allegation? And why is justice sometimes dispensed with so little consideration of seemingly relevant arguments? Now, every action in the Soga courts does not exhibit all of these quandaries. Some cases are solved simply by verification of a litigant's claims by a trustworthy and disinterested third party. When the preponderance of evidence favours neither side, as in the example given above, then the court must go beyond the facts to reach a decision. That they must do so frequently, and are able to do so with little hesitation is the puzzle I shall attempt to solve.

Before a solution is obvious, however, the case of "Genatio Magino versus Yowasi Maliwa" must be analysed in terms far more subtle than those so far attempted. The case must be broken down into its finest elements and the nature of these elements must be discovered. By distilling this complexity

into its constituent vapors and fluids, some strand of logic, some statement of cause and effect, may emerge where now there seems only to be an arbitrary and whimsical judgement. As is so often the case, the basic constituents are found in the broadest and most obvious traits of the court's activity.

The most obvious, and for that reason sometimes the least considered, attribute of judicial process is the simple matter that it is the most purely linguistic mode of human conflict. Of course, things other than speaking do take place, but the genius of court activity lies in its ability to replace cruder forms of conflict with language. And the language of the court is not simply the language of everyday speech. Even in the somewhat simple conditions of customary law, the vocabulary is appreciably different. Taking "Genatio Magino versus Yowasi Maliwa" as an example, the frequency with which categorical personal nouns are used is truly astonishing. "Brother", "sister", "step-sibling", "in-law", "adulterer", "husband", "wife" and so on are the very idiom of the litigation. Behind these words lie the reasons for coming to court. And it is with these words that Genatio finally succeeds in convicting Yowasi. Furthermore, each of the participants uses these words in his argumentation and each persists in his own definition or understanding of the words. Here, then, is an obvious dimension of the problem which is fundamental and yet generally ignored.

The examination of the uses of language in African customary law court cases is closely linked with the end of language - meaning. Participants in Genatio's action against Yowasi are intimately connected with the words they use. They argue forcefully and cogently about the meaning of the word

"sister", and because this word fails to apply to Yowasi's relationship to Matama, he is penalised harshly. Language and meaning as such are, of course, enormous problems and the amount of literature on each topic is staggering. A clearer point of entry is afforded, however, through one last obvious factor which gives some organization to these, the smallest discrete units of the puzzle.

The third obvious component of ratiocination in African customary law is that the personal nouns which are the foundation of thought are ordered in a configuration. There are only so many terms and they bear constant, though fluid, relations to one another. Thus, "son-in-law" and "father-in-law" are terms with sufficiently clear definitions to enable all concerned to infer that charges of "harbouring" or "eating two hens" would result against Yose Toli from Yowasi's acquittal. Over this the litigants need not quibble, for it is an ordered and defined relationship. Likewise "brother" and "sister", are in a constant relationship on which all agree. Furthermore, the same is true of "husband" and "wife". In fact, an accurate definition of any of the terms can only be given by its relation to one or more of the others. The riddle placed before the Soga judges is whether a particular unknown instance is congruent with a general form which is well known. But even coming this far there is no answer to the question of how exactly they do it. It is as if one suspects that there is a rabbit in the bottom of the hat, and one then sees the magician pull the rabbit out of the hat, but to know how he did it, one must know the method of tucking a rabbit into a hat. This, in effect, is the mystery.

Thus, there is a history and a general problem

arising from the history. It is hoped that by breaking the problem into its natural parts a solution will be clear. There are, essentially two natural and obvious parts of the problem: Language and meaning being one part, and the ordering of the all important personal nouns the second. The later part is usually subsumed under the ideas of "social role", and social structure, and since they are simpler and more accessible than the other dimension, it is convenient to begin there to attack the problem of judicial decision making through ratiocination in African customary law.

## CHAPTER II

### THE IDEA OF A SOCIAL ROLE

In this essay, I reason in one direction: from what is obvious but complicated to what is not obvious and is uncomplicated. This is the path of analysis. It is the method used in the first chapter to display the problem; it is the method used now to unravel the concept of a "social role".

To begin, with an obvious point, "role" is not a word invented by social scientists. Its heritage is long, and in strange ways phantoms from its past haunt those who trifle with its subtle meanings, even in the thoroughly exorcised Twentieth-Century. Considering the nature of words, this is no surprise. Of course, the nature of words is not uncomplicated. In this essay, I take a particular view of words as being the correct one, it is known as Ordinary Language Philosophy. The principles of this view have been formulated by J.L. Austin (J.L. Austin, 1961, pp. 149-151). The two attributes of his philosophy most relevant to this study are, first, that words rarely shake off their past and etymology is consequently always important, and, second, that the history of a word will often reveal that it is based on a very simple model of reality, that these models are often forgotten and that this forgetfulness confuses modern speakers. This is exactly the case with the word "role".

The idea of a role is both old and widespread. It is a function of the drama. Throughout the long history of this artistic form, where men have acted in plays, they have thought of plays as composed of various parts which are roles. Thus an

actor in a play is the prototypical model of reality behind the word "role". Central to a role is the idea that it controls the actions of the individual who plays it, and yet it is not part of the individual who plays it; it may be put aside freely.

Curiously, while the idea of a role follows the drama, it has rarely been restricted to it. Shortly after the ancient Greeks began writing and viewing plays, the Stoics expanded the simple idea of a role in a play into a complete system of morals. The philosophy of Zeno and his school is wrapped up in a dramaturgical analogy:

"Life is not like a battle but like a play, in which God has handed each man his part unread, and the good man proceeds to act it to the best of his power, not knowing what may happen in the last scene. He may become a crowned king, he may be a slave dying in torment. What matters is: The good actor can play either part. All that matters is that he shall act his best, accept the order of the Cosmos and obey the Purpose of the great Dramaturge".

(Gilbert Murray, 1930, p. 124).

In the same fashion, this simple notion slips into social science, bringing with it these ancient connotations. And this heritage creates flaws and cracks in some of sociology's most imposing theoretical edifices.

The idea that human life is in some ways analogous to the drama is, thus, somewhat illustrious. Yet, actually the converse of this is nearer the truth; that in some ways the drama is similar to life. Excepting Pirandello's baffled characters, nobody seriously confuses the artifice of the stage with the realities of life. Yet through many centuries the stage has been an accurate reflection of life. It is no wonder, then, that when, in recent years, men's minds have attempted a scientific expression of the components of social life they

should turn to this most ancient of abstractions. The development of "role theory" in social science closely follows the inception of the subject and has even been welcomed as its key (for example in Banton, 1965). The question posed here, then, is can purposively rigorous theories of human life profit from borrowing the terms of the drama?

Perhaps the first person to attempt a scientific specialization of the word "role" is Ralph Linton. Linton begins by defining the concept "status". A social "status" is a position in the "pattern of society", so that it is proper to say that an individual has many statuses. But, the status of any individual means the total number of statuses which he occupies. Linton goes on to say that: "A status, as distinct from the individual who may occupy it, is simply a collection of rights and duties" (Linton, 1936, p. 113). In a later publication, he elaborates these "rights and duties" into "the sum total of the culture patterns associated with a particular status" (Linton, 1947, p. 50). So a role includes all attitudes, values and behaviour supposed by a society to be attached to a status.

For Linton:

"a role represents the dynamic aspect of a status. The individual is socially assigned to a status and occupies it with relation to other statuses. When he puts the rights and duties which constitute the status into effect, he is performing a rule" (Linton, 1936, p. 114).

A further difference is that one usually has little or no control over which statuses are attached to oneself, but one must learn the behaviour expected of those roles in which one is inadvertently placed (Linton, 1947, pp. 50-51). Thus, a status may be based on age or sex, but since different behaviour is expected

of the different ages and sexes one must often strive to learn and display what is proper. Consequently, in the sense that roles are learned and statuses are not, the claim that the former is active and the later passive is an accurate one. The learning of a role involves not only knowing the range of behaviour expected of the status, but also of the cues which activate a status (Linton, 1947, pp. 63). Linton argues that while an individual has many statuses, he does not use them all at once. Some are relevant to him and govern his behaviour only on certain occasions. Of all one's statuses, then, some are latent and some not. The learning of "cues" enables one to know which of the repertoire to activate, and when. Thus, a role is the enactment of a status. Or, to force Linton's terminology back onto the drama, a "status" is a "part" which becomes a role only when it is being enacted. The analogy is this: Hamlet is an ideal patterned structure, an ordered collection of parts, the inter-relation of which is unalterable; within this structure is the status ("part") Hamlet, which becomes a "role" only when it is being acted, and it is in the role enactment that individual qualities are important; Olivier's Hamlet is not the same as Richard Burton's. Linton's terminology permits the same things to be said about social life. English "society" is an ideal patterned structure, an ordered collection of parts the interrelation of which is inalterable (whoever acts <sup>Laertes</sup> Hamlet cannot act Laertes; and whoever acts the Barrister cannot act the insurance agent); within this structure is the status, Barrister, which only becomes a role when it is being acted and it is in the role enactment that individual qualities are important, there are good and bad advocates; the good Barrister

may be a bad insurance agent and vica versa, at any rate one cannot be both at once.

Linton contends that "status" and "role" are inseparable in any but an academic sense. In his view, there are no roles without statuses and no statuses without roles. As with status, every individual has a series of roles as well as a role which is the combination of all his roles. In Linton's terminology, an individual occupies particular statuses and exercises the roles of those statuses. One way of making the difference between "status" and "role" more simple is to concentrate on the more abstract implications of their meanings. "Status" is a concept of relation. Any noun is related to some other nouns in such a way that regardless of their content they cannot be the same. A great variety of beasts are called "dog", but "dog" can never be "cat". In this relational aspect the important factor is the <sup>discreteness</sup> discretion of the term. "Role", on the other hand, is a definitive concept. It is like the definition of a single word. There comes a time when one must say more than "mammals are not reptiles", one must say exactly what mammals are. To use another simile, the concept of "status", is like arranging bottles on a shelf; but whether a particular bottle contains beer or cider is expressed by the "role" concept.

The significance of the status-role is that it represents the minimum of attitudes and behaviour which an individual must assume if he is to participate in the overt expression of the social pattern. Status and role, to Linton, are a way of reducing the ideal patterns for social life to a level easily understood by the individuals who use them. Status and role "become models for organizing the attitudes and behaviour of

the individual so that these will be congruous with those of other individuals participating in the expression of the pattern" (Linton, 1936, p. 114). Knowledge of proper role behaviour forearms the individual against most new situations, according to Linton. Only rarely does behavioural innovation take place. Having made this explanation of what "role" and "status" are, Linton discusses the types of roles and statuses to be found in social systems. There are two: those which are earned (achieved) and those which are unearned (ascribed).

The first conspicuous thing about Linton's theory is that it is blatantly culled from the theatrical prototype. "Role" does not enter social science as a unitary concept, but as a part of a connected group of ideas. There are three separate ideas in Linton's theory: the "ideal social pattern", the "status" which is a collection of rights and duties and forms a part of the "ideal pattern", and the "role" which is the status enacted by an individual. This scheme permits social life to be analysed as if it were a play. Now, to say that Linton's theory does nothing more than to strike an analogy between theatrical productions and social life is no criticism. This method of theory-building is not new in the social sciences; it is typical of the heuristic approach to knowledge. With this method a theory is constructed, or an analogy cast, and then set to work to see what results it produces or what new statements about social life it allows, or how well it fits reality.

Beyond the possible heuristic merits of Linton's scheme, certain points about the theory qua theory may be made. First, Linton's presentation of status and role as concepts depends on a foundation of philosophical idealism. The element

of this theory about which he says least is, in fact, the most important - the "ideal pattern of society". About the nature of this, Linton is mute; his source of knowledge is unstated. Yet, the whole purpose of the status-role idea is to articulate the individual to the overriding "ideal patterns for social life", to "reduce" it to individual terms. Something seems to inform the actions of individuals, but Linton does not clearly state what it is or how it operates; he only states its destination.

Returning to the dramaturgical analogy: the "ideal patterns for social life" are equivalent to the play as a whole, in the unity of which all parts and roles are fragments, which is to say that they exist in it and are defined by it. Now, the essential unity of the play lies in the creative genius of some playwright. The playwright conceives of an end or effect, and he uses various means to produce this. And to this end all parts are subordinate. What governs the actor is his part. And what governs the part is the design of the play. This scheme does not float away into idealism because it is one reality; it is, in fact, a single idea created by at most a few men. The analogy, then, begs the following question: do the "ideal patterns for social life" have a similar unifying spirit? Linton does not answer this question, and here is the place where his theory begins to break down. This point may clearly be seen in Linton's sentence: "Status and role serve to reduce the ideal patterns for social life to individual terms" (Linton, 1936, p. 114). Two aspects of this thought are problematical. The hypostatization of "ideal patterns" is unjustified. This is only to point out the flaw in Linton's argument. His position possibly might be justified, but the interesting thing is that he does not

think it necessary to do so. The other problem is that these "ideal patterns" are for social life. By this it sounds as if social life is determined by these "ideal patterns". Perhaps this is more than is actually in Linton's writing, but a tendency in this direction is clear. At least some writers on this subject would assert that any ideal pattern of social life that may be found is a reflection of social life rather than a pattern for it. So, Linton's idealistic foundation is unproven. There is however a sort of self-propelling logic in Linton's position, and this is its consistency with the dramaturgical analogy.

The second major difficulty with Linton's theory is also of a philosophical nature. Idealism is not in itself indefensible, but to link it up with terms of a different constitution and then effect a switch is a very unpalatable sort of dualism. That Linton feels he must find a way of "reducing" the ideal pattern to individual terms introduces the opposition of body and mind which Gilbert Ryle has so brilliantly exposed in The Concept of Mind. This is a serious blunder and is unfortunately found to be at the bottom of many of the muddles in the literature on role theory.

At least some of Linton's shortcomings may be forgiven, however, in light of the difficulty of his task. He sets about to borrow a term from the drama and show that it can be specialized for other uses. He fails to borrow the word "role" by itself and drags along its associated concepts. He introduces the word in the context of a total play (the "ideal pattern") and a part in the play (a "status"). The word "role" comes into social thought, as J.L. Austin puts it, "trailing clouds of etymology". The strong flavour of idealism teased out of

Linton's theory is, at least in part, due to the nature of the concept of a role. The very usage of the phrase "an actor in a role" which is characteristic of Linton and most other writers on this subject, implies the existence of a part, or a script. One cannot act out a role if the content of the role is not known; this is fairly obvious. Therefore, the very presence of the word "role" entails the existence of a body of knowledge about what to do which is accessible to anyone who enacts the role. In the terms of the theater this is not coloured with idealism because the play itself is accessible and easily understood. But the existence of Linton's "ideal patterns" is not so clear; therefore to place it in the analogy alongside the play is to hypostatize it. In a sense, then, the idealistic basis of Linton's position is unavoidable. It is inherent in his choice of words and, indeed, in the process of specializing a word by taking it from one body of thought to another. This is, no doubt, one of the greatest pitfalls to social science, the problem neither beginning, nor ending, with Linton.

If this analysis of Linton's ideas on status and role seems inordinately long, it is because, while his theory is compact, when developed by others the quantity of verbage mushrooms. The difficulties of Linton's formulation of "status" and "role" are at the heart of the work of those who follow him, and are most efficiently brought to light in their most simple expression.

Linton's argument presents a structure which is shared by most theories of social role. Careful analysis reveals an underlying set of binary oppositions as dramatically as in a Levi-Straussian analysis of myth. For Linton, there are three

important terms: "role", "status", and "ideal pattern". These are spread in order along a line. On one end of the line there is an empirically founded element; at the other end of the line is an ideally founded element. The middle term serves to effect a translation of one pole into the other. The ideal term is invariably hypostatized. This fallacious reification produces theories that perform a kind of "Indian rope trick". They begin down on the ground with the completely obvious - the individual - and then they proceed to ever more abstract positions, until finally they reach the top of the rope and continue into the unknowable. "Role" is empirical in so far as it is a matter of knowledge. What people truly know is demonstrable. Or what a man knows may be inferred from his actions which it is possible to witness or hear about. "Status" is not so clear. "Role" is a part of a "status" but they are not the same. A "status" is only related to other "statuses". And when it comes to earth it is no longer a "status" but a "role". Nor does the relational property of "status" influence its manifestation as "role". If a man is kind to a child, I might say that this was done because he is the child's father, and one part of his "role" as father is to be kind to his children. But by the same token he could be the child's uncle, cousin, or grandfather; or even a considerate stranger. So while all these statuses are different and are discrete one from the other, they share some behavioural aspects when they are manifested. But because a man is being kind to the child, it is clearly not his mother, aunt, or sister. This distinction can be made at the purely relational level. So while "status" is too ideal to be pinned down, the clouds sometimes pull apart for a moment to afford precious glimpses.

The next level of abstraction, the "ideal social pattern", is the most elusive. Linton says almost nothing about it, except that it embraces all statuses. Perhaps he is only forced into claiming its existence by the underlying logic of the dramaturgical analogy.

The structure of Linton's theory and the oppositions it contains may be seen in the following diagram:

STRUCTURAL DIAGRAM OF LINTON'S THEORY OF ROLES:

Linton's terms	role	status	ideal socio-cultural pattern
suggested translations for Linton's terms	individual	knowledge	society
Dramaturgical equivalents to Linton's terms	actor	part	play
implied dualism in Linton's formulation	empirical foundation		ideal foundation

Talcott Parsons' works are the second step in the development of the idea of a social role. Parsons' theories are notoriously difficult to understand, and I claim no special insights. In fact, of all the authors discussed in this thesis, Parsons is the most opaque. This is due to the unfortunate frequency with which he invents new or specializes old words. What was said previously about the stubbornness of words in reference to Ralph Linton's writings goes double for those of

Talcott Parsons. My interpretation of his work leans heavily on the summary of Edward C. Devereux, Jr. (Devereux, Jr., 1961). Parsons' theory is constructed upon the importance of action. But the actor is not alone; he has a set of orientations to his situation. These orientations include goals and norms which help the actor to chose the right way of acting in the particular situation. Parsons sees most action taking place in systems; that is, certain aspects of the situation become stabalized and the action itself takes on a recurrent character. Furthermore, most action systems occur in a society. By this Parsons means that other persons are significant objects in the situation of the actor. The action system, then, broadens to become one of interaction. Devereux describes a simple case of this with one ego and one alter:

. . . ego has alter as a significant object in his situation and alter has ego as an object in his own. In acting with respect to alter, ego must predict how he will respond; in effect, his action is designed to produce a certain desired reaction in alter. And of course alter is presumably doing the same sort of thing with respect to ego. Interaction thus has the characteristic which Parsons has called double contingency. If the two are not well acquainted, we may expect that there well be many wrong predictions at first, and many communication failures. But after a while, Parsons observes, they may get to be rather good at it. Their actions with respect to one another tend to become patterned and stabilized: when interacting, ego comes to play a specific sort of role in relation to alter and expects alter to play a specific sort of role in relation to himself. In some such manner, a child and his mother learn what to expect of one another and we have a miniature two-role social system, in which each role is complementary to the other. (Devereux, Jr. 1961, pp. 25-26).

This simplest of all interaction systems - and the mother-child relationship is probably the only empirical case with any resemblance to it - differs from a real social situation in that

most interaction develops in the matrix of a more or less defined sociocultural system. In the simple picture of interaction described above, the roles with which mother and child can finally predict and understand each other's behaviour are the product of long compulsory association, trial, error and emendation. It may be true that some relationships are forged with such care, but most are not. Most goals, roles and normative standards exist before the individuals who occupy or pursue them. They are, in other words, institutionalized. The Durkheimian position is the correct one here (Durkheim, 1938). In fact, Parson's description of a mother and child "evolving" their own little social system is a distortion of what actually takes place. The Durkheimian position is very persuasive here, for even at his mother's breast a child is bombarded with socializing demands. Mothers, who have been taught by their own mothers or Dr. Spock, teach children rather than visa versa. What Parsons describes may have occurred in the days of proto-man. But even then only for the mother's first child. After the first, she would have expectations about children in general, that is, a theory of child rearing. Men seldom have sufficient leisure to build unique social systems. In haste and desperation we must grab for the abstractions that are near to hand. Parson's simple picture of action misses this essential characteristic of social behaviour. But Parsons' ideas are more sophisticated than the simple picture of interaction. In the Parsonian scheme every role relationship consists of both an institutionalized nexus and a particular nexus. He uses the term "social role" to mean the institutionally defined and regulated component of roles. For analytical purposes he treats the institutionalized

aspect of role as being separable from the particularistic aspect.

Parsons makes it clear that the "act" is the basic unit of his thought, but he uses the ideas of status and role for purposes of the macroscopic analysis of social systems. He purports to use these words in the same way as Linton, but there are subtle differences which are of considerable importance.

Parsons explains "status" as the positional aspect of the social system. It is here some actor is "located" in the social system relative to other actors; or, in other words, the actor's place in the relationship system considered as a structure, a patterned system of parts. Within this pattern, each actor is an "object of orientation" for other actors (and for himself). And, conversely, the significance of the social object as a point of orientation is derived from its place in the social relationship system, and that it is significant makes it a social object.

Like Linton, Parsons sees "role" as being the processual aspect of a "status". A "social role" is the action of an individual in his relations with other actors in so far as this action gains significance by its relation to the social system. In this capacity an individual acts; he does more than serve as an object. Having thus formulated a theory of "role", Parsons proceeds to explain the operational property of any possible role with his now famous five pattern variables.

The Parsonian use of the concept "role" is basically no more than an alteration of Linton's earlier theory. To say the least, Parsons makes the earlier theory more complicated, seemingly only in the pursuit of theoretical elegance. But in

the process he alters the nature of the ideas with which "role" is associated.

Parsons replaces Linton's "ideal pattern" with both the "social system" and the "social object". In this way, the ideal extreme of Linton's progression from "role" to "ideal pattern" is broken in half. What Parsons does is to add a fourth term to the three used both by Linton and the prototype. For Parsons a "role" is an aspect of "status"; a "status" is a "social object"; a "social object" is part of a "social system". If nothing else, Parsons can be credited with multiplying the total ambiguity of the role proposition, for while he adds to Linton's statement, he does so only at the mystical extreme. One element, however, is a push toward clarification - that a status is a social object. This proposition enables Parsons to show how a "status" is relevant to an individual. One can expand Parsons' idea and say that individuals have ideas about what other people in the abstract are supposed to be like and that these ideas permit him to expect and anticipate the action of others.

But Parsons falls into the mind versus body trap. He establishes an ideal term, "status", and explains how it is useful to individual actors, which is good. But he then introduces a non-ideal term, the "role", and is unable to say how the two are related. The Parsonian view of the relation between the individual as actor in a role and the status of which his role is but a manifestation is that the "status" is like an object; it does not change. The actor moves through life glancing from time to time at the star-like "social objects" which inform his behaviour. But this is an improvement over

Linton's theory. At least Parsons explains how the actor is related to the "status"; he looks at it from afar, over a gulf. This view of human action is reminiscent of Aristotle's physics. Here is man trapped in the midst of flux and decay contemplating unchanging perfection revealed in the stars. Thus, Parsons performs the same rope trick as Linton, but with greater elegance. He disappears more slowly. That the mind/body dichotomy is behind this is clear. Given two different worlds, it is obvious that one cannot be reduced to the other. Thus for Parsons, an actor peers across an impassable gulf at the ideal representation of what life should be, but of which it is only a faint reflection. The role he plays is like the "status", but it is not the "status". He knows the status "teacher", but none of his teachers are exactly like it. And the knowledge of the status of teacher only helps him understand teachers when one is not actually around to be dealt with. For when an actual confrontation occurs, the relationship becomes so complicated that the ideal is of limited use. The heavens become distorted in this sub-lunary sphere. Thus, Parsons slips out of the problem of roles being connected with a script by saying that there are roles and there are scripts, and actors know the script, but when they are on stage, they do not always follow it. But the script is not useless, because the actors know who will be on stage even if they do not know from the script what they will do when they get there. Parson's theory seems to imply, for example, that the status "student" and the status "tutor" have some relationship in the social structure and that as individuals plan their actions, they may occasionally glance at the ideal system, but the two are far from congruent. Now, according to

Parsons, if I enact the "student" status, the abstract relation of student to tutor is eclipsed by a more personal relationship, namely that of Lawrence to Dr. So-and-So. Careful thought about what interaction would take place reveals that the Parsonian barrier between role and status is a false one. These terms do not, as he claims, correspond to universal and particular interaction. Regardless of who my tutor is, his primary obligation to me is to see that I am prepared for examinations, or finish my thesis. This will be the case whether our interaction is cold and distant or warm and friendly. Also, my decision about whether or not to request a new tutor will depend on how well the abstract expectations are fulfilled. If old So-and-So does not know his stuff, I had better move on, for this is the minimum expectation of a tutor. Likewise, the ideal of "tutor" may give rise to such back handed compliments as "old So-and-So can be rather rude, but he really knows his stuff and keeps me on my toes". The point of all this is that Parson's poles of universal and particular, and therefore status and role, do not represent a logical disjunction. To English people who know me very well it still is important to know that I am American, and if I stayed in this country forever, this would still be the case. Familiarity on the particular level does not obviate knowledge of universal characteristics. The poles are not logically, or really, separate. I can conceive of a purely universal relation totally based on formal and abstract guides, but not of a purely particular relationship. There is no "true self" that exists beyond the relevant categories, the universal categories are rather a part of any possible self, but it true or otherwise. Abstract concepts enter into the relations of

close friends and even parents and children. What is psycho-analysis but the interpretation of the most intimate relationships in the light of external and abstract categories? Thus, it is mistaken to see particularity and universality as an either/or situation.

To summarize, then, there are several flaws common to the theories of both Parsons and Linton. Both depend on at least one hypostatized term. The arguments have a common structure, that is, they are each a collection of terms arranged on a line bounded by the oppositions individual/society-culture, matter/mind, and empiricism/idealism. Both introduce mechanisms to describe the way in which the divergent poles are articulated one to the other. It is in showing how the empirical participates in the ideal that both theorists resort to metaphorical description. And, for the reasons given above, both metaphors misrepresent the nature of human thought and action.

The discussion of role as a social scientific concept is continued by Marion J. Levy, Jr. Levy uses "role" to mean "any position differentiated in terms of a given social structure whether the position be institutionalized or not". (Levy, 159-160). For Levy, these roles involve obligations, rights and expected performances of the individuals who hold them. He includes a variety of terms in his concept of role: thief, doctor, outcast, and injured man are all considered by Levy to be roles. Levy then draws a distinction between ideal and actual roles. An ideal role is institutionalized, it contains normative standards, conformity with which is generally to be expected, and failure to conform with which is met by moral indignation. An actual role, he goes on to say, is that one

actually held by an individual. Levy thinks that his "actual role" is similar to the "role" of Linton and Parsons, and his "ideal role" is very similar to their "status". Levy, then, employs two terms not used by Parsons or Linton, but fits them into the same structure. "Actual role" replaces "role", "ideal role" replaces "status" and this is in turn included in a socio-cultural system. To give him his due, Levy does say something new; he not only gives new names to old slots in the structure, but he gives them new definitions as well. "Ideal role" is not quite the same as "status" in the sense that Linton and Parsons use that word. Linton, especially, contends that "status" and "role" are distinctly different. In fact, both of Levy's ideas are incorporated into Linton's original concept, for Linton talks about a role as manifested behaviour and as a body of knowledge. So Levy's "ideal role" is not really the same thing as Linton's original idea. What he drops is the relational dimension of the "status" concept. That this is so is no criticism, except that Levy misrepresents his own theory.

Now, by deleting the relational meaning of the status concept, and saying that it is no more than a role in ideal form, Levy falls prey to a simple, but very sticky problem. In Levy's terms there is "ideal" role behaviour and "actual", i.e. real role behaviour. This makes sense, and is actually more lucid than Parsons or Linton. Levy's two terms are exactly the same, except that one is a man in action and the other is the idea of a man in action. While this formulation still partakes of Cartesian dualism, it is simpler than the others. Levy gets in trouble by confusing the two meanings of the word "ideal". As a result of this, he adds a dual meaning to his "ideal role".

It is ideal in the sense of being noncorporeal, and it is ideal in the sens of being perfect. Confusing the two meanings of the word "ideal" creates an absurdity in Levy's work which is more serious than any mistake in the theories previously considered. Defining "ideal role" as that which "involves normative standards, conformity with which is generally to be expected, and failure to conform with which is met by moral indignation" (Levy, 1952, p. 160), implies that unless people exhibit "ideal role" behaviour they will ordinarily be incurring the wrath of others. But "ideal roles" are not performed. They are the opposite of what people really do, the "actual role". But this could not be the case, for the excitement of indignation is not an ordinary event. Most people do what they are expected to do. If not the rosy paradise of "ideal roles", "statuses" and "social objects" this life is at least tolerable for most people. Levy, in effect, deprives people of the possibility of doing well in their role behaviour. Therefore, reductio ad absurdum, Levy's position is untenable.

Levy's blunder is so simple that it could easily be corrected. But is the correction worth while? Levy makes a praiseworthy attempt to clarify Parsonian theory, but by making it understandable, he erases its complexity. And in this complexity lies its interest. As demonstrated earlier, there seems to be some reality in the relational property of the status concept. And it would be unfortunate if one were to lose track of it.

After Levy, R.K. Merton is the next to make a serious contribution to the scientific specialization of the word "role". Merton projects "role" into a theory of "reference groups".

The "reference group" of a person is the group or the idea of a group with which he associates and from which he derives guidance and inspiration. A merchant and an impoverished aristocrat may have very similar life situations in terms of income, housing, entertainment style, and yet the aristocrat's behaviour will be vastly different from that of the parvenu. His "reference group" is different. His behaviour is guided by the values and expectations of people who are generally wealthier than himself. Merton's "reference group" is very similar to Parsons' idea of a "social object". It is an ideal with which individuals associate or in which they see themselves reflected and with which they organize their lives; they are the North Stars of man's social existence. Merton sees roles and statuses as providing the context for "reference group behaviour". In other words, statuses and roles are "reference groups", or more accurately, "reference" is the activity of statuses and roles. Thus, Merton gives a name to the process which Linton describes, but never labels, and that Parsons calls the "social object".

Merton tries to conform very closely to Linton's use of the concept "role", but with one exception. He argues that any social status involves not a single role, but an assortment of associated roles. He sees this as a basic characteristic of social structure and labels it the "role set". Merton defines this concisely as "that complement of role relationships which persons have by virtue of occupying a particular social status" (Merton, 1957, p. 423). The example Merton gives is that there is a status, medical student, and conjoined with it many roles, the role of medical student interacting with a nurse, or another

student or with a doctor. All of these relationships, Merton thinks, are different roles, different ways of enacting one status.

Merton goes on to elaborate the idea of status in the same way. Any given individual is the focus of many statuses, so that to say that Mrs Jones is a teacher, wife, mother, Catholic, and Labourite is to describe her "status-set". He defines this "complement of social statuses" of an individual as his "status set", each of the statuses in turn having its distinctive "role-set" (Merton, 1957, pp. 423-424). Again, Merton is doing no more than giving names to ideas originated by Linton. Indeed, the idea that people play many roles and have numerous statuses is one of Linton's key points.

Both "role-set" and "status-set" as Merton introduce them are ways of describing a society at a particular time; they are synchronic tools. Merton introduces a third term to describe at least one kind of change. Some statuses succeed each other with regularity; this he calls a "status-sequence". His example is again drawn from the education of an American physician: a person becoming a doctor successively occupies the statuses of Medical student, intern, resident and practicing physician. Merton argues that there are sequences of "role-sets" and sequences of "status-sets".

Merton's theory is basically an elaboration of Linton's "status" and "role" terminology. He produces a theory of seven terms, all of which fit into the interstices of Linton's "role"/"status"/"ideal pattern" program. The theory is this in skeletal form: "role" is included in "role-set" which is included in "status" which is included in "status-set" which

is a "reference group" which is part of the "social structure" and the locus of a "status set" is an individual, which is the seventh term. From the critical point of view, the relation of inclusiveness connecting the terms is the important thing. A small concrete term is put into a larger more abstract term, and this manoeuvre is repeated up to "social structure". This is the Indian rope trick again. But at least Merton is visible while he climbs the rope. This is a definite improvement over his predecessors.

Like Levy, Merton arranges his terms in a reductionist hierarchy. Again, this deviates from the views of Linton and Parsons. In one sense, Merton's profusion of words is very nice. His is the most lucid theory so far considered. But as he squeezes ambiguity from Linton's work, he also drains it of interest. Neologism, in this case, tends to fragment the original theory. Linton's way of expressing the same thing is more fluid, and while he cannot specify the process, he does allow for its presence. Merton tends to obscure the process behind his elaborate terminology. The recurrent problem with these theories is how to make them relevant to the action of an individual. The only obvious point is that people as individuals do act. All else - "role-sets", "societies", "cultural patterns", and so forth - are only abstractions from the action of various individuals. Thus, to claim that these abstractions are relevant to human action is to draw on oneself the burden of showing how they are actually used by an individual in a real situation. This is what Merton fails to do. The reason for this is that his theory is au fond a nominalistic one.

Merton's preoccupation with words leads him away from

the all important consideration of reality. Every term in Merton's theory is a fragmentation of a person. Some are sub-individual, others are supra-individual, but none add up to the totality of a person. Merton's theory breaks down the elements of a person but they are not the elements relevant to an actor as he chooses or commits an action. Merton's "status-set" is the attribute of an individual but he does not show how this is used by an individual or how it is, in a real situation, used differently from a single status or a role or a role-set. It truly may be said of Merton's theory that the sum of its parts do not equal a whole. It is a cleanly integrated system of terms but its relation to human life is at best tangential. When Merton says that "role", "role-set", "status", and "status-set" are all components of the "reference group", he implies that "reference group" is a category in which the others are included. But the components are actually inseparable. One cannot chose to play the role "medical-student-to nurse" and then chose not to play the role of "medical student-to-doctor"; the two are so firmly bound together that any terminological distinction is highly artificial.

Another way of expressing Merton's idea is advocated by Phillip K. Bock. He argues that Merton's terms are more accurately arranged if they are viewed as analogus with a morphemic linguistic analysis. Bock further thinks that a role is a class concept with various members, the appearance of any one of which is linked to its particular environment. He displays the linguistic parallel as follows:

### Isomorphism of Two Structural Statements

Role A, "teacher"

variant  $a_1$  with B, "pupil"  
 variant  $a_2$  with C, "colleague"  
 variant  $a_3$  with D, "principal"  
 etc.

Morpheme /-S/, "plural"  
 /-s/ with Class I noun stems  
 /-z/ with Class II noun stems  
 /-z/ with Class III noun stems  
 etc. (Bock, Phillip, K., 1968, p. 215)

Bock does a very nice job of re-ordering Merton's vocabulary. Two advantages result from this. First, he maintains the relation of the parts to the whole, at least for that part of Merton's theory below the "status-set" level. Second, he invents no new words and obviates Merton's creations. Adhering to the principle that neologism is never a virtue, the later advantage is truly laudable. That Bock does this under the inspiration of structural linguistics is highly significant. Unfortunately, Bock is content to re-structure Merton's terminology; had he drawn bolder conclusions, his work would be even more interesting.

Thus, Merton's theory is an interesting elaboration of Linton's earlier ideas. He tries to state it more accurately and while he succeeds with parts he also fails with parts. Unfortunately, he does copy Linton's essential error, which is the whole structure of the theory, the arrangement of the terms along the continuum from empirical to ideal. And for this reason, the most damaging criticism which can be aimed at Merton are those previously leveled at Linton's own work.

A fourth contribution to the development of role theory comes from Aidan Southall. Southall is clearer about

his purposes than the earlier writers. He is interested in comparing one society with another and tries to specialize "role" to meet those ends. He explicitly denies any interest in "the systems of action of persons as such" (Southall, 21). But in spite of his avowed disinterest in action theory, Southall stumbles into one of the major problems of the other theorists.

Southall's theory has the advantage of introducing no new terms. In fact, he discards both "status" and "sociocultural system" which makes it the simplest theory yet considered. He also makes it clear that there is no single bearer of a role; for him, a role does not refer to a type of activity springing from an individual, but to "the reciprocal behaviour of the individuals with whom the role is played". And he goes on to say: "For the essence of the role is the reciprocity of behaviour and expectation between those who participate in a role relationship" (Southall, 20).

The novelty in Southall's formulation of "role" is that the locus of a role becomes not an individual but a plurality of people. It is important to note that he claims a role must exist between two people, not two relationships, which is the direction of Merton's theory. The problem raised by Southall's theory is the one faced by Linton and Parsons, that is, if there is an actor in a role then what and where is the script of their play? This problem is even more acute for Southall, because for the existence of a role, he requires at least two actors. Now, if two actors are playing the same role they must be reading the same script. This not only implies that there is an ideal element directing an actor, but that the ideal

element is so diffuse that two actors have access to the same script and that both interpret it in exactly the same way. Southall assumes that such "reciprocity and expectation" exist and that they work harmoniously, but, unfortunately, he does not discuss this cloud of directives. Thus, in Southall's theory, the ideal pole looms ever larger.

There is an easy escape route from the dilemma of finding a script shared by the actors. That is, simply to say that there is no script, that one actor shares nothing with another and can know nothing about the other actor except his actual deeds. This approach claims that there is no need to talk about the knowledge of roles being shared, but only of "equivalence structures" that exist between several individuals. This is the approach of Anthony Wallace in his Culture and Personality. Wallace holds that it is "impossible to demonstrate empirically that any social system is operated by individuals all driven by the same motives" (Wallace, 1960, p. 30). If overt behaviour is predictable then actors may enter into it for any reason, and these reasons will not matter. Human relationships, Wallace says, are "based not on a sharing, but on a complementarity of cognitions and motives" (Wallace, 1960, p. 41). That none of the theorists considered thus far have taken this option reveals either their fortitude in resisting behaviourist psychology or their ignorance of it. Especially in the case of Parsons, the former is correct; his entire theory of action is an attempt to circumnavigate the answer offered by the Behaviourists. No doubt, this is the case with the others as well.

The burden carried by every thinker discussed so far

is the problem of knowledge and other people's minds. Or, to put it in the form of a question: How can one know what another person knows? How can one penetrate another's mind? None of the authors have asked this directly, because they are all snagged on the dualism of mind and body. This dualism raises the problem but it prohibits the questions that could solve it. For this reason the theories considered so far make little sense beyond the level of metaphor. Their philosophical presuppositions do not furnish them with tools to study or discuss the human mind. The real problem is that they talk about the human mind all along, but only in idealistic terms, and that is why their more abstract statements are so metaphorical. Wallace's behaviourism at least has the advantage of stopping short of statements about mind. His is therefore the tidiest theory yet seen. Wallace operates with Cartesian dualism just as much as Linton or Parsons, but while the later reach the wall of the mind/body divide and speculate about how the path might continue, Wallace stops and is content to build a theory only out of those things he has collected before reaching the wall. There is an admirable degree of honesty in this. And, when with the aid of Ryle's philosophy, this barrier is pulled down, the answers yielded will in some respects be more like those of behaviourist psychology than traditional sociology. A logical step in this direction is the work of S.F. Nadel. His is, in fact, the most elegant and penetrating theory of its type.

S.F. Nadel's The Theory of Social Structure is, as the title indicates, concerned with much more than role theory. In its scope, this theory is only comparable to the work of Talcott Parsons. Yet both theories are built around the concept of

social role. Judging by the space allocated by each author to the explanation of the concept, it is relatively more important to Nadel than to Parsons. But while Parsons disposes of the "role" idea with comparatively little elaboration, his theory hangs upon its validity as much as Nadel's. Compared with Parsons, Nadel's emphasis is more on role and less on social structure. In fact, once Nadel's ideas about role are set out, his formulation of social structure is rather obvious. This, again, is the opposite of Talcott Parsons. And by concentrating his thought on the role part of a grand theory of society, Nadel avoids the most damaging trap in which all other theories have been snared - the reification of ideal terms. The reason for Nadel's eluding this trap is clear. He is the first to approach the study of social roles and social structure from a realist point of view.

To my knowledge, there has never been a controversy between nominalism and realism in sociology. In sociology, nominalism has won an easy victory. This is unfortunate. The debate between nominalists and realists is as old as the Middle Ages; it is not yet solved. In the higher levels of semantic analysis it is still a very open question. But the level at which most sociologists have unwittingly chosen a solution to this old problem is not a complicated one. Stated very simply, nominalism is the conviction that men can devise no concepts or images that correspond to reality. Realism, on the other hand, is the view that behind abstract words is a clear reality. The distinction between the two ideas is important when one tries to discover if there is such a thing as "white" or "angry" in the same way as there is a "dog" or a "house". These questions

constitute a legitimate puzzle. The level at which social science has adopted the nominalist solution, however, is much more obvious. Here, nominalism is blatantly inappropriate. What most sociologists, Linton and Parsons among them, have done is to treat nouns as if they possessed the same ambiguity as adjectives. Embracing this extreme nominalism often leads sociologists to omit the scrutiny of the realities to which their theoretical constructs refer. In fact, they seldom seem to worry about reality until the formulation of the construct is complete. Thus, one may wade through a thousand pages of sociological theorizing without so much as the hint of any reality. As if to compound the problem, sociology's acceptance of the nominalist fallacy has been largely tacit. Few sociologists seem to realize that behind the time-honoured rubric "heuristic" lurks the pitfall of nominalism. From its beginning, sociology has leaned on the idea that its theories are heuristic. Whatever its contribution to sociology in its embryonic stages, in the hands of more recent theorists, the word has become a subterfuge for inexactitude. That if one's theory is confronted with incongruous facts one must only reply "but of course all this is only heuristic" and one is immediately let off the hook, is a standard ruse quickly learnt by every student in the subject. It is a distortion of the word "theory" to say that they are non-verifiable, or have no relation to reality. That this thought process should be called "scientific" is a further distortion of language. Yet this is the result of the nominalist fallacy masquerading as "heuristic" tools, devices and theories.

Somewhere in the history of sociology there may have been a genuine use of the word "heuristic". Once a sociologist

must have used this word as being synonymous with a scientific hypothesis. This is legitimate, for heuristic ideas like scientific hypotheses bear no relation to reality at all; they are like fictions, or what Ross has recently dubbed "fabulation" (Ross, 1968, p. 29). In legitimate sciences, hypotheses are no liability, for they are subjected to testing and verification. However, this has not been the case in the social sciences. Here, hypotheses are created in vacuo, labeled "heuristic" and then never tested. Consequently, sociological theories are rarely rejected; they tend to accumulate. Perhaps nominalism is the reason why the word "hypothesis" has never been popular in sociological writings.

Nadel seems to be undecided on this issue. At certain places in the book, he refers to his theory as heuristic, or points to the insights it will produce as a heuristic device. But he also makes some strongly realistic statements. Most important of these is: ". . . the role concept is not an invention of anthropologists or sociologists but is employed by the very people they study" (Nadel, 1957, p. 20). Furthermore, he clearly points to the reality behind the role concept: ". . . it is the existence of names describing classes of people which makes us think of roles" (Nadel, 1957, p. 45). Faced with this apparent contradiction, I suggest that the realist bias of Nadel's thought predominates sufficiently to credit him with first breaking the nominalist dominance of sociological thought. The touchstone of reality accomplishing this feat is speech (as used by de Saussure, 1966). Nadel's respect for speech is the beginning of a realist approach to the study of social roles. His view of speech is consonant with the principles of Ordinary

Language Philosophy as developed by J.L. Austin and used earlier in this chapter: ". . . our common stock of words embodies all the distinctions men have found worth marking, in the life-times of many generations: these surely are likely to be more numerous, more sound, since they have stood up to the long test of the survival of the fittest, and more subtle, at least in all ordinary and reasonably practical matters than any that you or I are likely to think up in our arm-chairs of an afternoon - the most favoured alternative method" (J.L. Austin, 1961, p. 130).

The argument of The Theory of Social Structure is built up around a set of very carefully delineated concepts. Nadel begins by defining the word "social". This word indicates that: ". . . we are here speaking of ways of acting governed by rules and hence in some measure stereotyped (or rendered 'determinate')". And he further clarifies this statement: "For 'determinate ways of acting towards or in regard to one another' we usually say 'relationships', and we indicate that they follow from rules by calling them 'institutionalized' or 'social' (as against 'private' or 'personal') relationships" (Nadel, 1957, pp. 8-9). Nadel further states that each relationship has a variety of "concrete representations" and that the idea of the general relationship implies all of the various representations. Or, to turn the process around, when one identifies a relationship, what one does is to abstract from fluctuating behaviour a relational aspect of that behaviour which is constant. To put it yet another way, people's behaviour signifies the relationship that exists between them.

Nadel thus builds up slowly to the "role" concept. This is introduced as follows: ". . . individuals become

actors in relationships in virtue of some brief; which brief is obviously as invariant as the relationships that hinge on it. And instead of speaking of individuals 'being actors in virtue of some brief', we usually speak of individuals enacting roles" (Nadel, 1957, p. 11). As a concept, "role" is intended to contrast the variations of the actor with the constancy others expect of him by describing this as a part to be played. Nadel thus puts forward the proposition that in at least one respect human existence is like a drama. But the relationship between the two is a simile, and no more. Thus, while Nadel elaborates the dramaturgical analogy more than previous writers, he makes the analogical nature of his thought clear. For this reason, he is able to use the descriptive force of the analogy with drama and not let this restrict his ability to make more penetrating statements. In short, he is not confused by using one word for two different phenomena. He proceeds quickly from the analogy with drama to the statement that ". . . relationships and roles (more precisely, relationships in virtue of roles) 'arrange' and 'order' the human beings who make up the society . . ." (Nadel, 1957, p. 11). This is the most ambitious account of social roles yet seen, for it puts "role" into the active voice. This is a vastly different idea from the "polar star" thinking of Linton and Parsons.

The basic quandary of role theory is that in the human experience some things seem always to change and some things seem never to change, or to change imperceptibly. Thus, the reconciliation of Heraclitus and Parmenides is a prime, though chimerical, target of sociology. Nadel acknowledges this problem, criticises the approach that Linton and Parsons have

taken to it, and offers a new solution:

It is relevant to emphasize, as Linton and Parsons have done, that in role behaviour something is translated into action. But the important thing about this 'something' is not that it is static or positional while the actual role is dynamic or processual; these are incidental features. The important thing is that in one case we have the execution of certain rights and obligations, that is, a performance, and in the other, this set of rights and obligations embodied in a piece of knowledge - in a norm or prescription, or perhaps only in an image people carry in their heads. In brief, we have a rule and its application. (Nadel, 1957, p. 29).

Extending this, Nadel decides that the "status" concept of previous thinkers is "not only redundant but misleading" (Nadel, 1957, p. 29). Unfortunately, Nadel picks up the word "status" himself. After making the point that some roles are not as well defined as others, he labels those poorly defined ones "quasi-roles" or "statuses". While this is a bit of a red-herring, it is not seriously misleading.

Nadel proceeds to the idea of a "role system" via his earlier idea about behaviour implying a role. Not only the existence of a role may be inferred from behaviour, but if the presence of one role is known then concomitant roles may be inferred. This is the property that draws roles into systems. As the role "mother" appears one may quickly infer the totality of a kinship system. This is the case with most role-names. The quality that links separate roles into a role-system is, then, a logical one - the possibility of inferring one role from the presence of another, or, to put it another way: the existence of one role is entailed in the definition of some other role.

The discussion of role systems reveals Nadel's tendency towards a realist approach. He states clearly that role systems must be discovered in the speech of the people

being studied. To isolate a role system one must first collect a "role inventory", and this "lies in the total vocabulary current in any given society and expressing its notions about differences of persons" (Nadel, 1957, p. 61). Interestingly enough, much the same point was made at about the same time by J.R. Firth, allinguist:

The grown man has to play many parts, functioning in many characters, and unless he knows his lines as well as his role he is no use in the play. If you do not know your part and your lines, there are no cues for the other fellow, and therefore no place or excuse for his lines either.

The multiplicity of social roles we have to play as members of a race, nation, class, family, school, club, as sons, brothers, lovers, fathers, workers, churchgoers, golfers, newspaper readers, public speakers, involves also a certain degree of linguistic specialization. (J.R. Firth, p. 29).

The importance of the analysis of speech in Nadel's theory cannot be overemphasised. For example, he says that if a relationship is not clearly named as in that between "father" and "father-in-law", we should suspect that the relationship is not sufficiently distinct or important, and the respective kinship degrees not really 'roles' worth naming specifically" (Nadel, 1957, p. 83). Statements like this are only possible with the adoption of an approach to semantics. These particular expressions are similar to the ideas of B.L. Whorf on linguistic relativity. If Nadel's work is influenced by Whorf - and there is no reference to prove this - he emphasises a facet of Whorf's thinking that is largely covert. This is, that the relativity of language only becomes significant when premised upon the reality of language. If the language of a people does not embody or reflect the realities of their social existence, then there is no point in basing the study of role systems on the analysis

of "role inventories" which are, after all, no more than a section of a vocabulary. It is important to emphasise two points here: (1) Nadel places great stress on the importance of speech, and the meaning of words, and (2) underlying the centrality of speech and language in Nadel's thinking is an approach toward semantics. Here, then, is the unification of the two obvious questions arising from the case of "Genatio Magino versus Yowasi Maliwa". Pursuit of the concept of social role leads directly into the importance of words and their meanings. That the two were ever separate is the major cause of shortcomings in socio-logical role theory. The impact of linguistics is the single most exciting development in Nadel's book. It certainly adds a unique clarity to his formulation of "role system", for it makes possible the use of concepts, such as inference, drawn from subjects more intellectually robust than anthropology. Only a few conceptual steps beyond "role system", however, he lands in hot water.

The leap from "role system" to "social system" is a difficult one. To make this jump, Nadel postulates that members of the same social system share knowledge of the "role system". Several key phrases reveal this attitude: "complementarity of expectations", "mutual steering", and, "congruence of role conceptions" (Nadel, 1957, pp. 50-56). Thus, on the question of how one knows the minds of other people, Nadel takes a strong stand. The word "congruence" is the most revealing. For Nadel, interaction between two people is possible because they both know the same things. All actors have the same script, or to use Nadel's synonym, "brief". Nor does he allow for a period of trial and error before the "role system" is known equally to

both actors, as Parsons does: ". . . in 'real' situations the roles and relationships have a significant pre-history; they are not created ex novo in the contexts in which they are observed to operate. In a sense they are always imported from outside, that is from the society by whose norms they are decreed and by whose institutions they are fashioned" (Nadel, 1957, p. 114). Nadel's view is, to say the least, extreme. Wallace's "equivalence structures" cover the same phenomenon more efficiently.

One final difference between Nadel and those preceding him is his rejection of the "general role" idea. This is important, because it changes the way in which an individual is articulated to a role system. Consistent with his other ideas, he places the emphasis heavily on the system, giving the individual few decisions to make within it:

These names ["general role", "role personality", or "social personality"] actually suggest more than a mere summation, namely a merging or integration of all roles in some sort of super-role. This seems to me a dubious assumption; I frankly cannot picture the concrete case. Indeed, I would suggest that closer analysis will always show the alleged super-role to be in effect only one of the several roles enacted by an individual selected because it appears to be the one most powerful in his life or the one most consequential considering the general character of the society . . . (Nadel, 1957, p. 65).

This, then, completes the summarization of what Nadel calls the "external structure" of roles.

Nadel expresses the external structure of roles in the formula  $\text{R} = \sum a, b, c . . . n$  where  $\text{R}$  stands for role,  $\sum$  is the sign for series and  $a, b, c . . . n$  stand for a list of behaviour traits necessarily entailed in the role. This basic formula undergoes four transformations according to the type of internal structure of the roles under consideration.

Nadel's system of notation is open to criticism. Part he invented himself, and for part he altered the meaning of standard mathematical symbols. However, I find it lucid, and economical, especially in comparing his system with others. Nevertheless, what he has to say can be grasped without mastering his notation.

Nadel's discussion of the "internal structure" of social roles goes a long way toward the elaboration of the ideas first presented in his treatment of the external structure. The centrality of the inference process is especially important. He argues that the internal structure of roles is derived from one fact, that the various attributes of a role occupy places of graded relevance. All roles thus have a hierarchical structure. That is, some of the series a, b, c . . . n are more important to the role than others. He sees three types of role attribute. Some aspects are optional. Some are sufficiently relevant to make a difference in the way roles are perceived; that is, if some traits are not present the role will be difficult to perceive or even if easy to perceive will be considered a bad performance. And third, some aspects are basic or "pivotal" in that if they are absent the nature of the role will change. The formula of a total role then is this:  $\mathcal{C} = \sum p, a, b . . . : 1/m/n$ , where p stands for the pivotal aspect, and / stands for an option between traits. Scrutiny of this formula reveals the difference between Nadel's "role" and his "quasi-role" or "status". A preponderance of optional attributes over those necessarily entailed produces a "quasi-role". But this makes it clear that the "status" or "quasi-role" is only a kind of "role", albeit a rather weakly defined one. There are roles inclusive of many things and roles inclusive of few things, but

they are still roles and have the same structure as expressed in the equation. The introduction of two names for this tends to hide the essential continuity. While this is certainly a weakness in Nadel's theory, this sort of muddle is not common to his thought in general.

The heart of Nadel's theory of roles is in the way in which the pivotal aspect of a role is discovered. He states it explicitly: "The simplest and quickest way to decide what a role 'basically' means is to refer to the semantic content of the conventional role name. . ." (Nadel, 1957, p. 33). In this statement the realist foundation of Nadel's thought is clear. The semantic content of a role name is important only if the role and the word that represents it are real entities. For Nadel, a role is a real factor or influence in the behaviour of the members of the society in whose vocabulary it is included.

Nadel maintains that the semantic approach is valid since "role names (like all class names) are shorthand symbols for the array of properties which the entity named is presumed to possess" (Nadel, 1957, p. 33). He does allow, however, that some role names are more informative than others. An "artist" is primarily one who produces works of art, but "elder" may indicate much more than age. For the purposes of theory building, he assumes that all role names are of the more informative kind. This assumption enables Nadel to go a long way toward elucidating the problem of social roles. The approach to semantics he uses is somewhat naive, but even without an adequate theory he is moving in the right direction.

The assumption of The Theory of Social Structure, then, is that all role names have a "correctly informative semantic

structure" and that the property named by the role can "serve as a paradigm of the property 'basic' to the role" (Nadel, 1957, p. 33). A property that fulfills both of these conditions, he calls a "governing" property.

On the basis of variation in the "governing property" Nadel erects a typology of roles. He sees four types of roles. The first type of role is marked by the governing property being a state over which the incumbent of the role has no control. From the governing property, all of the secondary aspects follow. The governing property, then, is also the method of recruitment, and for this reason the first type of role is called a "recruitment role". The individual is forced into the role or at least his choice is constricted by the governing property. The idea of a "governing property" makes most sense when it is seen as the particular "concrete representation" that implies all other representations of the role. It is the act that permits the inference of a role, and is thus what Gilbert Ryle calls an "inference ticket" (Gilbert Ryle, 1949, p. 117). Nadel sees his "recruitment role" as being similar to Linton's "ascribed status". The recruitment role is represented in the following formula:  $\textcircled{C} = \sum p, a, b \dots m, n \text{ if } p^t \rightarrow (a, b \dots m, n)^{t+}$  and  $p = r$ . For this and the next three role types, Nadel introduces a few more symbols:  $\overleftarrow{\longrightarrow}$  stand for entailment (antecedent and consequent respectively);  $p$  stands for the governing property which is also the pivotal aspect;  $a, b \dots m, n$  for the further characteristics of the role;  $t$  for the time at which role behaviour is assumed or exhibited, and  $\underline{t}$  for any modification of  $t$ ; and  $r$  for recruitment.

The second type of role is one in which the governing

property is a behavioural attribute which individuals may choose to accept or reject. The further characteristics may be entailed as preconditions for or as consequences of the governing property. Thus, Nadel calls this an "achievement role" which is similar to Linton's "achieved status". It is represented in the following formula:  $\mathcal{C}_2 = \sum p, a, b \dots m, n \text{ if } (a, b \dots l)$   
 $a^t \leftarrow p^t \rightarrow (m, n)^{t+} \text{ and } (a, b \dots l) = r.$

Nadel develops two more role types. The third he calls a "developing role". This one has no fixed hierarchy; there is no precise pivotal aspect or principle of recruitment. The role names usually make no reference to a governing property; they are, rather, expressed generally, for example: friend, lover, enemy. These roles have no more than a sequence of traits which becomes apparent as the role is played. The equation for this role type looks like this:  $\mathcal{C}_3 = \sum a, b \dots n \text{ if } a^t \rightarrow n^{t+}$ . Nadel admits that this role type needs considerably more thought.

The fourth type of role is based on the principle of "linked options"; these options are of the form that one of two traits may appear but a different consequent will spring from each antecedent. It is represented thus:  $\mathcal{C}_4 = \sum p, a/b, c/d \dots \text{ if } a^t \rightarrow c^{t+}, b^t \rightarrow d^{t+}$ . Nadel has least to say about this role and does not give a clear example of how it works in reality or why it cannot be split into two separate roles. Unless one can show a real "p" for this equation, that is, one role name with possibly two distinct natures, it is not necessary. It would seem that these "linked options" could be a part of any of the first three role types described. In fact, there is nothing discrete about the fourth type at all, it is a

possibility in the conception of any role type, not a logically separate one itself.

There are several flaws in Nadel's theory. Perhaps the most serious is that he equates a "governing property" with a "pivotal aspect" when, in fact, he uses the two terms quite differently. As Nadel uses the concept "governing property" it is the keystone of the role; it is related to the internal structure of the role in that it governs which attributes can join in the composition of the role. The governing property is active in regard to the internal structure.

A "pivotal aspect", on the other hand, is related to the perception of a role. It is a percept that allows an individual to make an inference, to be sure of the unknown by reference to the known. It is the particular aspect that gives meaning to behaviour by categorizing it into roles. The "pivotal aspect" is what operates as an inference-ticket. Ryle's idea warrants elaboration: "A law is used as, so to speak, an inference-ticket which licenses its possessors to move from asserting factual statements to asserting other factual statements" (Ryle, 1949, p. 117). A social role is a rule, which is in this respect like a law, containing inference-tickets which permit the possessor of one ticket to infer all or some of the body of the role. A role is a body of knowledge connected in a regular way. The regularity of role structure resembles Ryle's discussion of a law. It is enough to say that a role has some integrity and that certain of its components may serve as inference-tickets to the whole. It is extremely important to realize that this process takes place in the mind of an individual as he tries to understand the behaviour of a second party. Whether he is

trying to anticipate, avoid, predict, or pre-empt the behaviour of the second party is irrelevant, because he must first understand it, and this is what the knowledge of the role as a unit does. But it can only be known as a unit by predicting with the aid of inference-tickets what future events will be. This is where the role equations represent a mental reality, in the mind of some observer, some actor within the confines of a social structure; it is a mechanism of classification.

There is another slight confusion in Nadel's discussion. When he says that a role name will be a pivotal attribute he gives rise to a tautology, since this is equivalent to saying: "Because I heard it said that he is a teacher, I know that he instructs pupils". This is, of course, a true, but redundant and uninteresting statement. Role names may be validly inserted into the equation at the "p" position, but more frequently the role name will be the consequent of the pivotal aspect, the conclusion drawn from its appearance.

Furthermore, the mistake in Nadel's third role type is now obvious. He confuses the location of the mental events he describes. There might be a "developing role" from the viewpoint of an anthropologist who does not understand the people he is studying. But the existence of this situation in the mind of a real actor is inconceivable. Surely most people know who their friends are and what the content of each friendship is. And, there are different sorts of friends, some from whom, for example, one may borrow money and some from whom one would not. But even so, placing the process in the mind of some intra-cultural observer, there would be inference-tickets, that is, some way of knowing whether someone is a friend or not. There

may not be one ordered way in which every friendship develops, but there is an ordered way in which every process of reasoning resulting in the conclusion "A is a friend of B" or "A is a friend of mine" operates. And this operation takes the form of an inference.

The only difficulty in Nadel's thinking - and the mistakes previously considered partly spring from this - is the lack of an accurate theory of meaning. But his great breakthrough is realizing the importance of speech and meaning in the study of roles and social structure. Nadel takes a bold step in The Theory of Social Structure, the mistakes made by doing this without a clear approach to semantics are made up for by the energy and originality of the theory that is presented. One reason for the richness of Nadel's theory of social structure is his use of terms generally considered part of the vocabulary of academic subjects other than anthropology or sociology. Thus, he boldly uses the word "signifies", "implies", "infers" and "rules" all of which are common to philosophy and linguistics. There is much written on each of these concepts and each is capable of much elaboration. For this reason Nadel's ideas are very elastic, and through this elasticity the shortcomings of his thinking may be rectified.

Nadel's work is in bold relief when compared to all previous thinking on this topic. He alone is not overcome by the problems of drawing an analogy between human existence and dramatic performances. While he does operate with real individuals and ideal roles, he brings the ideal element down to earth as knowledge, real ideas in the minds of real actors. Thus, his ideal term is not hypostatized. Nadel is also the first to

make the ideal element the active part of behaviour; ideas, for him, are not static, but active as imperatives and directives. The ideas embodied in roles are the rules of relationships; they govern them. Through appreciating the importance of human speech, Nadel establishes an empirical touchstone for the ideas involved in social roles. Nadel postulates the sharing of these ideas by all members of a society, indeed, the process of sharing is what makes a social system possible. And, whatever the conceptual loose ends of this view, it can account for the facility of interaction between actors unknown to one another with a degree of efficiency lacking in the other theories considered. And it also accounts for the degree to which abstract concepts penetrate even the closest human relationships. The connection he posits between roles is a logical one, the ease with which one may be inferred from another. Finally, he erects a typology of the internal structure of roles based on the presence of inference tickets. These are the primary innovations of Nadel's The Theory of Social Structure.

Two studies complementary to that of Nadel are those of Erving Goffman (Goffman, 1961), and Ward H. Goodenough (Goodenough, 1969). The Theory of Social Structure is mentioned by both Goffman and Goodenough, but neither sees his work as building on Nadel's thought. These authors do not attempt a grand theory of social structure, but the limited aims of each demonstrate the importance of Nadel's central idea, that social roles are linguistic formulae governing the meaning of social relationships.

Goffman's book, Encounters, is written from the viewpoint of social psychology. He is interested in looking at

social roles as they are relevant to individuals. While admitting that Linton's terminology is somewhat slippery, he uses it with few alterations. Thus, he talks about "roles" and "positions". By starting with the individual and working up to the role concept, Goffman's main problem is to show how people's individuality is maintained in spite of their being lumped together in categories. Realizing that roles are the basic units of socialization and that they imply a form of social determinism, Goffman's effort is directed toward rescuing the individual. He does this by arguing in two directions, one on a theoretical plane and the other largely empirical.

Goffman has one major theoretical dispute with Linton. He does not think that roles are the bearers of rights and obligations. Goffman takes the social "position" (Linton's "status") as being the ideal reality and then claims that a "role" is no more than the typical response of the incumbents of a particular position. Goffman thus converts "role" into a statistical generalization. The word "role", according to Goffman, should be replaced by three concepts: typical role, normative role and the actual role of a particular individual. This fragmentation raises a problem: what to do with the concept of "social position" which is the idea behind the statistical regularities of a typical role? Are statistical regularities sufficiently like roles to warrant using one word for both? Can statistical means and averages ever be separated from the directives which generate them? Are not norms those principles behind statistical measurements? An affirmative answer to this last question undermines Goffman's trichotomization of the role concept. He bases his discussion on a false understanding of

the relation between norms and behaviour. But, just as Goffman uses Linton's terminology without worrying about doing so consistently, he is not troubled by his own system, and it therefore does not affect his empirical observations.

Goffman is primarily interested in face-to-face interactions, which he calls "situated activity systems". From this new title he derives the phrase "situated role" to describe the object of his investigations. His enquiry is thus severely limited in scope, and these limitations are responsible for the major blunder in his theory. By far the greatest oversight in Goffman's role terminology is the failure to see a social role as knowledge. Goffman sees that people know some social norms like the Ten Commandments, but they do not act in accordance with those norms; at this point he throws up his hands and latches onto statistics as being separable from the norms. This is not the case; people know things like the Ten Commandments that are normative, but they know a lot besides that which are also normative. So that it is still an organized body of knowledge that directs their activities. Nadel overcomes this problem and focuses on the really rather obvious point that social roles are something people know, and a great deal of knowledge is organized around the inventory of role concepts. Goffman's theory is therefore unedifying, but the observations he makes of actual behaviour are interestingly congruent with those previously outlined by Nadel.

Goffman's book contains several descriptions of his own observations of actors in roles. He describes children on a merry-go-round, girls riding horses for the first time, and surgeons at work in the operating theatre. All of these

episodes lead to one conclusion: that between the role and the actor is a "role distance" which gives the actor opportunity to reveal his attitude toward the role. Thus young physicians may mock the gravity expected of surgeons. Or an older child may affect nonchalance to show that he does not take riding a merry-go-round seriously. Encounters is packed with examples of "role-distance" and this idea does meet Goffman's social psychological urge to free the individual from the social role. At the same time, however, it demonstrates the ruling function of the social roles. None of the "role distance" activities described by Goffman can make sense without assuming that all actors have a clear knowledge of what the role in question is. What can be understood as mockery of a surgeon is limited or defined by what a surgeon, in the abstract, is known to be. So the knowledge bound up in the role "surgeon", then, governs not only what a person must do in order to be a surgeon, but what constitutes being a bad surgeon and what can be understood as "role distance" behaviour. Individuals thus may squirm within their roles, but that some of their actions are understood as squirming is due to the definitive nature of the role.

Finally, Goffman is misled by the problem of "social determinism". What he means by this phrase is not clear. It has become too much of a red herring to be of much communicative value in the social sciences. Goffman's claim that the concept of social role implies social determinism is tendentious and possibly responsible for the tone of his "role distance" theory. Social determinism of a level to warrant Goffman's reaction is not to be found in any of the writings so far discussed. But in the process of tilting at windmills, Goffman uncovers an

important phenomenon. "Role distance" is a sort of behaviour that must be incorporated into any theory of roles. And his examples show the degree to which social roles define and govern behaviour revolving around them.

In many ways, Goodenough's paper looks like an application of Nadel's ideas. Though since the fieldwork on which Goodenough's essay is founded was done long before the publication of The Theory of Social Structure, it must be seen as a parallel invention. Significantly, Goodenough draws inspiration from structural linguistics; this could well be the basis of the similarities his theory has with Nadel's.

Goodenough first attacks Linton's ideas of "status". He sees that Linton uses this word in two incompatible senses. "Status" refers to both collections of rights and duties and to categories of people. The two are not logically connected. Abrogation of the normative demands of a status does not necessarily mean that one is dropped from the category. Goodenough uses the example that a brother is a brother even if he does not act like a brother. Of course this may sometimes and for some purposes be true, but in others it is not. That unfilial behaviour may result in the statement, "You are no son of mine" is not an impossibility. But, even so, Goodenough's point is well taken, for some sorts of status name, legal disenfranchisement will not alter the application of the name. Goodenough's example, however, is not a random one; I can think of none but kinship terms to which this point would apply. Certainly the normative and categorical aspects of professional statuses are connected. A priest who is defrocked is no priest; a man <sup>h</sup>disbarred is no lawyer. An anthropological preoccupation with

kinship seems to have gotten the best of Goodenough on this point; but if confined to kinship statuses, his argument is correct. And his own study is confined to kinship statuses. On the basis of this distinction between the normative and categorical aspects of "status", Goodenough proposes yet another system of role terminology. Since the foundation of this terminology is a half-truth, however, it is not really worth considering. Fortunately, Goodenough's effort does not end here. He goes on to make a significant contribution to the understanding of social roles as the rules governing the meaning of social relationships. Goodenough's study is, in fact, the best empirical example of this function of social roles.

Goodenough advocated a process for grouping duties with the social identities (Goodenough's term which is roughly similar to Nadel's "role") among which they are distributed. His method is first to look for the named duties, see how they distribute among the social identities of a people (this is roughly a role inventory) and then group the identities together that share the same duties. The clusters of social identities are then given numerical rankings, those demanding the performance of most duties being number one and so on. As an example Goodenough uses two "duty scales" refined from his study of the Truk islanders. The first plots the distribution of six duties, all of which are related to "setting oneself above another".

The duties are:

- (a) to use the greeting fääjiro when encountering alter;
- (b) to avoid being physically higher than alter in alter's presence, and therefore to crouch or crawl if alter is seated;

- (c) to avoid initiating direct interaction with alter, to interact with him only at his pleasure;
  - (d) to honor any request that alter can make of ego, if alter insists;
  - (e) to avoid speaking harshly to alter or taking him personally to task for his actions;
  - (f) to avoid using 'fight talk' to alter or directly assaulting him, regardless of provocation.

(Goodenough, 1969, p. 320)

The entire scale looks like this:

Table 2. (Goodenough, 1969, p. 321) Duty Scale of 'Setting Oneself Above Another' in Truck

SCALE RELATIONSHIP IN WHICH DUTY TYPE OWED	FAAJIRO	MUST SAY	MUST CRAWL	MUST AVOID	MUST OBEY	MUST NOT SCOLD	MUST NOT FIGHT
5 Man to younger <u>pwiij</u>	No	No	No	No	Yes	Yes	
Man to Wi's older <u>pwiij</u>	No	No	No	No	Yes	Yes	
Woman to younger <u>pwiij</u>	No	No	No	No	Yes	Yes	
Woman to So of <u>pwiij</u>	No	No	No	No	Yes	Yes	
Woman to Hu's older <u>pwiij</u>	No	No	No	No	Yes	Yes	
6 Man to Wi of younger <u>pwiij</u>	No	No	No	No	No	Yes	
Woman to own So	No	No	No	No	No	Yes	
Woman to Hu's younger <u>pwiij</u>	No	No	No	No	No	Yes	
7 Man to <u>semej</u>	No	No	No	No	No	No	
Man to <u>jinej</u>	No	No	No	No	No	No	
Man to <u>feefinej</u>	No	No	No	No	No	No	
Man to Hu of <u>feefinej</u>	No	No	No	No	No	No	
Man to Wi	No	No	No	No	No	No	
Man to Wi's younger <u>pwiij</u>	No	No	No	No	No	No	
Woman to <u>semej</u>	No	No	No	No	No	No	
Woman to <u>jinej</u>	No	No	No	No	No	No	
Woman to own Da	No	No	No	No	No	No	
Woman to Da of <u>pwiij</u>	No	No	No	No	No	No	
Woman to Hu	No	No	No	No	No	No	
Woman to Ju of younger <u>pwiij</u>	No	No	No	No	No	No	
Woman to Hu's <u>feefinej</u>	No	No	No	No	No	No	

KEY: Abbreviations are; Hu, husband; So, son; and Wi, wife. The Trukese terms designate categories of kin. English kin terms are used only to subdivide the Trukese kinship categories when behavioral distinctions are made within them.

Goodenough presents another chart plotting the distribution of duties pertaining to "sexual distance": (Goodenough 1969, p. 322)

Table 3. Status Scale of Sexual Distance in Truk

STATUS OR SCALE TYPE	EGO IN RELATION TO ALTER	AVOIDANCE DUTIES				
		Sleep in Same House	Be Seen in Company	See Breasts	Have Inter- Exposed	Joke Sexually course in Pub- lic
1	Man with <u>feefinej</u>	F	F	F	F	F
2	Man with female <u>neji</u> (except Da of Wi's <u>mwaani</u> )	A	A	D	F	F
3	Man with Da of Wi's <u>mwaani</u>	A	A	D	F	F
4	Man with consan- guineal <u>jinej</u>	A	A	A	F	F
5	Man with affinal <u>jinej</u>	A	A	A	D	D
6	Man with Wi	A	A	A	A	D
7	Man with <u>pwynywej</u> (other than Wi)	A	A	A	A	A

Key: Abbreviations used are: A, allowed; D, disapproved; F, forbidden; Da, daughter; Wi, wife. The Trukese terms designate categories of kin.

Goodenough makes it clear that he is plotting a real culture: "in every identity relationship in which a person participates he has a duty-status and a right-status on every status dimension in his culture's system of social relationships" (in Tyler, 1969, p. 322). His position is more strongly realist than Nadel's. The charts presented are intended to represent the knowledge of an actor as he goes about his daily life.

The significance of these charts becomes obvious in

the only case history Goodenough presents:

. . . let us consider the occasion I encountered when an irate father struck his married daughter (right-status 2), to whom he owed all duties but the greeting faajiro. Informants explained that he was angry, or he would not have done such a thing. Indeed, the fact that he was six points down the seven-point scale was a measure of how very angry he was. His daughter, it happened, was a self-centered and disagreeable young woman, whose petulant behavior had been getting on her kinsmen's nerves for some time. A good, hard jolt was just what she deserved. Being struck by her brother or husband, who were under no obligation not to strike her, would have had little dramatic impact. That her father struck her, however, the last man in the world who should, this was something she could not dismiss lightly. What provoked the incident was her indulgence in an early morning tirade against her husband whom she suspected of having just come from an amorous visit to her lineage sister next door. It is a Trukese man's privilege to sleep with his wife's lineage sisters (he is in duty-status 7 to them in Table 3), and men and women are not supposed to show any feelings of jealousy when this privilege is exercised. Her shrieking outburst against her husband, therefore, was another example of the 'spoiled child' behavior that made her unpleasant to live with. Witnesses seemed to relish her undoing as, full of what we would call 'poetic justice'. (Goodenough, 1969, pp. 326-327).

A great leap of imagination is not necessary to relate this to Nadel's theory. What happens here is a case of deviant behaviour. But the deviance does not nullify the formal structure of relations between rights and duties and social roles. On the contrary, the formal structure expressed in tables two and three makes the deviance comprehensible. Or, in other words the abnormal behaviour only has meaning in relation to the formal structure of rights and obligations. This is the best instance of what social roles do - they govern the meaning of any behaviour related to them. They, in fact, are the only way of defining deviance, and, as in the case cited above, of explaining

it.

This chapter thus comes to a pointed conclusion: social roles govern the meaning of social relationships. Chapter One left two paths of investigation, the nature of social roles, and the meaning of words. In Nadel's theory of social structure, the two become one. In the empirical studies of Goodenough and Goffman the centrality of meaning is manifest. The case is, however, not yet closed. Nadel's theory gains richness at the price of several loose ends; in particular, the many ideas he borrows from linguistics and philosophy are poorly integrated. Meaning is important; that is the conclusion drawn thus far. But meaning is an enormously weighty topic, and some of its complexity must be ordered before a solution to the problem of ratiocination in African customary law can be attempted. The discussion will, therefore, grow more abstract before it again becomes specific. The problems of semantics relevant to this case are taken up in the third chapter.

CHAPTER IIIPART 1THE THEORY OF MEANING AND THE THEORY OF ROLES

Two problems arise from Nadel's The Theory of Social Structure: First, the nature of meaning and, second, the problem of communication, or "other minds". The result of chapter II is that as long as these problems remain unsolved, the theory of social roles will be inadequate. Now, while Nadel confronts the problem of meaning, "other minds" is a problem only by implication. However, the two are not unrelated; in fact, each is accessible from the other. There is, therefore, nothing inherently advantageous in discussing the nature of meaning before the problem of "other minds". In this context, it seems more natural to discuss meaning first since that is the arrangement of Nadel's book. And above all else, this chapter is an effort to clarify and elaborate Nadel's theory of social structure.

There can be few topics in the humanities more voluminous and complex than semantic philosophy. Few modern works on the subject fail to mention either Plato or Aristotle or an assortment of obscure Schoolmen. On the other hand, semantic philosophy is a stronger obsession in the Twentieth-Century than ever before. Indeed, it has been hailed by one writer as the beginning of a new era in philosophy (S. Langer, pp. 29-31). Oddly enough, the enthusiasm for the potential of linguistic philosophy to solve philosophical problems approximates the

hope held by one anthropologist, mentioned in the last chapter, that the "social role" idea would solve all sociological problems. And so, ironically, one Copernican Revolution comes to the rescue of another. But this is more a comment on the pitfalls of intellectual enthusiasm than the particular merits of either line of thought. At any rate, language and semantics are complicated, so in order to display the various alternative theories of meaning, I shall lean on an interpretation of the entire subject by G.H.R. Parkinson (Parkinson, 1968, pp. 1-15). With the aid of this list, it will be easy to see which theories are likely to be relevant either to Nadel's theory of social structure or to the customary law case described in Chapter I. Once the unlikely theories have been spotted and discarded, the more promising ones can be elaborated. Parkinson's list of semantic theories serves the same purpose as the review of theories of social role in the previous chapter. There is one difficulty in this method. Parkinson's arrangement of semantic philosophy is "ideal typical" in the sense that he categorizes all theories of meaning on the basis of shared traits. This is only possible at a high level of abstraction, and the categories are, consequently, not exhaustive or mutually exclusive. Parkinson's discussion is, thus, nominalist and heuristic. To describe theories of meaning would be to give a history of all theories of meaning, which is clearly beyond the scope of this essay. But realizing that Parkinson's work is only a digest, it has the advantage of putting the facts in the open as if they were items in a shop window. The only reason that this is advantageous is that if an item in a shop window seems interesting, one may decide to learn more about it and this requires a trip to

the factory in which the specimen was originally made. Parkinson's classification is thus both limited and useful; but useful only because it points the way back to the reality of which it is a simplification; and it is useful only so long as faith in its essential accuracy is sustained and the route between it and what it purports to represent is unimpeded. Having previously criticised "heuristic" devices in sociology, I feel it necessary to justify using one here.

According to Parkinson, there are basically six theories about meaning. The first two are concerned only with the meaning of words and phrases; the later four dwell on the meaning of sentences. Some of the theories are closely interwoven and some are relatively isolated, but these complexities must be ignored for the present. Interest in the philosophy of meaning was revived in the Nineteenth-Century by John Stuart Mill and since his ideas of "connotation" and "denotation" have been incorporated into standard English, they should not be ignored. Mill's work exerted a great deal of influence on philosophers in the early part of this century. In a nutshell, Mill's idea is that every word does two things. First, a word "denotes" the thing that it is, or to put it another way, a word is a name for some particular thing. Second, a word "connotes" the attributes of the thing it names. According to Mill, meaning is connotation. For him all words are names, and each name means all characteristics of the thing named. Thus, the word "dog" denotes in the sense that when dogs appear one can say "that is a dog" and "this is a dog"; but the connotative side of the word, its meaning, is seen when there is no dog in view and one can still say, "'dog' means four-footed hairy

animals that wag their tails when happy and salivate when hungry and so on". Mill's idea is not wholly satisfactory, It is not clear what some names denote; "dog" is an example. Does it mean all dogs, a generalized dog or an archetypal dog in a Platonic heaven? On the other hand, some names do not connote. "Fido" only denotes; it means my dog "Fido" and no other dog. Mill's theory breaks up on this rocky problem, but his wreck gave philosophical cartographers a new reference point. Since Mill's day many thinkers have attempted to round this promontory. Most have foundered on the same inhospitable shore.

So much for historical digression. From henceforth the discussion follows Parkinson's outline. The first theory of meaning has an elaborate development but a simple conclusion. It is an attempt to expand the denotation side of Mill's theory. Bertrand Russell is responsible for its importance in modern philosophy, though in other forms it must be as old as philosophy itself. It is known as the "denotation theory of meaning", a title copied from Russell's own essay, "On Denoting" (Russell, 1905). The theory is solely concerned with words and phrases that denote. Many different phrases denote: "a man", "some man", "the present King of France", "the present Queen of England", "the centre of mass of the Solar System at the first instant of the twentieth century" are all denoting phrases. Russell emphasizes that phrases denote only in virtue of their form. Denotation may take three different forms: (1) a phrase may be denoting and yet not denote anything, for example, "the present King of France"; (2) a phrase may denote one definite object, for example, "the present Queen of England"; and (3) a phrase may denote ambiguously, for example, "a man" denotes not many

men, but an ambiguous man.

Russell is careful to distinguish between denotation and acquaintance. A denotation of the second form can take place without the certainty with which one knows of the Queen of England. Russell gives an example of denotation without acquaintance: ". . . we know that the centre of mass of the Solar System at a definite instant is some definite point, and we can affirm a number of propositions about it; but we have no immediate acquaintance with this point, which is only known to us by description" (Russell, 1905, p. 479). The point of this is that one may talk about things without acquaintance of them. Russell's view is that all thinking starts with acquaintance, or perception, but that one can think beyond the realm of acquaintance is due to denotation which points to things with which one cannot become acquainted. Abstract logical words and other people's minds are further examples of this characteristic of denotation.

"Everything", "nothing" and "something" are, in Russell's scheme, the most primitive denoting phrases. These words have no meaning in isolation, but a meaning is assigned to every sentence in which they occur. Russell generalises to suggest that this is the most important thing about denoting phrases, that they "never have any meaning in themselves, but that every proposition in whose verbal expression they occur has a meaning" (Russell, 1905, p. 480). This principle results in the following interpretations of the sentence, "I met a man". This sentence does not, as it might seem, mean, "I met some definite man"; or that is not the proposition affirmed, since this is the ambiguous form of denotation outlined above.

According to Russell, what is affirmed by the sentence is this:

"'I met x, and x is human' is not always false". Generally, defining the class of men as the class of objects having the predicate human, we say that: ---

"C (a man) [C(x) in Russell's notation stands for a propositional function in which x is a constituent, and x, the variable, is completely undetermined] means " 'C (x) and x is human' is not always false". (Russell, 1905, p. 481).

This analysis leaves the denoting phrase "a man" without meaning, but as Russell intends, it does give meaning to any proposition in which "a man" is an argument of the propositional function x. A more lucid way of saying this is that although "a man" has no intrinsic meaning, from this analysis it is possible to say what is true of any subject to which "a man" may be predicated. Thus, it is the proposition that has meaning and not the denoting phrase.

Russell's theory of denotation developed in opposition to theories that regard any grammatically correct denoting phrase as standing for an object. Odd as it may sound, some people have argued that even though there is no King of France, the phrase "the present King of France" denotes an object. Strict adherence to Mill's idea of denotation is the foundation of this way of thinking. As Russell says, this view is intolerable and he provides a way around it.

Russell has an even more serious squabble with the view that each denoting phrase has both a meaning and a denotation. Russell's main antagonist here is not Mill, but Frege, whose ideas are similar to Mill's. (Frege, 1952). Frege argues that denotation (Bedeutung) and meaning (Sinn) are entirely different. In his terms one could say that although the "morning star" and the "evening star" have different meanings, they have

the same denotation, the planet Venus. Russell's objection to this is that there must be a logical connection between meaning and denotation and that this can only be found by saying the "meaning denotes the denotation" (Russell, 1905, p. 486). So that, in effect, there is no meaning without denotation. This is certainly the case in Frege's example, since the planet Venus has logical primacy over "the morning star" or "the evening star", which is to say that without Venus there would be no way of saying what either of the other terms refers to. When asked "what does the 'morning star' mean?", someone of Frege's conviction could only respond by answering, "Venus".

The final explanation of denotation is revealed in the analysis of the sentence "Scott was the author of Waverly". In crude terms, the analysis is "One and only one entity wrote Waverly, and Scott was identical with that one"; or more explicitly: "It is not always false of  $x$  that  $x$  wrote Waverly [which is Russell's way of explaining that some  $x$  wrote Waverly] that it is always true of  $y$  that if  $y$  wrote Waverly  $y$  is identical with  $x$  and that Scott is identical with  $x$ ". Putting this in more general terms, if " $C$ " stands for a denoting phrase, it is possible that there is an entity  $x$  (Russell asserts there cannot be more than one) for which the proposition " $x$  is identical with  $C$ " is true, and this proposition would be interpreted as the one above. Here, then, is the final statement, that the entity  $x$  is the denotation of the phrase " $C$ ". The denotation of a denoting phrase, then, is the unique  $x$  which is identical to the phrase " $C$ ". Russell's idea implies that for most names, the meaning of the name is the physical object that bears the name. Or, in other words, a name denotes a physical object, and the object

is what the word means. This account is accurate for denoting phrases of objects with which one may be acquainted. All denoting phrases, "The Colossus of Rhodes" or "the centre of mass of the Solar System" for example, do not denote that sort of object. And while we will never be acquainted with those objects, the denoting phrases permit us to know some of their properties. As Russell puts it: "What we know is 'So-and-so has a mind which has such and such properties' but we do not know 'A has such and such properties', where A is the mind in question" (Russell, 1905, p. 493). Thus, Russell's theory of denotation clings to perhaps the simplest view of meaning - that a word means the object it names - and yet shows how even when acquaintance with the denotation of some phrases is impossible, the process of meaning works the same way.

The most important criticism of Russell's theory is that it is too limited. While it works well for nouns, nouns are not the main constituent of language. Adjectives are not physical objects; neither are verbs. In fact, most nouns are so abstract that to point to one particular physical object as its meaning is misleading. Abstract nouns are not inaccessible in the same way as "the centre of mass of the Solar System", or "other people's minds". This problem was, after all, the beginning of Plato's ideal forms. It is also the point on which Mill goes astray. But these are all errors of omission. While it is easy to point out that Russell's idea does not apply to many sorts of words, it is equally important to realize that it does apply to names. The problem is to evaluate the extent to which what is true of names may be true of other parts of speech as well. Actually, several of the approaches to meaning discussed

later are attempts to explain or modify this very simple idea.

The second theory of meaning is known as the "image theory". The idea behind this is also rather simple. According to Sapir (Sapir, 1921, pp. 3-24), the author of the "image theory", what a word means is an image in the mind of the speaker. Seeing meaning in this way facilitates the understanding of words which are problematical for the denotation theory. That the physical object behind a word no longer exists, or that several words are related to the same physical object and yet clearly have different meanings are no problems for the image theory. Neither is the problem of abstract names like "house" or "dog". The meaning of genera is, of course, one of the most persistent and thorny in semantic philosophy and certainly Russell's theory cannot begin to cope with it. But it is easily solved by Sapir's image theory; or, to say the thing in a different way, Sapir's image theory lends respectability to the most ancient solution of the problem - Plato's theory of ideal forms. Plato's approach is to say that since every chair is in one way or another different from every other chair, the only reason why one can apply the word "chair" to them all is that there is an essential chair composed solely of those attributes possessed by every chair. Plato asserts that this least common denominator has an ideal existence and that what the word "chair" means is really the archetype of all chairs, and following from this that every object is or is not a chair as it is similar or dissimilar to the archetype. Plato's theory is very persuasive and has enjoyed wider popularity than any other linguistic theory. The most conspicuous example of its force is Linnaeus' classification of animals. Now, Sapir makes this theory more respectable by

saying, not that the archetype has an ideal existence beyond individual people, but that it is only an image in individual minds.

The overwhelming objection to the image theory is that it results in the fragmentation of language. Because every speaker has his own image and what he means by his words are his own images, it is impossible for one speaker to know what another speaker means. Thus, while covering over the unsolved problems of denotation theory, Sapir paints himself into the corner of private images, private languages, and unique meanings. His tendency to do so is, in part, related to the idea, recurrent in the American linguistic tradition, that the first form of speech is the "ideolect". The Bloomfieldian view, and this is the guiding light of the American school of linguistics, is that children first develop a private language, or "ideolect", and during maturation learn to translate this into the common language. The image theory of meaning is the only one consonant with this view of child development and probably a product of it. At any rate, the two conjoined produce a theory of language which, operating with the fairly obvious assumption that communication does occur between people, defies common sense. The mistakes inherent in this viewpoint are more obvious in relation to the question of "other minds". On this issue, the "image theory of meaning" results in the "Sapir-Whorf" hypothesis of linguistic relativity. This is the view that the speaker of one language lives in an entirely different world from the speaker of another. The germ of this idea comes from Whorf (Whorf, 1956), but Sapir, as Whorf's teacher and friend, was influential in its formation. The classic example of this is

that the Eskimo have seven words for snow while the Aztec have only one word for snow, ice, and cold fog. From this data, Whorf argues that exotic languages cannot really be translated into Western ones, and vice versa. Like the idea of an ideolect, there is some truth in this but it is overstated. The final irony is that Whorf himself shows the limits of linguistic relativity by describing the idea in English. Roger Brown also brings out this point: "Too many travellers (among them the linguists who described the languages) have learned to see the Laplander's snows and the Wintu's cows. Too many of us reading the reports of such travellers have grasped these concepts from description - all in English" (R.W. Brown, "Language and Categories". Appendix to J.S. Bruner, et al., A Study of Thinking, 1956, p. 307). Brown's point is well taken. The relativity of language is less extreme than Whorf and Sapir make it out to be. If one does know a theory by its fruits, linguistic relativity and the concept of the ideolect are sad comments indeed on the image theory of meaning. In fact, the only way out of the conundrum of the image theory is to say that images are shared by speakers, and that therefore what their images have in common is the object from which the image is formed. To say this, however, is to revert to the denotation theory and all its shortcomings.

The next four theories of meaning are more ambitious than the first two. Each tries to deal with the question of how sentences have meaning, whereas Sapir and Russell are primarily concerned with the meaning of words. The first of these theories is Wittgenstein's "picture theory" of meaning. This is characteristic of Wittgenstein's early approach to

philosophy expressed in the Tractatus Logico-Philosophicus (Wittgenstein, 1921). The Tractatus is a singularly difficult book to understand and there are various conflicting commentaries on the work. The main problem in appreciating the importance of the Tractatus is that Wittgenstein's later work seems to supercede and contradict it. Less than twenty years after his death, however, enthusiasts are even debating this point. The difficulties are far from insurmountable, however. In fact, continued publication of comment and criticism testifies to its being of more than historical interest. And, what philosophers call obscure often seems lucid in comparison with the murky classics of sociology. Having acknowledged the existence and importance of the Tractatus, it is convenient to forgo a complete elucidation of its principles here. Its sense is more apparent in juxtaposition to all other theories of meaning, ~~even though in one way or another, most all other theories of meaning~~, even though in one way or another, most current theories are derived from it.

Two theories of meaning which are derived from the Tractatus make use of the idea of verification. Both are associated with the so-called "logical positivists"; the first of these is called "the verification theory of meaning" and the second "the verification principle". In each case the verification referred to is by observation and other sensory procedures.

"The verification theory" of meaning is advocated by Schlick and is typified by his slogan: "The meaning of a proposition is the method of its verification" (Schlick, p. 148). Schlick's intention is clear. Propositions only have meaning if there is some method for converting what they say into other statements which are either true or false; and if there is no

method of discerning the truth or falsity of a proposition then it is meaningless. Unfortunately, Schlick misuses the word "proposition"; in its normal usage in philosophy, a "proposition" is a sentence that is either true or false. But what Schlick intends to say is that only those sentences which are propositions or can be broken into propositions, have meaning. This is a simple matter to correct. The main criticism of this theory is that the method of verification is too closely bound up with observation. Through observation, the sentence "this book is seven inches thick" can easily be declared true or false. But while the sentence "Caesar crossed the Rubicon" is open to investigation, observation alone is not likely to make it true or false; its veracity cannot be determined by direct observation. Thus, strict application of the "method of verification" results in the abrogation of common sense. The method clearly separates sentences like "Smith is in his study", and "God is in his heaven", into the categories of meaningful and meaningless. But there is no point in throwing "Caesar crossed the Rubicon" into the same category as "God is in his heaven", Even if the two latter sentences are unverifiable, they are not meaningless in the same way. This is a serious indictment against "the verification theory of meaning".

A.J. Ayer attempts to remedy some of the difficulties of "the verification theory of meaning" with what is known as the "verification principle". This is stated as follows: "A sentence is factually significant to a given person if, and only if, he knows how to verify the proposition which it purports to express" (Ayer, p. 35). What this expresses is actually only a criterion of meaning, but even so it gets into great difficulty.

First, it is not clear what Ayer means by "factually significant". It seems he is again drawing the line between "God is in his heaven", and "Smith is in his study". After this, however, he parts company with Schlick and says that "verify" must be taken in a wider sense. What Ayer calls the "weak principle of verification" includes not only conclusive proof of the truth of propositions, but any evidence relevant to the truth of what is said. The obvious problem here is to constitute the limits of relevance. And this is where the "verification principle" falls down. The nature of verification is still a lively issue in philosophy, so the problem is far from being solved.

The idea of verification is very attractive in relation to the problems of judicial reasoning. Often it seems that judges look for some way to reduce allegation to propositions which can be corroborated by a third party. This is, no doubt, more important in court systems with established rules of evidence, but the rudiments of this thought process are to be found in the customary law cases with which this thesis is concerned.

While it is important to stress that the theories of meaning using the verification idea are an offshoot from Wittgenstein's Tractatus Logico-Philosophicus, it is equally important to stress that Wittgenstein produced another theory of meaning which has had an equal impact on philosophy and a greater impact on the social sciences. This is the idea that the meaning of a word is its use in a sentence and that the meaning of a sentence is also its use. In the Philosophical Investigations, Wittgenstein explicitly denies that a word or sentence has one meaning. A word, he argues, has as many meanings as it has uses, and the aggregation of all possible uses of a word does

not constitute an essence, they are rather like the members of a large family who have only a vague resemblance. Likewise, a sentence has as many meanings as it has uses in the larger context of language. Wittgenstein's intention can be clarified by comparing it with the denotation theory. An adherent of the denotation theory may well agree that the meaning of a word is its use, but he would go on to say that the use of a word is to denote. From Wittgenstein's point of view, however, this is a mistake, for it suggests that a word can have meaning outside of a sentence. One objection to the use theory is that it is too vague, that it never tells what meaning of a word should go into what sentence. Wittgenstein's response to this is that "use theory" only points the way to the proper study of semantics; to study moral philosophy, for example, one must study the way moral philosophers use words. This directive has been received with enthusiasm in anthropology, where very elaborate studies of kinship vocabularies are constructed on the basis of Wittgenstein's idea. Anthropologists are also using this approach to semantics in the study of law (see Pospisil, 1965, and Black and Metzger, "Ethnographic Description and the Study of Law", in Tyler, 1969). Use of the theory in anthropology has resulted only in specialized techniques of description, however, not in theories of social structure relevant to the question of ratiocination in customary law courts.

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One problem in this view is that its advocates tend to interchange the expressions: "the meaning of a word as its use" and "the meaning of a word is the rules of its use" (see Waismann, 1965, Chapter VIII). The two are clearly not the same. To place the emphasis on rules is to posit a closer

relationship than a mere "family resemblance". In spite of this, the "use theory" of meaning is enthusiastically accepted as a method of enquiry into the meaning of words. But even Wittgenstein realized that it is not a theory of meaning in the old sense; it is rather a tool for finding out what words mean.

The final theory of meaning is a product of behaviourism. By this account, the meaning of a word or sentence is the response that follows it. The classic example, of course, is Pavlov's salivating dog. Through the association of dissimilar events, the ringing of a bell comes to mean food. In a similar fashion, people learn that clouds mean rain and that lightning means thunder. Acknowledging that people are more complex than dogs, the theory states that the response need not take place for the meaning to be recognized. At the least, a disposition to respond in the appropriate manner must occur. For example, the sentence "it is going to rain" may cause one to stay indoors or take an umbrella, or it may make one curse the weather and march out unprotected; it may even cause the faint hearted to head for southern France. Advocates of the "causal theory of meaning" are convinced that in back of all these activities is a disposition triggered by the sentence "it is going to rain".

Where the causal theory fails is obvious. Parkinson points out that it is completely unable to say what a word means. That one "disposition" is found behind myriad responses speaks more strongly for the conviction of the advocate than the accuracy of the theory. The disposition to respond is entirely too vague and promiscuous to be convincing. Like most behavioristic theories, the causal theory of meaning is too mechanical to reflect the complex realities of human life and thought.

Furthermore, like the "image theory", the causal theory is only able to describe meanings which are unique to each speaker, since regardless of the consequent of the word or sentence, its meaning is whatever follows it. But, as odd and mistaken as this theory sounds, it is of considerable importance.

If nothing else is obvious by reviewing the existent theories of meaning, it should at least be clear that, in part, the variation among the theories is due to the ambiguity of the word "meaning". They are, in effect, answers to different questions. Taking a cue from Wittgenstein's latter writings, it is helpful to enumerate the possible uses of the word "meaning" and see what the differences are. Parkinson (Parkinson, 1968, p. 1) distinguishes four types of statement using the word "meaning": (1) "Football means everything to him". A substitute for "meaning" in this example could be "is important". (2) "I mean to work this evening". Here, "intend" would be an accurate replacement. Another instance of this usage is: "In spite of his ruining everything, he clearly meant well". (3) "Those black clouds mean rain". "Signify" could be inserted into this sentence without altering its sense. The process here is called signification; this is the case when one thing is known to stand for another thing. The "causal theory of meaning" attempts to generalize from this sort of sentence to all others containing the word "meaning". (4) "The Latin word 'pluvia' means 'rain'". Perhaps the best replacement of "means" here would be "is the equivalent of", or simply "is". This is also sometimes called the "symbol" sense of "meaning". Statements of this type are often seen as similar to those of category (3). An alternative is to say that "pluvia" and "rain" mean the same thing; this is

the solution of the denotation theory. An additional use of "meaning" is this one: "I read Crime and Punishment, but I do not know what it means".; or, coming from a policeman, "alright, what is the meaning of this;" or "What is the meaning of life, the "Gospel of John", etc. These are cases when "meaning" closely approximates "interpretation" and "understanding". It is crucial to note that use of "meaning" in this sense takes the form, "what is the meaning of the Logos", and not "what does logos mean", which is the usage of (4). That the two are vastly different is clear from the consistent bewilderment of readers of the New Testament in English who see only the translation, "word", but that students of Greek are not perplexed by the word itself.

The material from the first two chapters gives two points of view from which the problem of "meaning" might be simplified. This thesis is, after all, not an attempt to unravel all the knotty problems of human speech, but rather to refine answers to specific problems of semantics in order to use the solutions to understand the nature of customary law. The first question, then, is, which use of the word "meaning" is found in the case "Genatio Magino versus Yowasi Maliwa?" And the second is, does Nadel's theory of social structure implicitly contain a theory of meaning, and, if so is it intrinsically correct or relevant to the use of "meaning" in the sort of African law case typified by "Genatio Magino versus Yowasi Maliwa", or both?

The first question is easily answered. Every customary law case of the sort being considered here has a certain number of common elements which give rise to the consistent employment of one kind of statement with "meaning". The most obvious thing

about customary law decisions is that they are passed by a judge. Whether there is one judge, as among the Soga, or several, as among certain tribes discussed in the final chapter, the process of judgement always takes place. And the phases of the process are usually the same. In general, there is a plaintiff and a defendant, and, surrounding them, a history. The history is primarily concerned with a particular deed such as an assault or an adult<sup>e</sup> ~~ty~~ which becomes the indictment. Most argument centers on the indictment and the events leading up to the deed which has become the indictment. Though events happening after the indictment are sometimes counted as relevant. In most cases, few of the particulars of the history are clearly factual. Witnesses, either through confusion, ignorance or malice, frequently contradict one another. Or, if agreement is reached on the ~~occurrence~~<sup>occurrence</sup> of an event, its significance is disputed. A further confusing factor is often that not only are specific occurrences denied, but the untrustworthy character of a witness is alleged. Thus, events trapped within the past, forever beyond the possibility of observation, are scrambled by witnesses who frequently have strong personal reasons for obfuscating the narrative. There are, consequently, no true facts to help the customary law judge. Or, rather, the nature of the facts closely resembles E.H. Carr's description of an historian's facts: "The facts are really not at all like fish on the fishmongers slab. They are like fish swimming about in a vast and sometimes inaccessible ocean; and what the historian catches will depend, partly on chance, but mainly on what part of the ocean he chooses to fish in and what tackle he chooses to use - these two factors being, of course, determined by the kind of fish he wants to

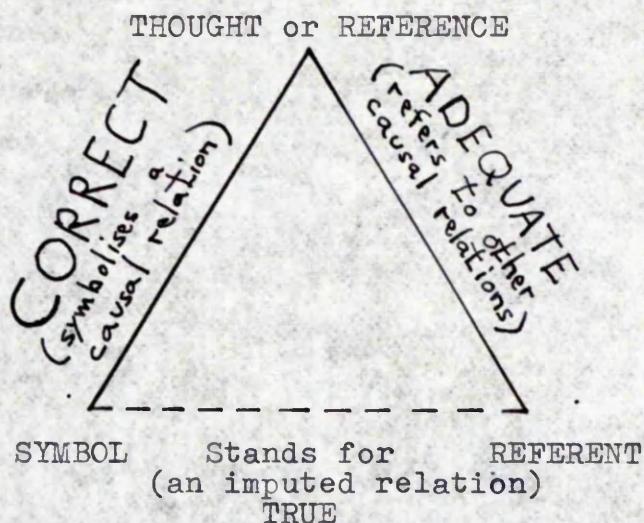
catch. By and large, the historian will get the kind of facts he wants. History means interpretation". (E.H. Carr, 1961, p. 23). And as with historians, so with the judges of African customary law cases. That facts emerge from the past is due to a process of interpretation. And this is the answer to the question about what sort of use "meaning" has in customary law; the relevant usage is the final one discussed above, that usage which can be replaced with "understanding" or "interpretation". In the course of reasoning, the judges are likely to ask questions such as these: "What is the meaning of his testimony"; "What is the meaning of this accusation"; "What is the meaning of his silence"? And the activity in all of these questions is interpretation. Yet another cue can be taken from E.H. Carr's discussion of how historians think and this is that to understand the history one must understand the historian; or, as he somewhat pithily puts it: "Study the historian before you begin to study the facts. This is after all, not very abstruse. It is what is already done by the intelligent undergraduate who, when recommended to read a work by that great scholar Jones of St. Jude's goes round to a friend at St. Jude's to ask what sort of chap Jones is, and what bees he has in his bonnet. When you read a work of history, always listen out for the buzzing". (E.H. Carr, 1961, p. 23). Likewise, to understand how facts are produced in an African Customary law case, study the judge, who is responsible for the interpretation, and not the events of the case as if they were discrete and obvious. In other words, the proper question in the study of customary law is: what bees does the judge have buzzing in his bonnet? And to answer this, one needs a precise theory of interpretation. Thus,

the road of inquiry into African customary law is open. And, not surprisingly, the first gate along this route is Nadel's theory of social structure which closely resembles, and might be derived from, one of the oldest theories of interpretation.

Although Nadel does not acknowledge the influence of any single theory of meaning, there are two reasons for thinking that the theory of "contextual reference" put forward by Ogden and Richards (Ogden and Richards, 1923) is of especial significance in its formulation. The first is that the two are remarkably similar, so much so in fact that the degree of congruity between the two would be uncanny without some influence one way or the other. Since The Meaning of Meaning was published thirty-four years before The Theory of Social Structure, the direction of influence is obvious. The second piece of evidence leading to this conclusion is that Nadel spoke with some enthusiasm of Ogden and Richards' work<sup>k</sup> in his lectures at the London School of Economics (private communication from Professor P.H. Gulliver). Furthermore, the omission of a reference to The Meaning of Meaning is not surprising since Nadel's own work was published posthumously<sup>h</sup> and may be excused the lack of such scholarly polish as a bibliography. But, convincing as these points may be, the real proof lies in the resemblance of Nadel's theory to the work of Ogden and Richards.

The semantic theory of Ogden and Richards is based on the proposition that words only have meaning when they are used by a thinker. Moreover, the contribution of the thinker is one of interpretation. For them, three factors are involved whenever a statement is made or understood, which is to say whenever a word has meaning. Ogden and Richards conceive of this in a

diagram: (Ogden and Richards, p. 11)



The relation of thought to symbol is a causal one. The employment of a symbol is at least partly caused by the reference made by the speaker, and partly by other factors, especially the desired effect of the symbols on potential hearers. For a hearer, the perception of a symbol causes the occurrence of a reference, or to put it another way, a thought is stimulated by the perception of a symbol. The authors of this theory recognize the dangerous proclivities of the word "cause" and apologize for its use. Avoiding the many connotations of the word, they state that the idea they express is simply a relation of material implication, or an "if-then" statement. Thus, for a speaker if there is a reference there is a symbol. And for a hearer if there is a symbol there is a reference. With the exception of the word "CORRECT", which will be discussed along with its large case equivalents at a later spot, the left-hand side of the diagram should be comprehensible.

The relation between the Thought and the Referent is

also a causal one, sometimes direct and sometimes very indirect. The Referent is always a "thing" of some sort. And as a "thing" it is the antecedent of any thought about it. The "thing" which is the Referent, may be more or less accessible; it may be as immediate as a green coloured surface or as remote (remote in the sense of being at the end of a long series of intervening "sign-situations") as Napoleon. The way in which a Referent causes a Reference is somewhat strange, but Ogden and Richards state the point most explicitly:

The suggestion that to say 'I am thinking of A' is the same thing as to say 'My thought is being caused by A' will shock every right-minded person; and yet when for 'caused' we substitute an expanded account, this strange suggestion will be found to be the solution. (Ogden and Richards, 1923, p. 55).

The promised "expanded account" turns out to be their entire theory of contextual reference. When the theory is disclosed, they assume this point is obvious, so I shall follow their example.

The bottom of the triangle is so different from either side that it is only sketched in with a dotted line. Ogden and Richards contend that there is never anything more than an imputed relationship between a Symbol and a Referent. To say anything else would be to deny their opening premise - that words by themselves have no meaning whatsoever. However, the imputation of a concrete relationship between these two terms is the semantic theory of everyday people and everyday dictionaries. The base of the triangle is completed in order to locate the source of most errors people make when thinking about language and meaning. This way of representing the relation of words (Symbols) and things (Referents) is similar to what de Saussure calls the

"arbitrary nature of the sign" (de Saussure, 67). The idea of arbitrariness is of great importance in linguistics and even more so in this thesis; it is therefore expedient to clarify it now, at its introduction. By "arbitrary", de Saussure does not mean that every speaker can give whatever meaning he pleases to words, but that there is nothing intrinsically necessary in the relation between a word and its meaning. An example is that there is nothing necessary between the sounds of the word "dog" and the common animals to which that name applies; the sounds of the word "Hund" can serve the same purpose as "dog", and for this reason, the connection between word and object is arbitrary. Within a given linguistic community, however, the relation is not arbitrary. According to the rules of English, one is not free to select arbitrarily the words "chien" or "Hund" to mean "dog" without running a grave risk of being misunderstood. Thus, while there is no logical connection between word and meaning, there is a conventional rule which binds them together. Ogden and Richards repeat de Saussure's valuable argument in the bottom of their triangular representation of meaning, but they make very little use of the idea. That they underrate its importance to the study of meaning is a mistake not to be repeated here. In fact, it is the single most important aspect of the process through which speech acquires meaning.

The large case words written over the sides of the diagram describe the success or failure of the substantive terms positioned on the corners. These words describe the various ways in which the process of interpretation may break down. This has certain advantages in that it is a system of terms which if properly used can eliminate ambiguities from allegations

of falsity. For example, in the sentence, "what he said is false", it is not clear whether his symbol or his referent is false, that is, whether "what he said is false", or, "what he said is false". These, however, are problems of stylistics and are only peripheral to the purely semantic part of the theory of contextual reference which is the part most directly related to Nadel's theory of social roles.

The theory of contextual reference of Ogden and Richards may, thus far, be summarized into one sentence: a symbol is chosen by a thinker to symbolize a Reference which is a thought stimulated by a Referent, which is a thing. The process of meaning, then, takes place in the mind of some thinker. The thinker perceives, and these percepts trigger off various thoughts which, if the thinker chooses to express, he does by representing with a symbol. Symbols are usually sentences and propositions. The critical happenings are all on the right-hand side of the triangle. Here, a thing becomes a thought. This is the key, Ogden and Richards claim, to the understanding of meaning, and they therefore give it the ambitious title of "a natural theory of thinking".

The theory of interpretation is at least as complicated as all that has gone into the theoretical outline of thinking. Ogden and Richards build this part of their argument on the assumption that human experience is characterized by recurrence. By "recurrence" they mean that experience comes in more or less uniform contexts. Their definition of "context" is fairly straightforward: "A context is a set of entities (things or events) related in a certain way; these entities have each a character such that other sets of entities occur having the same

characters and related by the same relation; and these occur 'nearly uniformly'" (Ogden and Richards, 58). Thus, their picture of mental reality is a series of recurring sets the members of which have something in common.

Now, as the events within a context appear, disappear, and re-occur, people form memories of their comings and goings. Ogden and Richards call such memories "engrams". Engrams are simply the residual traces of past events. The presence of these engrams leads to expectation. Although Ogden and Richards use the word "expectation" in the conventional sense - that of a person thinking that the future is bringing something particular - they give its definition a new twist in order to fit it into the scheme of their semantic theory. Their definition of "expectation" is "the excitation of part of an engram complex which is called up by a stimulus similar to a part only of the original stimulus-situation (Ogden and Richards, 52).

The process of expectation, then, is the result of the interpretation of a sign which occurs in isolation as belonging to some greater whole, a memory of which is stored in the mind. The nature of interpretation is now manifest, its peculiarity being that "when a context has affected us in the past the recurrence of merely a part of the context will cause us to react in the way in which we acted before" (Ogden and Richards, p. 53). To sum up everything said so far about the theory of contextual reference, then: Expectation is excited by the stimulation of an Engram by a sign, which is a part of, or in some way related to, the Engram. When this occurs, the sign is said to be interpreted, which is the same as saying that it has meaning.

With only two more terminological additions, the theory

of contextual reference will be complete. For Ogden and Richards, there are both External contexts and Internal or Psychological Contexts. These terms are used in a fairly obvious way. An External context exists in the physical world, it is natural; men have no control over it. Psychological Contexts, on the other hand, are sets of ideas. The Psychological Context is the storehouse of engrams. It is through the Psychological Context that men give meaning to the events occurring in External Contexts. It is also through the allocation of meaning via the Psychological Context that men are able to understand, order and control the physical universe. There is one important difference between the two contexts which makes this possible. An External Context is a set of events which are somehow strung together. The nature of this relation is temporal; one aspect of the context follows another. These events may be spread over vast stretches of time, temporal distances between one event and another varying. Psychological Contexts, on the other hand, are virtually timeless. They exist as a unit in the mind of some observer. The appearance of one part does not depend on its immediate antecedent. If any one part of it is perceived, the presence of the totality is known. Thus, the process of interpretation is explosive. A sign appears, it is fitted into a Psychological Context which gives it meaning and consequently it endows meaning to a host of other events, some of which may belong in the past, some of which may be expectations about the future. In this difference between physical reality and mental reality, according to Ogden and Richards, lies the efficacy of all human action.

Nadel's theory of social structure takes over several

key ideas from Ogden and Richards. Remember that the heart of Nadel's theory is in the equation for a total role, all other is,  $C = \sum p, a, b,$  ~~all larger social~~ structures compounded of it. This formula is,  $C = \sum p, a, b, . . . l/m/n.$  Or, in words, this means that there is a body of knowledge ( $C$ ) composed of a group of attributes some of which are optional  $\sum(a, b, . . . l/m/n).$  These are mental events in the process of classification. As a body of knowledge, these mental events have a timeless existence. When ~~excited~~ by perception of a pivotal aspect ( $p$ ) they result in a socially relevant interpretation or expectation.

In order to highlight the similarities between Nadel's theory of social structure and Ogden and Richards' theory of interpretation, I shall reiterate the latter theory in a form likely to facilitate comparison. In this theory, there is a body of knowledge (the Psychological Context) which is a configuration of memory impressions (the engram), the constituents of which are representations of empirical things (the External Context); the Psychological Context is a unity of knowledge which does not change over time, and, as a body, it is called into prominence by the perception of a part of itself in the External Context in isolation (the sign). The sign becomes meaningful in relation to the whole body of knowledge which is subsequently used to interpret past events or to anticipate future ones. Note that Ogden and Richards realize that a variety of the different parts of a Psychological Context may be signs for the whole, thus replacing the pivotal aspect ( $p$ ) of Nadel's formula with the proposition that given the correct sequence of events in the External Context, any member of the psychological

context may be a sign. Adoption of this view would correct the fault in Nadel's theory which was pointed out in the last chapter, that it is inaccurate to think that for each role there is only one attribute that could be pivotal. Other than this, the symbols from Nadel correspond to the theory of Ogden and Richards in the following way:  $\textcircled{C}$  = Psychological Context; p = sign;  $\sum$  = indicator of context; and a, b...l/m/n/ = both the members and the structure of the Psychological Context.

Thus, the salient ideas held in common by the two theories are, firstly, that of context, both internal and external. Secondly, that a sign which represents (stands for) something in the External context refers (points to) something in the internal context. Thirdly, the Psychological Context has a structure which provides a form for external reality. Fourthly, that the internal context changes relatively little through time and, fifthly, provides a way of interpreting past events and expecting future ones. This demonstration should show that even if the ideas of Ogden and Richards are not seminal to those of Nadel, they are at least so remarkably similar that the analogy of the former being parent to the latter is not without some foundation. An alternative way to relate the two theories is to say that due to their obvious congruence, the semantic principles behind Nadel's thought must be very close to what Ogden and Richards argue in The Meaning of Meaning. Taken either way, the advantage of seeing the connection between the two is that criticism of The Meaning of Meaning becomes relevant to The Theory of Social Structure and will therefore further the aim of understanding the significance of semantics in theories of social structure.

The most serious flaw in Ogden and Richards' theory is that the relation between the Psychological Context and the External Context is unconvincing. In fact, their division of experience into the "external" and "psychological" is the same sort of mind-bodyism disparaged in the previous chapter. The authors of the theory seem to imply that events in the External Context are connected in much the same way as events in the Psychological Context. In fact, they argue that the Psychological Context is learned by memorizing the regularities of the external context. From the viewpoint of Ogden and Richards' hypothetical learner, it is hard to imagine that the causal relations of the empirical world are as obviously united into contexts as they imagine. Nor does reducing causation to material implication eradicate this problem. Every event is preceded and followed by a variety of other events, yet most people think that very few of the events have been caused by the events in time which immediately preceded it. If I take a walk, drink a cup of coffee and then have an idea, was it the walk or the coffee that caused the idea? The answer to this, of course, is neither. But Ogden and Richards are unable to discount this sort of reasoning. Now, people make mistakes based on post hoc ergo propter hoc reasoning it is true, but if Ogden and Richards' view were correct, there would be no way of linking events other than post hoc ergo propter hoc, and to think of all interpretation as based on faulty logic is unreasonable. The contextual reference theory does allow for verification to be made so that only those Psychological Contexts which are accurate will be retained. But the idea that people go around with hypotheses of potential psychological contexts and test them to see which

may be retained as true is not at all plausible. The problem again is, how are the hypotheses formed in the first place? Without some knowledge of the empirical world, one would have to hypothesise a causal relation between every possible antecedent of every possible consequent and test each. Following this procedure, a lifetime would quickly pass before acquiring enough Psychological Contexts to meet the problems of adult life, much less acquire enough confidence in them to teach them to future generations. But the important point is this: without using language these hypotheses could never be formulated. Ogden and Richards postulate a way of learning language which could only be successful with prior facility in the use of language. In essence, they see an ordered world and an ordered mind and the order of the mind copies the order of the world. As shown above, as a theory of language learning, it is inadequate. But beyond this failure it is a metaphysical view, and as such its inadequacy is even grosser. The world and the mind are not things of the same kind. The only way one can speak about the mind is to speak about language. This is the view of mind advocated by Gilbert Ryle in The Concept of Mind. According to Ryle, language is the mind; there is no thinking without words, there is no perception without language. How then has language, which is no more than a logically related system of sounds, taken over the order of the world which is in no sense linguistic. In effect, Ogden and Richards presuppose a way of knowing the world that does not need language, or, which is less credible still, a mystical influence of the world upon language. Ogden and Richards stumble onto a legitimate problem, but their proffered solutions are not persuasive.

Without actually discussing them, Ogden and Richards deny two of the most important views in Philosophy, each of which has a considerable number of modern supporters. The ideas referred to are "Hume's Thesis" concerning the connection of events in time, and Kant's theory of causality. "Hume's theses" asserts that there cannot be any necessary, that is to say "logical", connection between an event at one point in time and an event at another point in time. Whatever connections are thought to exist are the product of inductive inference and are, therefore, hypothetical. Thus, material implication is never certain. If Hume's position is correct, it would seriously modify the way in which Ogden and Richards could connect their External and Psychological Contexts, in effect, making any possible link more shadowy and tenuous than they indicate in the The Meaning of Meaning.

Kant's theory of causation is roughly similar to Hume's view of material implication. He states that there is nothing necessary in any idea of causation and that what people call "cause and effect" is never demonstrable. Such a relationship is more a matter of belief than of knowledge. If Kant is correct, the connection between Ogden and Richards' Psychological Contexts is thrown onto a new plane, that of belief. And, to claim that the Psychological Context is a belief that the external world is united in such and such a way to form a certain context is vastly different from the rather simple one-to-one correspondence postulated in The Meaning of Meaning. For the moment, whether or not Hume and Kant are correct can be an open question; it is sufficient to know that if correct what they say would take all the wind out of Ogden and Richards' sails. This is no cause

for losing heart, however, since more rigorous solutions to these problems are advanced in that work which due to its complexity was not discussed in the earlier review of semantic theories, but in fact turns out to be the keystone of linguistic theory, Wittgenstein's Tractatus Logico-Philosophicus. Before moving to this work, however, more implications of Ogden and Richards' mistakes must be spelled out.

It should by now be clear that The Meaning of Meaning is a theory of the causal type. Although it is much more elaborate than the generalized version discussed earlier, it shares all of its faults, which are really those of behaviourism itself. The oddity of behaviourism is that in seeking detailed, mechanistic explanations of language, it overlooks one of the most obvious and certainly the most important single characteristic of language, that language is learned. Modern linguistics begins with de Saussure's emphasis on language as a "social fact" (de Saussure, p. 6). De Saussure takes the idea from Durkheim (Durkheim, 1938, pp. 1-14) that "social facts" are external to the individual and exercise a constraint over him. This idea obviates the behaviourists compulsion for creating ideal learners who learn the totality of language from the beginning. Behaviourists consequently ignore the social nature of language; this applies not only to Ogden and Richards but to the other great behaviourist theories of language as well, the works of Charles Morris and B.F. Skinner.

A further ambiguity in The Meaning of Meaning exists in the relation between sign and thing signified. It is not clear if Ogden and Richards mean that S is a sign for R if it produces a reaction similar to R, or if S is a sign for R if R

follows S. Reacting to S in the same way as R is to mistake S for R, not to make an interpretation of R. Max Black (Black, 1949, pp. 194-5) gives an amusing illustration of the consequences of this confusion: confusing the sign and thing signified is to make the same error as the child who tries to eat the apple in his picture book. This muddle is directly related to the difficulties Ogden and Richards have in showing how the physical world is articulated to the mind. Signs may be no more than words, but the "external" realm clearly is not verbal. That this confusion is tied to the earlier one gives hope that a common solution may be found.

In his criticism of Ogden and Richards, Black argues that the process they describe is one of tendentious judgement, not interpretation. Ignoring the previous objections to the theory, it roughly works as follows. Somebody notices something that strikes him as similar to a previous experience. He rummages through his memory and finds that this "something" is indeed a sign for an old experience and that the sign points to several other closely associated events. The contextual association of these events is the interpretation of the original "something". Having finished all this, the observer sits down to await confirmation or denial of his interpretation. Without a more elaborate way of relating the world to the mind, Black's point is well taken, since it is very easy to substitute examples of prejudiced thinking. An observer, for example, might see a cloth cap, know that it is a sign for "working class", locate the ideas of "working class" in a context and then patiently sit down to see if the cloth-capped man will put coal in his bathtub, beat his wife, or go to the local pub to drink mild

beer. Or, what is more likely, having made the interpretation, he would not wait to see if it is justified. Prejudice, of course, is as much a part of human thought as dispassionate reasoning, but it speaks ill of Ogden and Richards' theory that it fits this thought pattern much more clearly than any other.

Ogden and Richards' confusion over the relation of the External and Psychological Contexts is unnecessary. More than thirty years after publishing "On Denoting", Bertrand Russell produced another theory of meaning which retains the ideas of the early piece and yet incorporates the fundamental concepts of a causal theory. This latter effort (Russell, 1940) goes a long way toward simplifying Ogden and Richards' problem. Unfortunately, while Russell helps to simplify the causal theory of meaning, he introduces many more questions of a far more difficult nature. An Inquiry into Meaning and Truth is every bit as ambitious as the title indicates, and is consequently a synthesis of many theories and arguments, some philosophical and some psychological. Russell may have been singularly qualified to effect a synthesis on this scale, but without an intellectual endowment as formidable as his own, the book can seem like no more than an academic pot pourri. For this reason, only those aspects concerned with the problems already raised by Nadel and Ogden and Richards are considered here.

Russell argues that instead of talking about "language" as a unit, one must consider language as composed of parts which are related to each other in a hierarchy. Russell's discussion of language hierarchies is novel. Defying the sanctity of "language" is the first step in Russell's approach to a description of the relation between words and physical realities.

Russell advocates a hierarchy with a beginning but no end. There must, he says, be a simplest language but the higher categories become an infinite regress since for every language one can conceive of a more abstract language with which to talk about it. Thus, there is a language, a meta-language, a meta-meta-language, and so on ad infinitum. Now the only language that cannot be reduced to a simpler language, in Russell's view, is what he calls the "object language". This corresponds with what he describes earlier as "denoting phrases".

The main thing about the object language is that it presupposes no other words. Words in the object language can only be defined by ostensive definition. When asked, "what is the meaning of such and such a word", you must be able to reply by picking up or pointing to something and saying, "this is such and such", for the word in question to be part of the object language. The meaning of object words can only be learnt by confrontation with the physical object they denote. Thus, with the object language, it is possible to make statements about objects, but not to verify the statements, for since 'true' and 'false' are only meaningful when applied to other words, they are part of a higher order of language. Other excluded logical words are "all", "some", "but", and "between". Furthermore, each word in the object language can express a whole proposition; by this Russell means that the utterance, "fire", or "book", would be interpreted, "fire here", and "book here". The reason that these words have meaning in isolation is that they are learned that way. A word of the object language and the object are related in a way such that whenever the object word is heard, the hearer will act as if the object itself were present. In a

pure instance of an object word, the object must be present. Russell considers that if one says, "cat", to a dog when there is no cat, then this is a language of a higher order since the reaction is to the word alone, and not the object. The force linking word and object is habit. People learn words, Russell contends, through constant association and that this association is only complete when the word causes the same reaction as would the presence of the object. Russell clearly states the significance of this part of his theory: ". . . the meaning of object-words is fundamental in the theory of empirical knowledge, since it is through them that language is connected with non-linguistic occurrences in the way that makes it capable of expressing empirical truth or falsehood (Russell, 1940, pp. 26-27). Through this elaboration of the ideas in "On Denoting", Russell indicates a possible solution to the fatal mistake in the Ogden and Richards theory. One of the reasons for this is Russell's perspicacious adherence to what seems a simple idea and is yet frequently ignored by other writers on the subject, that the purpose of words is to deal with matters other than words (Russell, 1940, p. 141).

That Russell's theory of denotation might solve Ogden and Richards' problem does not mean that it is correct. There are some very cogent objections to Russell's <sup>k</sup>thing<sup>ing</sup>. The meaning of a sentence is not reducible to the set of things denoted by the words in the sentence. Russell's view, in fact, results in absurdity. This objection to Russell is developed by Ryle who gives an amusing example:

If Hillary was, per impossible, identified with what is meant by the phrase 'the first man to stand on the top of Mt. Everest', it

would follow that the meaning of at least one phrase was born in New Zealand, has breathed through an oxygen mask and has been decorated by Her Majesty. But this is patent nonsense. Meanings of phrases are not New Zealand citizens; what is expressed by a particular English phrase, as well as by any paraphrase or translation of it, is not something with lungs, surname, long legs and a sunburnt face. People are born and die and sometimes wear boots; meanings are not born and do not die and they never wear boots - or go barefoot either. The Queen does not decorate meanings. The phrase 'the first man to stand on the top of Mt. Everest' will not lose its meaning when Hillary dies. Nor was it meaningless before he reached the summit.  
 (Ryle, 1957, p. 245)

This places limitations on Russell's theory, but it does not refute it. Ryle draws the conclusion that "having meaning" is different from "standing for", but does not postulate a relationship between the two. So, if Russell's theory is not all wrong, it is not all right either. At any rate, working through Russell's ideas is instructive since its affinity to Ogden and Richards' theory of meaning throws light on what is the raison d'être for this inquiry, Nadel's theory of social roles.

In An Inquiry into Meaning and Truth, Russell sticks to his early ideas, but he also develops them into a more elaborate theory of meaning. Even so, the idea that language is attached to reality by its most basic part, the object language, remains the heart of all his writings on semantics. The import of this is that the meaning of a word is the object it stands for, or words are signs for objects. For 'sign' Russell gives a behaviouristic definition. A is a sign for B if A causes the same behaviour as B. He goes on to explain that "signs", and a rule, are habits formed by direct experience. And he generalizes from this to the statement that "language is a species of the genus 'sign'" (Russell, 1940, p. 12). The first similarity with

Ogden and Richards, then, is obvious: they and Russell espouse a theory of meaning which is close to the causal type, and they both argue that language is learned by inductive generalizations from experience.

There are no sentences in the object language, only words. In order to have sentences, a "logical language" must be added to the object language. Words such as "and", "or", "on", and so forth are names of relations, that is, they describe the way one object word stands to another. Russell considers these to be the simplest logical words. Even if they are the least complicated, their analysis contains potentially confusing principles which fortunately are not relevant to Russell's theory of meaning. In addition to logical words, sentences have one other characteristic that distinguishes them from words, that is, they have intention. The effect of a word is, generally speaking, unrelated to the personality of the speaker. The sort of proposition made by the utterance, "wolf", is capable of but few interpretations, and, unless, the speaker is a recidivist liar, the question of what the speaker means is hardly relevant. With a sentence, however, the situation changes. Russell says that the meaning of a sentence is the speakers intended effect on the hearer. In fact, he makes this the criterion of difference between a word and a sentence. The intention of sentences is social, Russell goes on to say, even if it is no more than a wish to communicate information. This is a rather obvious point, since, in general, the purpose of every human utterance is, in some way or other, social. Babbling for amusement is not the first linguistic experience (Piaget, 1959); singing for one's own pleasure is a later development; first of all, howling is

intended to cause the alleviation of pain or hunger or the expression of affection. But it is hard to think of the little boy crying, "wolf" not having intention. So, by saying that sentences are social in intention, Russell is saying nothing new or important. And, in fact, his emphasis on this point betrays a very important mistake in his thinking. In what way could the intention of the speaker be different from the speaker's sentence? Take the sentence, "would you please pass me the salt", and set it into the context of a dinner party. Does the speaker say this because he has a simple wish to put salt on his food? Or does the speaker say this to hurt the hostess's feelings by indicating that the food is not properly seasoned? Here is a case where the sentence may be intended to mean something else than merely the combination of its words. But short of a confession of malice by the speaker, these questions are not easily answered. Is it a rule of etiquette among these particular people not to request the salt? What is the relation of the speaker to the cook? A mother may not feel piqued by such a request from a son or husband. A guest who is known to have an inordinate taste for salt would probably not be offensive, and so on. The point being that to infer the intention of a speaker is very difficult. One way out of this problem is simply to point to the inaccessible nature of other people's minds. Russell alludes to this point in "On Denoting", but changes his course in An Inquiry into Meaning and Truth. Here he takes the easy way out and adopts the behaviourist solution, that what is intended is in fact what happens. If a man says, "I am hot" and his host opens a window, then this was the intention of the sentence. If a man shouts, "look out, a car is coming", and a

pedestrian jumps out of the street, then this is the intention of the sentence (Russell, 1940, pp. 49-50). These conclusions from Russell's own examples seem justified, but in the case of the hostess and the salt shaker this attitude would result in many needlessly harsh judgements about human nature. On this rock, then, Russell's theory of the intention of sentences founders. The concepts of intention and behaviour are not compatible. At first sight, Russell seems to be escaping the behaviouristic bias of his definition of the object language. Concentration on the purpose of the speaker might be a way around the naive determinism of the causal theory of meaning, but by pinning intention to behaviour, Russell fails to alter the force of this argument.

Another concept jointly held by Russell and Ogden and Richards is that of context. Russell's formulation is not as explicit as Ogden and Richards', but all the essential points are there. Language learning is never pure, Russell says, and every reaction to a stimulus consists of two parts, the first part caused by the stimulus itself, and the second part by the "habitual concomitants" of the stimulus. Object words are habitual reactions to sensory stimuli and since sensations are never discrete, the formation of one habit causes the formation of related habits. Russell gives the example that to see a cat is to expect the cat to be soft, to mew, to have feline movements, and so on. In this case, the ancillary expectations are caused by the visual percept of a cat. Russell gives an abstract account of this process as follows:

A certain experience E (e.g., that which is the visual core in what we call 'seeing a cat') has, in my previous history, been usually closely

accompanied by certain other experiences. Hence, by virtue of the law of habit, the experience E is now accompanied by what Hume would call 'ideas, but what I should prefer to call 'expectations', which may be purely bodily states. In any case, these expectations deserve to be called 'beliefs' . . . (Russell, 1940, p. 115)

Russell further contends that truth and falsity are the outcome of this process: ". . . the sole method of discovering error is, I believe, the experience of surprise owing to a disappointed expectation" (Russell, 1940, p. 205). Knowledge, then, is only possible because of expectations acting as hypotheses which are disproven or confirmed by events. Every child, thus, learns language and manners in the same way that scientists go about making discoveries, and scientific method is only an expression of how people have been thinking for millenia. That old phantom "belief" does occur in Russell's system, but in a very sterile light: "The hypothesis that A is always accompanied or followed by B precedes the belief that this is the case, and the belief never acquires the dogmatic and immediate quality of animal expectation" (Russell, 1940, pp. 237-238). This completes Russell's description of meaning. All in all, it is a very tidy picture of rational man in a firmly empirical world. Children are born as scientists, avidly formulating hypotheses, performing experiments, drawing tentative conclusions and allowing convictions only on the basis that they must be re-tested and discarded if false.

The principles of An Inquiry into Meaning and Truth are remarkably like those of The Meaning of Meaning. While it seems unlikely that Russell never read The Meaning of Meaning, a direct influence need not be assumed. The two books could easily be the product of the common influence of other factors.

Given a behaviourist approach to psychology and a deep faith in all knowledge being the result of scientific method, a semantic theory with the common elements of both these books is predictable. Given Russell's dedication to empiricism, the differences are also understandable. But even considering the good reasons for a common approach to the problems of language, the parallels are striking. Both theories of meaning are based on a behaviouristic theory of learning. Both see the meaning situation as composed of a percept which is a sign fitted into its context or related to its "habitual concomitants", both of which are memories of related experiences linked together. In both theories, knowledge comes only through experience.

The parallels between the two books can be extended to include possible criticisms. Russell's theory of denotation overcomes the problem of relating what Ogden and Richards call the "psychological" and "external contexts". But as the theory was criticised earlier it is too simple. Russell's object language compounded with infinite logical languages is more orderly than convincing. The model of language learning is naive and in an even more elaborate version has been criticised in a famous essay by Chomsky (Chomsky, 1959). Children learning to speak are neither scientists nor rats in boxes. Any theory of meaning that depends on such a tendentious view of learning is on dangerous ground indeed. But all of this has been said before in relation to The Meaning of Meaning and need not be repeated here.

It is important to bear in mind that the aim of this tour of semantic philosophy is the disclosure of some of the ideas in Nadel's The Theory of Social Structure. So far, a few

conclusions are evident. Nadel's work is related to, if not derived from, a causal theory of meaning. Two important theories of that school have been examined. At the foundation of each is a set of influential ideas about the relation of behaviour to thought, the foundations of knowledge, and language learning. While at least some of these ideas are false, others are persistent enough to warrant closer inspection. In particular, the process of sign interpretation is the same in the work of Nadel, Ogden and Richards and Russell. That three theories are congruent on such a crucial issue makes one suspect that there is some truth in the common ground. Now, all three of these authors have a common source of influence, though they all digress from it in different ways. This spring common to all three is Wittgenstein's Tractatus Logico-Philosophicus. Connection between this book and the authors being considered is easy to show.

Ogden and Richards made the first English translation of Wittgenstein's book; Russell wrote a "<sup>"Foreword"</sup> ~~Foreword~~" for the first English edition, and Nadel quotes from the work in his The Foundations of Social Anthropology. Perhaps this book that has been seminal to so much thought in this century will hold the key to the theory of interpretation sought thus far in vain.

Unlike the others considered here, Wittgenstein's theory of meaning is part of a larger philosophical system. As such, it would be extremely difficult to summarize, or, indeed, somewhat presumptuous to attempt to do so. Several writers have devoted large volumes to the exploration and clarification of Wittgenstein's ideas. Hopefully, though, the theory, or theories, of meaning may be wrenched from the system as a whole without severely distorting them. The theory of meaning

is in some ways the foundation of Wittgenstein's whole philosophy, and can therefore be presented in isolation, if not with complete accuracy, then at least with less distortion than would result to some of his other ideas.

Wittgenstein's first book, the Tractatus, contains two strands of thought, each of which has been developed into a semantic theory. The first doctrine is called "logical atomism" and, in the hands of the logical positivists, has been transformed into the concept of verification and its two variants discussed earlier. The second doctrine is the idea of "logical form", or "logical space", and in Wittgenstein's own hands, becomes the "picture theory of meaning" which Parkinson erroneously dismisses as somewhat opaque and of only historical interest (Parkinson, 1968, p. 5). Most commentators see these as separate theories even though both are derived from the same source. This anomaly is partly due to the oracular style of the Tractatus, which encourages vastly different interpretations, and partly due to Wittgenstein's abandonment of the book as a whole, which seems to give scavengers legitimate title to whichever parts they happen to like. Whatever the justification for chopping the book to pieces, there is unity in Wittgenstein's thought which facilitates a synthesis of the arguments derived from it, and since they are part of one rather short book, it is only reasonable to assume that this is what their author originally intended. The various commentators seem to agree that there is no single definitive interpretation of the Tractatus, so, if my reading is novel, it shares that feature with everyone who reads the book.

To begin with the single idea that pervades all of

Wittgenstein's thought is to look at his concept of logic. A single view of logic is common to the Tractatus and the Philosophical Investigations and, even though it is insulting to describe Wittgenstein's philosophy in Platonic terms, forms the irreducible essence of all his thought. This idea has been absorbed into symbolic logic in toto and is now so well established that people often forget that he is its originator. The idea of logic in Wittgenstein's works, and henceforth whenever the word is used in this thesis it will have this sense, is based on the distinction between "facts" (Tatsache) and "states-of-affairs" (Sachverhalte); henceforth these words, too, will only be used with the special meanings given them by Wittgenstein.

"Facts", according to Wittgenstein, actually exist. They are real things; they are physical objects. One becomes acquainted with them through sensory experience. Facts exist as part of the world.

"States-of-affairs" are different from "facts". "States-of-affairs" may or may not exist. One state-of-affairs is independent of any other state-of-affairs, that is, knowledge of one will never imply existence of another. In language, states-of-affairs are ordinary sentences. An example of the difference between a fact and a state-of-affairs is this: "The earth is smaller than the moon" describes a state-of-affairs, because, from this sentence, one can imagine what the state-of-affairs looks like, but it is not a fact, because it does not exist. The definition of facts, then, is that they are states-of-affairs that do exist (Wittgenstein, 1921, #2). The key to the difference is this, that states-of-affairs are possibilities, they need only be conceivable. The world determines which

states-of-affairs do or do not exist and thereby determines what the facts are. The sum total of all facts is reality. In this arrangement of the terms "world" and "reality" is a description of knowledge. "States-of-affairs are linguistic formulations according to the rules of grammar and "logical syntax" (a concept to be discussed later); the world, over which one has no control, confirms the existence or non-existence of some of these states-of-affairs, those that exist we know are facts and they constitute our knowledge of reality. But reality is not the same thing as the world; reality is all we know about the world, and knowledge of reality only comes by first creating states-of-affairs. States of-affairs are the terms with which we approach the world; all sensory experience filters through them. Thus the process of knowledge begins with language and logic, and logic is primary because it is the basis of the rules constituting language.

This corresponds to the principle of symbolic logic that to have meaning an expression must be a "well formed formula". Without going into the details of this, it supplies an apt description of the relation of logic to language, that is, states-of-affairs are the possibilities of existence expressed in "well formed" sentences or propositions. When it is "well formed", then, a state-of-affairs shows what will be the case - the facts - if it exists. To be logically complete, a state-of-affairs must show all of the possibilities, or everything that could possibly be the case if it is true or false. To represent this idea, Wittgenstein invented "truth tables". These show every possible way in which a sentence could exist and be a fact. The diagram here shows all possibilities for one, two, or three propositional variables (Wittgenstein, 1921, #4.31):

p	q	r	p	q	p
T	T	T	T	T	T
F	T	T	F	T	F
T	F	T	T	F	
T	T	F	,	F	,
F	F	T			
F	T	F			
T	F	F			
F	F	F			

This diagram also reveals Wittgenstein's concept of truth. If what a proposition asserts exists then it is true and a fact and if it does not exist then it is false and not a fact. It is important to realize that propositions, or sentences, and states-of-affairs are very different. Propositions assert something; they make a claim against the world and are therefore either true or false. Propositions are derived from states-of-affairs, but states-of-affairs themselves make no claim against the world and, therefore, cannot be said to be true or false. States-of-affairs only show what may be formulated in language; they show what is logically possible. Here, then, is where Wittgenstein's concept of logic is obvious. Logic is what is shown in states-of-affairs, it is "the order of Possibilities" (Wittgenstein, 1953, p. 44). The ideas presented here in such cursory form will be clearer as the discussion progresses, and after further acquaintance can be taken up in greater depth.

Of the two ideas in the Tractatus which give rise to theories of meaning, "logical atomism" is the simpler. This is a combination of Wittgenstein's idea about logic, and Russell's idea about "denoting phrases". Wittgenstein accepts Russell's thinking with some important modifications. They both agree that meaningful sentences can be analysed into irreducible constituents or simples. They further agree that these simples

are names. Where they differ is while Russell contends that names in isolation are propositions, Wittgenstein argues that names only have meaning in conjunction with other words and that only these meaningful statements may be called propositions. For Wittgenstein, the basic semantic unit is the sentence, and names have meaning only when abstracted from sentences. Nevertheless, Wittgenstein, like Russell, sees names as related to reality in a one-to-one correspondence (Wittgenstein, 1921, #4.0311). But even so, names must be placed in a logical matrix before they have meaning. Wittgenstein says that names are joined together in states-of-affairs to form a "tableau vivant" (Wittgenstein, 1921, #4.0311). This interesting description suggests a correspondence between names and facts, and sentences and states-of-affairs, but, although there may be some reasons for thinking this to be the case, it is not a consistent demarcation throughout the Tractatus. Wittgenstein introduces another vivid metaphor for the relation between names and sentences. Names, he says, are like points, sentences like arrows, and it is only as the arrows pierce several points and connect them that they have meaning (Wittgenstein, 1921, #3.144).

Wittgenstein's argument here is very cogent. Russell's assertion that simple names are themselves propositions is facile and unfounded. Russell's own example of "fire" is not convincing since to think of it having meaning in isolation is to think of it as an abbreviation for a proper sentence. One might lift the lid of an Aga stove and say "fire", and mean "yes, there is a fire here already", or, by changing the intonation, "fire" may mean "there is a fire here now, and this is a bad thing", which seems to be the only possible meaning Russell

sees in the word. To take an even simpler example, if I hear my name, one that to me has an even more unambiguous reference than "fire", it will mean nothing except as an abbreviation for a fuller statement. The intonation would be the key to which possible sentence is being represented. There are only a few possibilities and the meaning of each would be clear in context: "Lawrence" as in "here is Lawrence", "Lawrence" as in "Lawrence, come here I want you"; "Lawrence" with a wilting tone indicative of "Oh, Lawrence, you are so irresistible", or "Lawrence", with disgust as in "Lawrence, how could you do such a thing". The point here being that what Wittgenstein says is correct, names have no meaning at all in isolation unless they are considered as abstractions from sentences.

There are two more things to be said about names and sentences. First, that sentences are more than names put together. To Wittgenstein, a sentence has direction; it is, going back to his metaphor, an arrow. The arrow joins some names and points on to others. Thus, sentences have a meaning which is independent of the various things with which the simple names in the sentence are correlated. Following the metaphor even further, like arrows, sentences have direction, and this is the extension and implication of their meaning.

The second point is that names in isolation do have certain logical properties. Even in isolation one can tell from a name what other names it may be combined with or must not be combined with. With no sensory experience of the world regarding these statements, one can yet say that "he is smarter than she is" is a well formed proposition describing a possible state-of-affairs, and that "this triangle is more intelligent than that"

is nonsensical, which is to say that it is not a possible state of affairs. The logical properties of a name may be known a priori, before any particular application of it. One can predict which combinations will be nonsensical. Wittgenstein further contends that the logical combinations of a name reflect the physical characteristics of the object for which the name stands. The name then takes over the properties of its object, or in the words of one commentator, the word "deputizes" for the object (Stenius, 1960, p. 63). That these restrictions are not reproduced in grammatical syntax has given rise to a new category of language rules known as "logical syntax". These rules are designed to reflect the claim of the world against language, the constraints it places upon sentence formation. It is one of the most forceful ideas in the Tractatus.

Thus, while Russell claims that sentences can be reduced to simple names, Wittgenstein argues that they can be analysed into elementary propositions. Both are then atomists. Wittgenstein's unique conception of logic results in "logical atomism". This appellation was, oddly enough, invented by Russell in his introduction to the English edition of the Tractatus where he saw it as the most important doctrine of the book. Since it is so close in spirit to Russell's own thinking in "On Denoting", this is not surprising. To continue with the exegesis, then, Wittgenstein's conception ~~succinctly~~<sup>succinctly</sup> and his atomicity are connected by what is called the "thesis of extensibility". How the two ideas merge is ~~succinctly~~<sup>succinctly</sup> stated by

Pears:

The sense of a factual proposition is given by making a list of all the possibilities and then showing which ones the proposition shuts out

if it is true. If  $p$  is analysed into  $q$  and  $r$ , then the possibilities are  $q, r, \text{not-}q, \text{not-}r$  which are compounded into four relevant possibilities,  $q$  and  $r, \text{not-}q$  and  $r, q$  and  $\text{not-}r, \text{not-}q$  and  $\text{not-}r$ . There are always  $2^n$  possibilities where  $n$  is the number of elementary propositions in the original proposition is given by saying which of the  $2^n$  possibilities it shuts out. To put the same point in another way, the truth or falsity of any factual proposition depends solely on the truth or falsity of the propositions in its analysis: or . . . any factual proposition is a truth-function of the propositions in its analysis. (Pears, 1971, pp. 70-71).

What the "thesis of extentionality" amounts to is this: a sentence is broken down to the atomic propositions of which it is formed. After doing this, a truth table is made which is an extension of all possible truth values the sentence might have. The sense of the sentence can be seen in the world by noticing which possible values occur. By looking back to the truth-table from whatever is the fact one is able to see what is logically impossible. And this is the full explanation of "logical atomism".

There are two important things to notice about Wittgenstein's development of "logical atomism". First, is the inexplicable absence in any of Wittgenstein's writings of an example of an atomic proposition. In fact, he never analyses a sentence into its constituents. To make matters even more obscure, he does not describe an atomic proposition for the aid of those who may wish to follow his precepts. Unless one wishes to think that Wittgenstein purposefully omitted this longed-for discussion of atomicity, it is only reasonable to conclude that this aspect of the Tractatus has been overemphasised.

The second point about "logical atomism" is that it is primarily concerned with truth. One reduces a sentence to its

atomic propositions, not in order to see what the sentence as a whole means, but to see if it is true or false. Indeed, Wittgenstein explicitly states that the meaning of a sentence is not merely the compound meanings of its component simple names and elementary propositions. Nor do truth-tables pertain to meaning. A truth-table is a way of showing the possibilities of being true or false of one proposition. The truth-table itself makes no claim on the world. And regardless of whether the world shows the proposition in question to be true or false, the truth-table goes on about its task of showing the logical concomitants of any fact the world does display. It is important to emphasise that this discussion of propositions is closely bound up with the rest of the Tractatus. Any proposition from which a truth-table may be constructed is itself derived from a state-of-affairs.

The final noteworthy remark on "logical atomism" is that it is recommended to philosophers as a way of breaking up complex sentences to see if they are true or false. "Elementary propositions" are analytical units of language, they are not meant to be descriptions of the way people think. Wittgenstein makes it quite clear that the sentence as a whole is the basic semantic unit.

"Logical atomism" is the point at which the "logical positivists" part company with the Tractatus. For them, the analysis of a sentence into propositions that are either true or false is prerequisite to saying whether it has any meaning or not. For them, only propositions have meaning. In fact, they are more restrictive even than this. Not only must a sentence be formulated to be either true or false, but in order for it to have meaning, one must be able, or at least know how, to

decide its truth or falsity, and this may only be decided on empirical grounds. Utterances that do not meet these stipulations are nonsensical. Thus, logical positivists show all of metaphysics and philosophy out of the realm of meaningful discourse. As indicated earlier, they show so many other types of sentence the door that the company left inside is hardly worth keeping. With characteristic passion for black and white situations, logical positivism lays down the dictum, either be scientific or be nonsensical. What they do, in Wittgenstein's terms, is to stress facts and ignore states-of-affairs. This of course does very strange things to Wittgenstein's theories of knowledge and language. In these theories, facts are the only touchstone of truth, but this only covers a small part of what people can think, say, or know. For Wittgenstein, facts are important but they are not everything. Facts would be incomprehensible without states-of-affairs. But there is feedback even here, for the form, or structure, of language with which we express states-of-affairs is derived from the form of the world which we know as facts. Logical positivism roots up Wittgenstein's atomism and plants it in an alien environment where without its neighbors, the theories of knowledge and language, its growth is retarded. In such circumstances it becomes less logical as it becomes more positivistic. The enthusiasm for changing all language to scientific discourse has waned since logical positivism was born in the 1930's and it may well die a natural death. However, an appreciation of Wittgenstein's Tractatus as a whole discloses the fact that logical positivism's advent was neither legitimate nor natural, and one may therefore speculate that its demise will be equally

perverse.

The original offender in the misinterpretation of the Tractatus Logico-Philosophicus is Bertrand Russell. Others have been only too eager to jump on the wagon he set in motion. It is instructive to compare the interpretations given to Wittgenstein's first book at the beginning of logical positivism to that given it now, when logical positivism is more than forty years old. In perhaps the most seminal work in the logical positivist school, Sir Alfred Ayer remarks that: "The views which are put forward in this treatise [Language, Truth and Logic] derive from the doctrines of Bertrand Russell and Wittgenstein, which are themselves the logical outcome of the empiricism of Berkeley and David Hume" (A.J. Ayer, 1936, p. 41). Now, in order to make this statement, Ayer's reading of Wittgenstein must be tendentiously British. There is undoubtedly an element of empiricism in the work of Wittgenstein, who after all was deeply influenced by Russell's theory of denotation. But to see him as an extension of the British empiricist tradition is very strange indeed. Like the paranoid who finds persecution in even the most benevolent advances, Ayer's enthusiasm (". . . written with more passion than most philosophers allow themselves to show" is how Ayer introduces the second edition published in 1946) causes him to see empiricism everywhere. Later commentators (Anscombe, 1959; Pears, 1971; and Stenius, 1960 for example) have come round to admitting that Wittgenstein is Austrian, his mother tongue German and his philosophical antecedents of the idealist tradition. Anscombe emphasises the influence of Schopenhauer, Stenius of Kant and both are mentioned by Pears who goes so far as to equate Wittgenstein with Freud since they are both

coloured by the "darker manner of German idealism" (Pears, 1971, p. 74). This movement away from the traditionally British reading of the Tractatus results in playing down "logical atomism" and emphasising the other possible source of semantic theory, the idea of "logical space" and its derivative, the picture theory of meaning.

Unlike "logical positivism", the picture theory of meaning is as closely articulated to Wittgenstein's ideas about logic as it is to his ideas about the atomicity of facts. It is in fact the theory of meaning in the Tractatus. Above all else, pictures, and this word is henceforth only used in Wittgenstein's special sense, are representations of facts. There are many words which might describe this relationship, but of all possibilities Stenius' use of "deputize" is the most graphic. This especially applies to names of simple objects where the word takes over the form of the object and the rules of its "logical syntax" copy the physical characteristics of the world. Only the very simplest pictures deputize for simple objects. Most pictures are more complicated and are in fact configurations of elements which deputize for things. Nonetheless, in this way every picture must have a real prototype in that at least some of its elements must be facts, or to put it more precisely, since pictures are a matter of language and not of the world, some of the words in the picture must be simple names, or analysable into simple names. This is really all that facts have to do with pictures, beyond this point they are more related to states-of-affairs. The facts are ordered by a picture into a configuration, or state of affairs. It should be seen now that Wittgenstein does not really specialize the word

"picture" at all, except that he only talks about pictures of things. Abstract art is excluded from what he calls pictures, but this is not a great deviation from standard usage. After all, a painting, drawing, or print need not be a picture. Wittgenstein's whole theory of meaning, then, is basically an analogy between pictures and complex words and sentences. It is important to realize however that only complex words and complex sentences are like pictures, simple names and atomic sentences are not pictures of what they represent, they are like what they represent, they deputize for it and copy its form. Another way of putting this is that simple names and atomic sentences represent facts and pictures represent states-of-affairs. The extention from this least point is that only pictures can represent states-of-affairs. This in turn throws light on the distinction between facts and states-of-affairs; states-of-affairs are composed of facts and facts in relation to one another are states-of-affairs.

Having said that pictures represent states-of-affairs which are configurations of facts, the next question is, what do pictures do? This can most easily be answered by explaining the difference between propositions and pictures. A proposition shows how things stand if it is true and it asserts that they do so stand (Wittgenstein, 1921, #4.022). In other words, a proposition claims to be true. What propositions do can be visualized in a truth table. Obviously, all possible truth values cannot exist at once, and what a proposition does is to claim that a certain combination exists to the exclusion of all others. Thus a proposition makes a claim against reality; what this means is that if the proposition in question is true then

certain other propositions, its opposites, are necessarily false. Now, a picture is very different from this. Pictures show facts ordered into states of affairs, but assert nothing about their existence: "the most that one could grant would be that we could use the picture in saying how things are: we could hold the picture up and ourselves say: 'this is how things are'." (Anscombe, 1959, pp. 64-65). Rather than making a claim against reality then, pictures make claims against all possible worlds: they assert nothing about the world, but they prescribe what may be said about the world. A picture is a logical construction defining the order of possibilities.

A perfect example of what a picture shows and what it does can be seen in the statement that a truth-table makes about a proposition. The examples of truth-tables presented before were very simple, only showing what the possible truth values of one, two or three variables would be. The same technique may be used to display the possible truth values of a proposition. The following discussion uses some very simple ideas from the propositional calculus to illustrate Wittgenstein's picture theory of meaning. The reader not already familiar with these ideas may find them somewhat opaque; if this is the case then little harm is done. However, if the ideas are familiar or can be even partially understood from the text, then a great deal of good will result.

The way of defining a proposition is to say that it is a subject and a predicate connected by some form of the copula (Websters Seventh New Collegiate Dictionary). This common sense definition throws some light on the logical one, for in order to be true or false a proposition must say something, that is, make

a claim against the world. There are several logical operations which form propositions; when connecting a subject and a predicate, they make a claim against the world that is either true or false. Now, each logical operator has a matrix which shows its own truth possibilities. These are like multiplication tables in mathematics but since the operations in logic are so simple, their matrices are finite and may be shown in full. Formal logic has five basic operations, all of which will be used in the example. They are the conditional, ( $A \rightarrow B$ ), which is read "if A then B"; Negation, ( $\neg A$ ), which is read, "not-A"; conjunction, ( $A \& B$ ), read "both A and B"; disjunction, ( $A \vee B$ ), read "either A or B"; and mutual implication, ( $A \leftrightarrow B$ ), which is read "if A then B and if B then A", this may also be read "the bi-conditional of A and B". This last operation could in fact be written with the other symbols as  $A \rightarrow B \& B \rightarrow A$ , but is used so frequently that a shorthand notation is convenient. The truth matrices for these five logical connectives are as follows (These matrices and the following truth-table are adapted from E.J. Lemmon, Beginning Logic, pp. 65-66):

$\begin{array}{c} A \\ \hline T \\ F \end{array}$	$\begin{array}{c} -A \\ \hline F \\ T \end{array}$	$\begin{array}{c} B \\ \hline \end{array}$	$\frac{A \rightarrow B}{\begin{array}{c} A \\ \hline \{ \end{array}}$	$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$
			$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	
			$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	
			$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	
			$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	
			$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	
			$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	

$\begin{array}{c} A \vee B \\ \hline \{ \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} B \\ \hline \end{array}$	$\frac{A \leftrightarrow B}{\begin{array}{c} A \\ \hline \{ \end{array}}$	$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$
$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$		$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	
$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$		$\begin{array}{c} T \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	
$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$		$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} T \\ \hline \end{array}$	
$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$		$\begin{array}{c} F \\ \hline \end{array}$	$\begin{array}{c} F \\ \hline \end{array}$	

The matrices are easy to use. Taking the conditional as an example, the matrix shows that if A is true and B is true then the expression as a whole is true; or, if A is true and B is false, it shows that the expression itself is false. Each

matrix works the same way, although each has its own motivation. The matrix for negation is motivated by the principle that the opposite of a true proposition is false. The matrix for conjunction is motivated by the consideration that for the expression A & B as a whole to be true, both of its parts must be true. The rationale for disjunction is likewise obvious, but those for the conditional and bi-conditional are more complicated and depend on theorems which are too involved to present here. All of these operations are used in the proposition to be considered. The procedure in a complex proposition is to calculate the truth value of the strongest connection first, the truth value of the entire proposition will then show up under the weakest sign and is called the "main column". The logical connectives in order of decreasing strength are:  $\neg$ ,  $\&$  and  $\vee$ ,  $\rightarrow$ , and  $\leftrightarrow$ . Finally, then, to give an example of a picture, take the proposition  $P \rightarrow Q \vee \neg Q \leftrightarrow P \& Q$ , which is read "the bi-conditional of if P then either Q or not-Q and both P and Q", and calculate its possibilities of being true. The result looks like this:

<u>P</u>	<u>Q</u>	<u><math>P \rightarrow Q \vee \neg Q \leftrightarrow P \&amp; Q</math></u>
T	T	T T T T FT
T	F	T T F T TF
F	T	F T T T FT
F	F	F T F T TR

The main column is beneath the sign for the bi-conditional, and indicates that only if both P and Q are true will the whole proposition be true. What is shown here is a syntactically correct statement, the possible truth values of its constituents, shown on the left of the vertical line, and what the truth value of the statement will be for each possible combination of the

truth values of its two elements. The equation here makes no claim against the world, it is neither true nor false. It is no more than a legitimate arrangement of the elements P and Q; it portrays a state-of-affairs. Now, in order to become a proposition, some speaker must say: "the biconditional of if P then Q or not Q and both P and Q is the case". What happens then is that the proposition is held up against the world; Wittgenstein says that it is compared to the world. And the world determines whether the proposition is true or false. Now, the interesting thing about this process is that the same picture is used to assert the truth of a proposition as is used to deny it. Thus, one may say that  $P \rightarrow Q \vee \neg Q \leftrightarrow P \& Q$  is the case or that it is not the case, but either way the picture is used. This picture is very abstract, but abstraction is a characteristic of pictures. In order to be a logical construction related to the world and yet say nothing about it, it must be very abstract. Before a picture becomes a proposition, however, the degree of abstraction must be reduced. To do this, the elements, P and Q in the example above, must be correlated with actual things; only then does a picture become a proposition in the full sense. Now, to assert the truth of  $P \rightarrow Q \vee \neg Q \leftrightarrow P \& Q$  is to make a claim not against any particular thing in the world but against every thing in the world. Thus, if it is true, it says something about the world as opposed to other conceivable worlds, or as Wittgenstein puts it, against all possible worlds.

To take a purer example, one may say, "the apples are not red" or "the apples are red" and the same picture, of red apples, is used in both cases. This is why Wittgenstein claims that pictures themselves say nothing about the world, and yet

nothing can be said about the world without using pictures. The sequence is this, that the world is made up of facts, facts are only known by the confirmation or denial of propositions, and propositions are assertions about pictures. In this way all thinking begins with picturing. Picturing is certainly not an arbitrary activity. As a name has an internal set of rules that govern its possible combinations with other names, so too the formation of a picture is governed by certain rules of combination. These are the rules of the well-formed formulae that govern the logical connectives. They are also called the rules of "logical syntax". With these rules, nonsense can be spotted a priori. The proposition, "this apple is more bookish than that one" is obvious nonsense. One need not carry this statement to the world to see if it is true or false. There is no picture corresponding to "bookish apples", logical syntax lays down a prohibition against a relationship between these terms. This is another example of the way that the logic, the order of possibilities, of language is a reduplication of the structure of the world.

From the example of the truth-table as a picture, certain of Wittgenstein's key ideas should be clearer. In order to consolidate the <sup>e</sup>exegesis, here is a diagram of the truth-table with its various parts labelled and explained:

# 1		# 3									
P	Q	P	→	Q	V	-Q	←	P	&	Q	
T	T	T	F	T	T	FT	T	T	T	T	
T	F	T	T	F	T	TF	F	T	F	F	
F	T	F	T	T	T	FT	F	F	F	T	
F	F	F	T	F	T	TF	F	F	F	F	

The truth-table is now divided into quadrants each of which corresponds to the picture, components of the picture, or the logic of the picture.

Quadrant #1 contains the elements of the picture. There are only two, P and Q. So long as this remains a picture, the elements must be variables. However even as a picture, there must be potential correlations between the elements of the picture and the elements of the world. When P and Q have particular references, then the picture becomes a proposition.

Quadrant #2 shows all possible truth values of the picture's elements, P and Q. There are always as many truth possibilities as 2 (since each element can only be true or false) raised to the power of the number of elements, in this case  $2^{2 \times 2}$ . This list states every combination of truth values for two variables and therefore shows every way the world could confirm or deny any proposition containing only P and Q. It thus expresses the order of possibilities (logic) of the elements. It is here that the verification theory of meaning is relevant. In order to be true or false, the elements of a proposition must be true or false; thus, what appears here must be the end product of analysis. In propositions derived from the picture, P and Q must represent only the most simple correlations with the world. But note how small a part verification plays in Wittgenstein's total scheme, and also how it is conceivable for one element to be false and the proposition as a whole to be true.

Quadrant #3 is the picture. It is a configuration of the elements P and Q; it thus shows a state-of-affairs. A picture can only be judged to be well-formed or not, and this on the basis of the rules of logical syntax. While it is

completely abstract and asserts nothing about the world, it nonetheless displays the structural order of the world. Without similarity of form with the world (which is the case if the rules of logical syntax are broken), the elements of the picture could never be correlated with the world and therefore propositions could not be derived from it. Pictures for which no prototype can be found are not necessarily meaningless. They are certainly non-verifiable, but rather than "meaningless" should be called fictitious. Fictions, of course, are different from nonsense.

Quadrant #4 shows, in the column formed of broken lines, the main column which reveals the result of calculating the truth-value of the picture for all combinations of truth-values of the elements. This makes it clear what must be the case in the world concerning P and Q if a proposition derived from this picture is to be true or false. The rows of true and false indicators to the left and right of the main column are the residue of the process of inserting the values of Quadrant 2 into the picture and the calculation of the final value shown in the main column. The process of calculation is purely mechanical and is based on the matrices of the logical connectives which are in turn connected to the world by conformity to the rules of logical syntax. The result of these calculations is to express the logic of the entire picture.

So far then, the explanation of Wittgenstein's picture theory of meaning includes both what a picture is and how it is tied in to the other terms of Wittgenstein's system - "world", "fact", "proposition", "truth" and "logic" - and this explains what pictures do. The next question is, how are pictures

organized? The answer to this is that pictures are organized in two ways, internally and externally. The internal organization of a picture is primary. This refers to the relations between the elements of a picture. Most pictures are not as simple as  $P \rightarrow Q \vee \neg Q \leftrightarrow P \& Q$ , they are in fact more like the photographs, paintings, or drawings to which the word usually applies. The elements are more concrete than Ps and Qs, they are rather people and landscapes and such things, and the relationships are not as pure as "&" or "v", but are, again, the stuff of ordinary life and language. The drinking song about Lloyd George contains such a simple picture. "Lloyd George knew my father" is a proposition based on a picture composed of Lloyd George, the relationship of "knowing", and the father of the singer. And again, the picture is neither true nor false. Lloyd George obviously knew lots of people's fathers, so that many people could assert this proposition with veracity. If I assert it, however, the world will prove me wrong, because Lloyd George did not know my father. But still it is possible that he did, and it is certain that other speakers could derive a truthful proposition from the picture whereas I am unable to do so. The point of this is that the relation between Lloyd George and the father of whoever makes the statement, that of "knowing", is such that the elements can be correlated with real objects. And this is what is primary about the internal organization of pictures. Unless the internal relationship of the elements is significant they cannot be correlated with objects outside so as to stand for them (Anscombe, 1959, p. 68). Another way of saying this is that before verifiable propositions can be derived from a picture, it must be well-formed.

An instructive way of seeing the internal organization of a picture is developed by Eric Stenius (Stenius, 1960, pp. 89-90). Stenius argues that what Wittgenstein means by "picture" can best be understood by thinking of it as an "articulate field". The idea of an articulate field is an elaboration of Quadrant 1 of the truth-table. Remember that for verification to take place, the elements must be atomic, that is, the result of analysis. Thus for  $P \rightarrow Q \vee \neg Q \leftrightarrow P \& Q$ , P and Q are the only elements and they are atomic. Language pictures are not so simple, however, since often the categories are analysable into finer units. Now, Stenius's point is that some pictures can be analysed in several different ways. This is the opposite of what Wittgenstein says since he contends that every picture has only one correct analysis. Considering that atomicity is the weakest part of Wittgenstein's book, however, and that he is in fact unable to show an atomic fact or proposition, there is cogency in what Stenius says. Stenius overcomes Wittgenstein's problem by including in Quadrant #1 the principles of interpretation that yield a particular set of elements. Thus, for a complex language picture, the first Quadrant may contain a variety of sets of elements along with the principles that produce them. This would of course multiply the inhabitants of Quadrant #1, but would otherwise not alter Wittgenstein's ideas. The incorporation of the "articulate field" idea complicates but does not alter the form of the picture theory of meaning. Stenius' choice of title indicates that for a given picture there may be several discrete fields of elements, but that each is articulated to the one picture. To put Stenius' concept back into Wittgenstein's language, the "articulate field" of a par-

ticular picture is the set of all the elements which are produced by any possible means of analysis or interpretation. This, then, finishes the account of the internal structure of pictures.

The next point is that a picture is related to the world by the correlation of its elements with existing objects. The important point here is that a picture is not necessarily related to the world at all. This is something that speakers who use the picture do. The precise way in which the elements of a picture are correlated to the objects of the world is depicted by Stenius with the concept of "isomorphism" (Stenius, 1960, pp. 91-95). This idea is very straightforward. Stenius summarizes it like this: "Isomorphism is a relation between two articulate fields the elements of which have the same categorical structure, and holds or does not hold good in respect of a fixed correspondence between the elements of each field" (Stenius, 1960, p. 93). In relation to his earlier point about "articulate fields", it should be clear that two "articulate fields" could only be isomorphic in respect of a common key of interpretation. This is another way of saying that the elements of a picture do not correlate themselves with the objects of the world; this, too, is something that every speaker does. Now, this implies certain restrictions on the way in which a picture's elements may be correlated with the world's objects. The correlation cannot be random, each must be, in itself, an articulate field. This lays down the restriction that the world must be organized in "articulate fields" before it can be attached to a picture. They need not be the same, but they must be susceptible to a single key of interpretation. In fact, they would never be the same since pictures are not exact replicas of the world. But it

is necessary that they in some ways be similar. Thus, a picture has an internal organization and the world has an internal organization, and whenever a relation of isomorphism is established between the world and a picture, this is effected by interpreting their internal organizations in the light of a common principle of analysis. An example of isomorphism is given in Chapter II, where it is used to show the categorical similarity between Merton's typology of social roles and the variants of a morpheme (taken from P.K. Bock, "Social Structure and Language Structure", in J. Fishman (ed.), 1968, p. 215). Bock's example raises another important point. What he shows is really an isomorphism between two pictures, one a picture of society, the other a picture of plural words. The point is that isomorphism can exist between any articulate fields, whether they are of the world or of pictures. As long as categorical structures are equivalent, they are isomorphic.

The relationship of isomorphism is both symmetrical and transitive. If A is isomorphic to B, then B is isomorphic to A; this is the symmetrical aspect. By transitivity is meant that if A and B are isomorphic in respect of a key (C) and D is isomorphic to B in respect of key ( $C^1$ ), then A is isomorphic to D in respect of  $C^1$ . These properties explain at least some of the ways people think with pictures. They may reason from the picture to the world, or from the world to the picture; or they may reason from one picture to another picture and then to the world.

One problem threatens to confuse the explication of Wittgenstein's philosophy, and as usage of the word "structure" becomes more frequent the propensity of this problem to obfuscate

anything that is said will grow. The problem referred to is that of the relation between "structure" and "content". Its resolution is of obvious importance to everything that has been said about Wittgenstein, for although the label is not usually applied to him, he is a structuralist par excellance. To realize this, one need only call to mind that in Wittgenstein's semantic theory, for a picture to have meaning it must copy the "form" of the world. Likewise, pictures are articulated to the world by way of shared "categorical structure". Furthermore, pictures are "configurations" of objects in the world. All of these statements point to what can only be called the "structuralist" point of view in Wittgenstein's philosophy. "Structuralist" is so promiscuous these days that it really has no meaning at all, so supplying the label explains nothing about Wittgenstein. But since he consistently emphasises the primacy of the structure concept, though usually with other words, some clarification of its meaning is compulsory. The worst mistake to make in thinking about the concept of structure, is to see it as being the opposite of content. A look at the word "content" will settle the issue. Something is only considered "contents" if it is contained, which implies the existence of a container. Hence it is unthinkable to have contents without a container. In this way, it may be said that the container is what defines the contents. The relationship is really even stronger than that: a container determines the contents. To know the container is to know what may be contained in it. By knowing the container, then, one can write out all the possible things it could contain. This would roughly look like a truth-table. Now this is the reason that Wittgenstein emphasises the centrality of "form" in the meaning

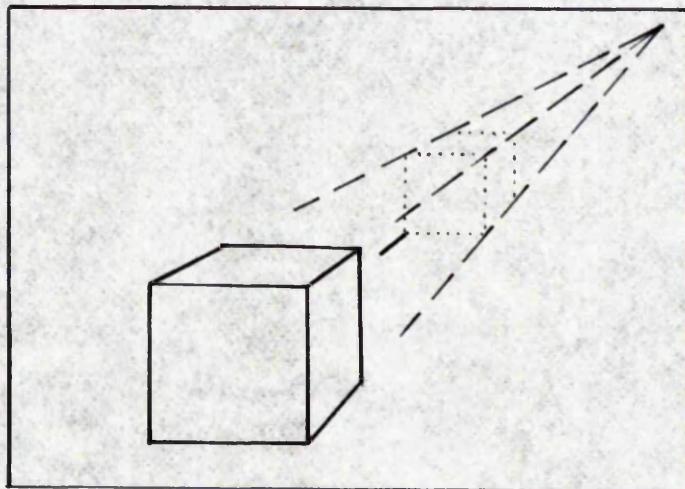
process. Pictures are like containers. Correctly seen, all structures are like containers. Content is not the opposite of structure. Content is, rather, an aspect of structure. One must bear this thought in mind when thinking about the way that the world's things are correlated with the picture's elements. It is the picture that contains the objects of the world. The objects of the world may be combined into any articulate field consistent with the rules of logical syntax, and since, in Wittgenstein's theory of knowledge, it is the picture that is first formulated and then carried to the world for comparison, it is the key of interpretation of the picture that provides the key of interpretation for the world. If logical syntax is broken, then the picture is changed or new objects of the world are tried. Everything that will fit into some container may not fit into this container. Not many conch shells will fit into a sherry bottle. The significance of this point will be clearer after the forthcoming discussion of the ways in which a picture may be adequate or inadequate. The important thing is this, that the relation between the picture and the world begins with the picture. This is exactly what Wittgenstein says: "That is how a picture is attached to reality; it reaches right out to it" (Wittgenstein, 1921, 2.1511).

Virtually everything said about the organization of pictures is touched on in the example of  $P \rightarrow Q \vee \neg Q \leftrightarrow P \& Q$  as a picture. The ideas are important enough to merit considerable elaboration, however. The rest of what is said boils down to so much elaboration. The justification of this is that the complexity of a theme makes it worth developing. And this theme is very complex indeed.

The next development, then, is the reiteration of the essential point that pictures are neither true nor false. That pictures make sense independently of the facts accounts for one of the puzzles encountered earlier, namely, that phrases like "the first man to stand on the top of Mount Everest", make sense when the single man to whom they refer is unknown or dead. The answer to this is that the reason it makes sense is that the picture it forms is a possible one. It is possible to say that Lloyd George was the first man to stand on the top of Mt. Everest. The picture is simply that of Lloyd George standing on the top of Mt. Everest. Now, Lloyd George did not climb Mt. Everest, but the reasons he did not do so are matters of fact rather than matters of logic. Lloyd George might have been the first man to stand on Mt. Everest. Contrast this picture with one like this: "Lloyd George was the first man to climb to the bottom of the ocean". This one, of course, is nonsense. One need know nothing about Lloyd George to know that what is expressed here is not the case; this picture clearly defies the rules of logical syntax. Thus, meaning is an attribute of all well-formed pictures and has nothing to do with the facts. ~~lest~~ <sup>Lest</sup> the ambiguity of the word "meaning" defeat the force of this last statement, it should be clear that "meaning" finds a substitution in the phrase "capacity to be understood".

G.E.M. Anscombe provides an instructive parallel between the way pictures have meaning independently of the facts and geometrical projection. Like Wittgenstein's pictures, a geometrical projection is intelligible before one knows whether or not it is true. They are both "something concerning which you can ask whether it is true, and you know what you are asking

before you know the answer" (Anscombe, 1959, p. 72). She goes on to develop the similarity: "Every picture-proposition has two senses, in one of which it is a description of the existence, in the other of the non-existence, of a configuration of objects; and it is that by being a projection. It is the peculiarity of a projection that from it and the method of projection you can tell what is projected; the latter need not physically exist though the points in space that it would occupy must" (Anscombe, 1959, p. 72). A diagram of geometrical projection reveals the truth of what Anscombe says and furthers the explanation of the picture theory of meaning by lucidly showing the difference between picture and fact, and yet how they are related.



This diagram shows a box, which is not a perfect cube, and its projection in space. They exist independently and yet if the box exists then the projection exists. But if the projection alone exists then no boxes exist at all, but rather the possibility of an infinite number of proportionally identical boxes. Any number of points in the projection define a box, but each box

of these dimensions is a part of this one projection. The box as fact may come and go, be burned, decay, or be distorted by the feet of small boys, but the projection, a picture, knows no temporal alteration. The idea of a picture as a projection animates Wittgenstein's statement that a picture is related to reality by reaching right out to it. An equally lively and legitimate way of seeing this process is by saying that it projects itself into the world, and there is something more than metaphor in this description.

In the same way that there can be a projection in space of a geometrical figure without that figure existing, the phrase "the first man to stand on the top of Mt. Everest" has meaning independently of Hillary; it is a projection in logical space just as the box shown above is a projection in physical space. This idea also explains how things that do not exist can be denoted by Russell's "denoting phrases". "The present King of France" is a projection in logical space. It is an intelligible expression because even though there is now no King of France, if there were one, it is possible to patch together an image of what he would be like. This is also the way "denoting phrases" can denote things with which one may never be acquainted, like "the centre of mass of the solar system".

Although pictures represent the objects of the world, and they take over the logical form of the world, they can still produce statements that distort the nature of the world. Since the words "true" and "false" do not apply to pictures, the only way they can be evaluated is to call them "adequate" or "inadequate". These ideas are extensively developed by Stenius. In order to be adequate, the relation between a picture and the

world must be more than isomorphic. Taking for granted that the categorical structures are congruous, there must be reduplication of logical connectives between the categories. To make this clear: "If there exist any logical connections between the elements of the prototype, the corresponding logical connections should exist between the elements of the picture and conversely" (Stenius, 1960, p. 102). So much, then, for pictorial adequacy, as "inadequacy" is a much more informative concept.

Stenius' discussion of inadequacy leans heavily on the idea of "logical freedom" (Stenius, 1960, pp. 102-108). This simply refers to the total number of possible combinations of the elements of an articulate field. To say that an element has great logical freedom means that its combination with many of the other elements is permitted. The first kind of inadequacy occurs when the elements of the picture have greater logical freedom than the elements they stand for. The other way of looking at this is that there are logical connections between the elements of the prototype to which there are no corresponding connections in the picture. Most language pictures are more or less inadequate in this respect. In the terms of conventional grammar, there is nothing incorrect with the sentence "Lloyd George was the first man to climb up to the bottom of the ocean", but it is still nonsense. Language in general has much more logical freedom than does the world, but this is hardly lamentable. The logical freedom of language is the source of all metaphor, humour and fantasy. On the other hand, people get notoriously confused, and this is one of the reasons.

It is of some importance to insert here that "Lloyd George was the first man to climb up to the bottom of the ocean"

is acceptable only in an evaluation by the principles of traditional grammar. Chomsky, would throw it out on the grounds that it abrogates the rules of "deep syntactical structure" (Chomsky, 1968). Chomsky's attempt to explain and predict nonsense is remarkably close to the various concepts of logical syntax which all begin with Wittgenstein's Tractatus. The interesting thing is that from the Sanskrit grammarians up until the beginning of this century, nobody has worried about nonsensical statements not being prohibited by grammatical rules and categories. Surely this is the relevant question: why have theories of grammar been independent from theories of meaning for so long? An attempt to answer this is made while discussing the difference between language and speech, but until then is not pressingly important. Having digressed this little bit, the discussion of "inadequacy" must resume.

The second kind of inadequacy is when there are logical connections between the elements of the picture to which there are no corresponding connections in the prototype. This is to say that the world has greater logical freedom than the picture. It is very difficult to give even a single example of this. Perhaps it exists only as the converse of the first kind of inadequacy, which is to say that it is a picture and not a fact. At any rate, since all knowledge is first derived from pictures, it would be impossible to know what logical connections exist without being reflected in pictures. Therefore, Stenius' second kind of inadequacy is impossible. It is one of those things that are beyond the limits of our language. The only way out of this dilemma is to say that certain pictures, say spatial ones, have logical restrictions that their prototypes do not

have, so that we can know some aspects of the prototype only by using other pictures, for example temporal ones. In this light, the second kind of inadequacy does have a relative existence. It is a fault that some pictures may have, but that all pictures cannot have.

The final development of Wittgenstein's philosophy is only tangentially related to this theory of meaning, this is his theory of causality. Put in general terms, Wittgenstein supports Hume and Kant in their theories of causation. Hume's thesis is that there is no necessary connection between what is the case at one point of time and what is the case at another point of time, and that therefore all inductive inferences are hypothetical. Kant asserts basically the same thing in somewhat stronger language: causation, he says, is only a belief. That Wittgenstein corroborates these views may be seen in the following propositions of the Tractatus:

5.135 There is no possible way of making an inference from the existence of one situation to the existence of another, entirely different situation.

5.136 There is no causal nexus to justify such an inference.

5.1361 We cannot infer the events of the future from those of the present. Belief in the causal nexus is superstition.

6.36311 It is an hypothesis that the sun will rise tomorrow: and this means that we do not know whether it will rise.

6.37 There is no compulsion making one thing happen because another has happened. The only necessity that exists is logical necessity.

Thus, for Wittgenstein, the events of the world are not predictable from one another. They may well be predictable

from hypotheses, but that is a different thing entirely. These views make Wittgenstein's approach to implication somewhat strange. If  $P \rightarrow Q$  is always true, then it is tautologous and says nothing about the world, being true a priori without experience or knowledge of the world. On the other hand, if  $P \rightarrow Q$  is only true some of the time then it is solely a matter of fact and logic alone does not permit an inference. Logic does however show the truth possibilities of any proposition, but this only reveals what the world must do for the proposition to be true, and gives no hint at all what the world will in fact do. At this point, the significance of Wittgenstein's notion of causation may seem remote, but this will not be the case in the pages to follow.

It remains to show where pictures are located in language. The answer to this is that all thinking takes place with pictures, and further that every picture can be verbalized. Words are pictures, sometimes simple, sometimes complex. Sentences, too, are pictures and may be more or less complicated. The solution to the problem of meaning is that whatever is intelligible is based on a picture and the picture is its meaning. Now, bearing this in mind, it makes no difference whether the meaning is attached to one word, a phrase, a sentence, a paragraph, an oration, or a book. All that can be said is this: analysis of meaning invariably leads to a picture.

What, then, does analysis involve? There is no answer to this in the Tractatus. Wittgenstein was so certain that practical solutions would follow his logical vision, that he never bothered to exemplify a real analysis. But truth did not follow logic as he hoped. Several years after the Tractatus

was published, Wittgenstein realized that he had not solved all the problems of philosophy. He began again from the other side of the problem. By painstaking analysis of words in the context of sentences, Wittgenstein build up another approach to semantics. These ideas are contained in the Philosophical Investigations. The theme of this work may be put into a nutshell in his now famous statement that one must not look for the meaning of a word, but for its usage in sentences. The meaning of a word thus becomes the rules for using it in sentences. Perhaps the greatest change in Wittgenstein's philosophy from the Tractatus Logico-Philosophicus to the Philosophical Investigations, is that in the latter work he completely drops Russell's theory of denotation. Of course, this changes much of the Tractatus, but, on the other hand, the atomicity that Wittgenstein derived from Russell's theory of denotation is probably the single most troublesome part of his early work. So there are few who lament its passing. The important thing is that the force of Wittgenstein's picture theory of meaning does not depend on the principle of atomicity. Or, if it does in the Tractatus, Stenius largely solves the problem by permitting the atomicity of a picture's elements to be the results of various principles of interpretation. When pictures are seen as articulate fields, they no longer depend on the possibility of being reduced to one set of atomic elements. Dropping Russell's denotation theory is thus like ~~losing~~ losing so much extra weight. The most important idea in the Tractatus persists through the Philosophical Investigations, and this is the idea of logic as the order of possibilities.

Now, it is the concept of meaning as the rules of

use that furnishes a way of discovering pictures. We discover what a word is a picture of by watching intelligible combinations with other words and seeing what their meanings share and also how they differ. The use of a word is written down as rules. In the rules of usage, one may see the underlying picture which is the meaning. The rules of usage are, in effect, a notation describing a picture, and through them the picture governs the meaning of the word. There is one conspicuous problem here: does each different use of a word outline a new picture, or to put it another way, is each different use of a word derived from a different picture? The analogy to this question may be seen on the diagram of geometrical projection by asking whether each figure named "box" is part of the same projection. The example defines boxes of certain proportions, but could one draw a projection of all boxes? This is, of course, the ancient question of essences, and Wittgenstein proposes a novel answer. His conclusion is an emphatic no. There is no "essence", in the Platonic sense, beyond the different usages of a word. But this is not to say that they have nothing in common. Wittgenstein claims that the different usages of a word bear a "family resemblance". They are not identical, but they are clearly of a kin. Like most of his rather poetic similes, Wittgenstein does not carry this one very far. Like all poetry, however, it has its own momentum, pointing to things beyond itself (the reason it does this is that "family" inescapably describes a picture, or it is derived from an obvious picture, but this point will be clearer in a moment). Now, what a "family resemblance" implies is a common ancestry. And things with a common ancestry have but one source. The common source that most vigorously

suggests itself for the different usages of a word that bear a "family resemblance" to one another is a picture. This can easily be the case without resorting to Platonic essences. How an analysis of this sort works may be seen by taking the word "invest" as an example.

Begin by looking at three different uses of the verb "invest": (1) Prince Charles was invested at Caernarvon Castle; (2) Wellington invested Ciudad Rodrigo before beginning the seige; (3) It is unwise to invest money in an obsolete industry. Now, the word "invest" clearly does not mean the same in each of these sentences. The "meaning" of each sentence can be seen by noticing which other sentences describe the same thing. The first sentence may be replaced by: Prince Charles was officially given the title 'Prince of Wales' at Caernarvon Castle". The second sentence is the same as saying that Wellington's armies surrounded Ciudad Rodrigo before besieging it. And the third sentence actually means that one would be silly to buy the shares of an industry that is behind the times. Each sentence containing the word "invest" may be translated into one that does not contain the word; and when this is done, one is not tempted to look for similarities among these three sentences at all, much less to seek a common essence. It is conclusive then: the three sentences do not mean the same thing. But what of the word "invest"? Must one be content only to say that there are three rules governing the use of the verb invest? Is this the final statement of the word's meaning? No, it is not, there is a family resemblance every bit as strong as a Medici jaw or a Hapsburg nose. The resemblance is this: at Caernarvon, Prince Charles became the incumbent of an ancient office; as the robes

of office were put upon him, he becomes Prince of Wales. At Ciudad Rodrigo, Wellington placed his army around the fortress. And in the compelling piece of financial wisdom, one is counselled not to put one's money into decrepit industries. The same process takes place in each sentence: one thing is enveloped in another thing and the character of the thing inserted is radically changed. By investment Charles ~~Windsor~~<sup>1</sup> became Prince of Wales, Ciudad Rodrigo became British rather than French, and the investor's money becomes part of a business he cannot control. The family resemblance, then, is rather dramatic. But the <sup>analysis</sup><sub>z</sub> goes even further than this. Our word "invest" is the historical product of the Latin words in and vestire. Since the Latin verb vestire means to dress or clothe, the picture behind the English word is clear. The picture of a man getting dressed is such a primitive form of the envelopment picture, that the analogy with "family resemblance" would have to be that it was a Habsburg nose that begot the rest of the family. What could be simpler than this? And yet all the ingredients are present. When a man gets dressed, he covers or encloses his body in garments that radically change his character. The importance of the wrapper altering the inner object is clear, for even the Romans would not go outdoors without clothes on.

The picture in this case turns out to be a historical residue. Although this will not always be the case, it will certainly be a factor with many of our words whose etymology is clear. This point is admirably made by J.L. Austin:

I will mention two points of method which are, experience has convinced me, indispensable aids at these levels [referring to levels of semantic analysis].

One is that a word never - well, hardly ever -

shakes off its etymology and its formation. In spite of all changes in and extensions of and additions to its meanings, and indeed rather pervading and governing these, there will still persist the old idea. In an accident something befalls: by mistake you take the wrong one: in error you stray: when you act deliberately you act after weighing it up (not after thinking out ways and means). It is worth asking ourselves whether we know the etymology of 'result' or of 'spontaneously', and worth remembering that 'unwillingly' and 'involuntarily' come from very different sources.

And the second point is connected with this. Going back into the history of a word, very often into Latin, we come back pretty commonly to pictures or models of how things happen or are done. These models may be fairly sophisticated and recent, as is perhaps the case with 'motive' or 'impulse', but one of the commonest and most primitive types of model is one which is apt to baffle us through its very naturalness and simplicity. We take some very simple action, like shoving a stone, usually as done by and viewed by oneself, and use this, with the features distinguishable in it, as our model in terms of which to talk about other actions and events: and we continue to do so, scarcely realizing it, even when these other actions are pretty remote and perhaps much more interesting to us in their own right than the acts originally used in constructing the model ever were, and even when the model is really distorting the facts rather than helping us to observe them.

(J.L. Austin, 1961, pp. 201-202).

Stressing the point that pictures need not be derived from etymology, what Austin says about models goes exactly for pictures. It will be remembered that Austin's ideas were cited as justification for the treatment given the word "role" in the second chapter. Now that the whole body of theory behind that manoeuvre is given, it may be more comprehensible.

Thus an analysis in terms of use discloses the picture governing the meaning of a word. At this point, the quest for a theory of meaning to elucidate the dark corners of social role theory has made a full swing through Wittgenstein's philosophy. It has been a hasty journey; the selection of scenic spots has

been very **eclectic**. But even if the integration of this view of Wittgenstein's theory of meaning depends on eclecticism, there will be no apologies. Interpretations of Wittgenstein's contribution to Philosophy have varied wildly since 1921. The commentators closest to my own evaluation of his work have all published within the last twelve years. And so far as I can tell, this change of opinion concerning Wittgenstein happened after Nadel's death. And certainly the Tractatus as read by Ogden and Richards was a very different book than the one read today. So, with the conviction of the moment, I advocate the integrated view of Wittgenstein as the correct theory of meaning. Rejection of Wittgenstein usually depends on fragmentation before refutation. In this manner, Findlay says, "Wittgenstein is the author of three wholly differing accounts of meaning, all of which merit entire rejection: meaning is not reduplication of structure; it is not verification or verifiability, it is plainly not what he meant by 'use'" (J.N. Findlay, "Use, Usage, and Meaning" in Parkinson, 1968, pp. 126-127). I suggest that this and similar attacks on Wittgenstein (for example Gellner, 1959) are grossly unfair. In his typically enigmatic way, Wittgenstein recognizes the continuity of his work in the preface to Philosophical Investigations: "Four years ago I had occasion to re-read my first book (the Tractatus Logico-Philosophicus) and to explain its ideas to someone. It suddenly seemed to me that I should publish those old thoughts and the new ones together: that the latter could be seen in the right light only by contrast with and against the background of my old way of thinking" (Wittgenstein, 1953, p. viii). Thus, in conclusion, this admonition should be carried through the rest

of this thesis: The meaning of a word is the picture from which it is derived; the picture is known from analysis of the differing uses of the word in correctly formed sentences; and the proper uses of the word are written in rules which are a notation for the picture and describe it.

Before returning to the questions of social roles and social structure, I shall suggest a change in the way Wittgenstein relates rules to language and meaning. The importance of rules slips into the Philosophical Investigations when Wittgenstein draws an analogy between language and games. The simplicity of this thought is shown in the statement: "The question 'What is a word really?' is analogous to 'What is a piece in chess'." (Wittgenstein, 1953, #108). There is one obvious answer to the question about chessmen, and this is that to explain one piece in chess, one must explain the whole game, the way each piece is moved, the object of moving and pieces, in short, the rules of the game. Wittgenstein suggests that an explanation of a word is really the same thing. One word can only be explained by placing it into the context of language, that is, its rules of usage only make sense in relation to other words, and their rules of usage and that this will eventually add up to language as a whole. To put the entire matter another way, a definition of chess is a collocation of its rules, and the same is true of language, and the parts can only be defined by fitting them into the whole. Furthermore, Wittgenstein argues that what the rules of chess and language govern is meaning. For example, no rule of chess prohibits picking up a pawn and removing it from the board. But such a move is not part of the game, that is, it is not intelligible. One would

react to this by saying, "What on earth did you mean by that?" The same is true of the rules of language. Nothing stops one from saying "red apples are easier to read than green ones", that is to say there is no sanction against saying nonsense like this. However, the statement is not a move in the language game, it is like twirling the King round and round in its square. The only reaction to this sentence would be, "what on earth did you mean by that?". There is one possible exception to this last example. If I were professor of anthropology at the Sorbonne rather than an obscure post-graduate, and I were to conclude a public lecture with the statement "red apples are more readable than green ones", some of my enthusiasts might take up my statement saying: "The great professor is not talking nonsense, he is speaking in symbols which really mean 'while Chairman Mao is easier to read than Georges Simenon, they are both a bit fruity'". Only in this way can nonsense be meaningful, that is, be a move in the language game. While these sorts of interpretations do occur, they must be added on to the theory of meaning rather than made the basis of it. Oracles are, after all, very rare these days.

These two examples express Wittgenstein's notion of a rule. This idea is used consistently in the Philosophical Investigations. All in all, it is a very strict formulation of the rule concept. It may be characterized as saying that rules are imperative commands, which govern by fiat. As an elaboration of this, Wittgenstein shows several properties of rules. The first is that rules express normality. Wittgenstein puts it like this: ". . . if things are quite different from what they actually are - if there were for instance no characteristic

expression of pain, or fear, or joy; if rule became exception and exception rule; or if both became phenomena of roughly equal frequency - this would make our normal language-games lose their point. - The procedure of putting a lump of cheese on a balance and fixing the price by the turn of the scale would lose its point if it frequently happened for such lumps to suddenly grow or shrink for no obvious reason" (Wittgenstein, 1953, 142).

The second point about rules is that they admit of only one interpretation. What Wittgenstein does here is to define "interpretation". His idea is really a prohibition against the facile, but regrettably common, view that rules may be interpreted to suit one's purpose. To combat the inclination, which is anathema to any concept of rule, Wittgenstein lays down the restriction that the term "interpretation" should be limited "to the substitution of one expression of the rule for another" (Wittgenstein, 1953, #201). Thus, a rule is not a particular set of words. It is something that various combinations of words may express. And if each expression has a subtly different sense, they only show the many possibilities of the rule, like all the terms in a truth table. Thus, "do not kill", "do not deprive of life", "do not destroy the vital essence of any animate being" are really one rule, they all say the same thing and may be substituted for each other.

Wittgenstein's first two points about rules may be summarized by saying that rules are normal and discrete. These two points determine the way that rules are learnt, and how they may be taught. Rules are obvious; this is how they are learnt: "But we say that it [the game] is played according to such-and-such rules because an observer can read these rules off from

the practice of the game - like a natural law governing the play. - But how does the observer distinguish in this case between players' mistakes and correct play? - There are characteristic signs of it in the players' behaviour" (Wittgenstein, 1953, #54). Rules of the game, then, can be picked up by an intelligent observer. This goes hand in hand with the fact that rules are often difficult to explain: "But surely you can see. . . ?" That is just the characteristic expression of someone who is under the compulsion of a rule" (Wittgenstein, 1953, #231). To those who play the game, the rules are so obvious that they may be overlooked, and this is the origin of the expression "the exception that proves the rule". Often if there is no exception, the rule is not noticed. In this fact lies the accuracy of Wittgenstein's simile between rules and "natural law".

Teaching rules is somewhat different from learning rules, but the principles are the same. Because rules are obvious and discrete, they may be taught by example. This is, of course, just the converse of learning by observation. Wittgenstein gives an example of how a rule is taught: "One might say to the person one was training: 'Look, I always do the same thing: I. . . .'" (Wittgenstein, 1953, #223). From this, Wittgenstein concludes that two synonyms for "rule" would be agreement" and "same". These are certainly the two possible interpretations of "rule" directly responsible for the way rules are communicated. If what one does is always the same, then there is a rule for it. Likewise, things under the operation of one rule will agree. These two synonyms contribute to a definition of the word "rule", they partially reveal the configuration of possibilities of which it is a picture. Perhaps the most

important conclusion from this is that a person can use, learn and teach rules without being able to put them into words. It is possible to write good prose without knowing all the rules of English grammar. In fact one could learn to write by studying acknowledged masterpieces of English literature. The advantage of verbalized rules is clear, however, when one has difficulty on a particular point. If the question arises, whether or not to use a comma after a direct address, it is handier to pick up a manual of grammar than to read through Jane Austin's novels looking for examples and agreements. But the essential point is that whoever uses rules need not be sapient or articulate about them.

That rules are obvious has one more implication, that rules are never secret. As Wittgenstein says: "And to think one is obeying a rule is not to obey a rule. Hence it is not possible to obey a rule 'privately': otherwise thinking one was obeying a rule would be the same thing as obeying it" (Wittgenstein, 1953, #202). The intent of this is that one's rules cannot be concealed. This point is really an implication of the way rules are learned. If rules can be learned by non-verbal observation, then they cannot be concealed. If the players do in fact play the game then it is impossible that any rule could be concealed. This is not the same thing as saying every rule will be revealed. Conceivably a game of football could end with no fouls and no corner kicks so that the rules governing those activities would not be revealed, but what Wittgenstein is saying here is that if the activity does happen, then the rules cannot be concealed.

Wittgenstein gives two highly suggestive examples of

rules. Like all his examples they are very simple and, perhaps for that very reason, a bit outlandish. The first one illustrates the way a line on a sheet of paper can be, or in this case not be, a rule:

Imagine someone using a line as a rule in the following way: he holds a pair of compasses, and carries one of its points along the line that is the 'rule', while the other one draws the line that follows the rule. And while he moves along the ruling line he alters the opening of the compasses, apparently with great precision, looking at the rule the whole time as if it determined what he did. And watching him we see no kind of regularity in this opening and shutting of the compasses. We cannot learn his way of following the line from it. Here perhaps one really would say: "The original seems to intimate to him which way he is to go. But it is not a rule. (Wittgenstein, 1953, #237).

Now, this example dangles with loose ends like a polyp, but before picking them up, I shall pursue Wittgenstein's argument further in the hope that clarification will bring facility when the time comes to knot them together.

The second example is more helpful than the first because it neatly fits an image begun in the Tractatus. The combination of old and new examples is one feature of the Philosophical Investigations that encourages a synthesis of the two books. This instance of a rule goes back to the analogy with geometrical projection: ". . . we might imagine rails instead of rule. And infinitely long rails correspond to the unlimited application of a rule" (Wittgenstein, 1953, 218). Think now of the example of geometric projection presented earlier. Think of the lines of projection as rails and remember that it is the abstract projection that is the picture. Here, then, is the hint that unifies Wittgenstein's two books. Pictures are rules. Thus, Wittgenstein in thinking about rules,

works his way back to the picture theory of meaning. For those who are prone to see Wittgenstein's philosophy as a whole, this is the trump that takes the trick.

The significance of the rule concept may be seen further in Wittgenstein's critique of the causal theory of meaning, which is au fond, advocated both by Ogden and Richards and Nadel. Wittgenstein's discussion of this point goes far toward indicating how his theories can be integrated with social role theory:

Let me ask this: what has the expression of a rule - say a sign-post - got to do with my actions? "hat sort of connexion is there here?" - Well, perhaps this one: I have been trained to react to this sign in a particular way, and now I do so react to it.

But this is only to give a causal connexion; to tell how it has come about that we now go by the sign-post; not what this going-by-the-sign really consists in. On the contrary; I have further indicated that a person goes by a sign-post only in so far as there exists a regular use of sign-posts, a custom. (Wittgenstein, 1953, #198).

It is slightly ironic that Wittgenstein's critique of the causal theory of meaning should result in a word so dear to the hearts of social anthropologists. That "custom" is the element missing from the causal theory is certainly damning, and no doubt this is the reason for its failure to produce an accurate theory of social structure. The absence of the idea of custom is the one of the deficiencies Wittgenstein's theory remedies. For the time being, however, this must be left as another tentacle hanging from the polyp. The overriding task now is to examine Wittgenstein's ideas about rules as such. That Wittgenstein's theory of rules is wrong is discovered in Gilbert Ryle's discussion of Wittgenstein's own archetype of rules, chess.

Ryle's attitude to rules (Ryle, 1949, pp. 74-80) is radically different from Wittgenstein's. Like Wittgenstein, Ryle allows that by observing the game, one may learn all the rules. But this is only the beginning. The rules actually predict a very few things about the game. From the rules, one knows that a Bishop will always end on a square as the same colour as that on which it began, but this is little help in understanding particular moves of the white or black Bishop. Ryle's point is really quite simple: the rules of chess do not pre-ordain the game. They govern the moves, they do not ordain them. Ryle emphasises this point by claiming that even the laws of nature are not fiats. But even more to the point, he moves from chess to discuss the rules of grammar. Exactly what grammatical rules do and do not govern is eloquently displayed in this passage:

It may well be that throughout the whole length of The Decline and Fall of the Roman Empire Gibbon never once infringes the rules of English grammar. They governed his entire writing, yet they did not ordain what he should write, or even the style in which he should write; they merely forbade certain ways of conjoining words. Knowing these rules and Gibbon's obedience to them, a reader can predict from the fact that a particular sentence has for its subject a plural noun that its verb will be a plural verb. His predictions will be uniformly correct, yet we feel no inclination to lament that Gibbon's pen ran in a fatal groove. Grammar tells the reader that the verb must be a plural verb, but not which verb it will be. (Ryle, 1949, pp. 76-77)

There is an important difference between Ryle and Wittgenstein here. For Ryle, the rules of language are not like rails, that is, they are not strict and deterministic. Or, at least, in Ryle's view what rules determine is a fairly small part of what they purport to govern. Ryle's point on this issue is well

taken; Wittgenstein's theory is too deterministic as it stands. Although he does not use exactly these terms, Wittgenstein argues that rules ordain, not govern. Now, Ryle's position is so obviously the more judicious one here that it may be that the two philosophers are not talking about the same thing. The Philosophical Investigations is as enigmatic as the Tractatus, but unlike the latter work has not the virtue of a rigorously systematic pattern. Therefore, it could be that when Wittgenstein talks about rules of language, he really means the rules of logical syntax. On the other hand, his reference to "custom", quoted above, makes this seem unlikely. At any rate, as the issue stands now, Ryle's contention that rules govern without ordaining is the more cogent. What then is this process of governing? The example of grammatical rules and prose style, given by Ryle, is somewhat tangential to the main trend of this chapter, the problem of meaning. So the question is, then, how do rules govern meaning? An answer to this question is found by studying a symbolic system akin to language, and yet much simpler. This is the rules of musical notation. It is important to stress that musical notation is like a language, if indeed it is not a language.

Even though much simpler than language, musical notation is still very complicated. Since the point I want to make is really very simple, musical notation as a whole is not relevant. For purposes of this discussion, then, consider the relation of a key-signature to the rest of the musical composition. The key-signature is a rule. At the outset it lays down the key of the whole piece. Quite often the piece will take the name of the key; all of the works in Bach's The Well-

tempered Clavier, for example, are known this way. One identifies a piece by saying "the prelude and fugue in E major". The key signature has a definite reference, which is a scale of the same name. The pianist looks at the key signature and can play the scale of E-major. In this scale, ~~F, C, G, and D~~ are sharp, all other notes are natural, the scale is easy to play even though the pianist may have never seen that particular piece before. The scale is a rule. It stands like a sentry at the portal of every piece of music. Now, when the pianist begins to play, he will find that at least the first several measures contain only those notes in the title scale. Of course, the province of the key-signature is very limited. It is never expected that the key-signature will govern the pitch of the notes played, or the rhythmic value, or the tempo. But, if the pianist is playing Bach's E-major prelude, and admittedly Bach's keyboard works are especially good examples of this sort of thing, he will find after the first two bars that for the next three bars every A is sharped. These are technically called "accidentals", but they are hardly accidents, if that word bears its usual meaning of being unplanned and unintentional. The third fourth and fifth measures of this piece are not founded on an E-major scale at all. Adding A-sharp to an E-major scale changes the scale to B-major. But there is no difficulty in playing B-major scales under an E-major key signature, as there is but one small deviation from the rule. Following the fifth measure, however, seeming chaos seems to reign. In the seventh measure there are nine accidentals, in the eighth measure eight. After this, with a few notable exceptions, the piece becomes closer to the rule. Interestingly enough, the next to last sound is a discord.

containing two accidentals. Significantly, though, this "accidental" discord is followed by a straightforward E-major chord which ends the piece. Now, if E-major were the ruler of country, and each accidental a crime, he would no doubt be out at the next election or, even worse, taken over by the opposition party, B-major, in an outright coup d'etat. To say this about Bach's prelude, however, would be to miss the point entirely. Even in the composer's day when musical tastes were much stricter than our own, this piece was never thought of as disorderly. On the contrary, Bach's music has always been thought the epitome of harmony. Looking back at all these minor delicts, though, how can the E-major key-signature be said to rule anything? Here is the answer, that the key-signature governs the meaning of the composition, that quality which though ethereal in the highest degree is nonetheless the vital heart of music. To even the untutored ear, the change to B-major is obvious. The measures with more accidentals are even more conspicuous. "Meaning" of a musical piece is clearly different from the pictures of language. There is not even an abstract picture to which music refers or points. One is directed to play the E-major prelude "dolce", but clumsy hands could easily change this. Regardless of interpretation, however, some spots in the music are always bound to be different from the rest of the piece. These are the places of tonal change. If a person who listens reasonably intelligently were to hear the E-major prelude once and then write down what he noticed as the major divisions of the piece, he would undoubtedly pick those places where the composition's tone changed. Measures three through five are clearly different from the first two which state the theme.

The change is very dramatic even though it is hard to name. Bach's music is only vaguely related to the things of this world. Still, if a listener is inclined to anthropomorphize his music, he would do so at these points. Perhaps after hearing the E-major section, the B-major section does not sound quite as "dolce". Certainly when the piece shifts to F-sharp minor, in measure fifteen, the listener feels very differently. An even stronger example is in the resolution of a dischord ending the piece. There is movement here. If the composition ended one note sooner, listeners would be left with the feeling, so common in Twentieth-Century concert goers, of hanging in the air, or of the piece stopping prematurely. The final return to E-major is so much like a homecoming because it is the signature of the whole prelude. It sounds normal even to listeners who are ignorant of music. It does not sound normal because it is the statistical norm; it is not the statistical norm but sounds normal because it is the rule. This, then, is what the key-signature does. It does not ordain that any particular note must be in any measure, but it does govern the tonal significance of every note that is played. Music is most interesting when it varies. Nearly every piece is built of a theme and variations on it. The key-signature determines which tones are themes and which are variations, and thereby points to which parts of the music are most enticing. So, the key-signature exists beside another rule that allows for endless deviance from it, any note may have any tonal value if the proper accidental mark is affixed to it, but still it is the original scale described by the key-signature that determines what the piece sounds like, in effect, its meaning. Taking tonality as an example is a

propos to Bach because every other musical rule is constant in the E-major prelude. There is but one mark for tempo and the eighth note rythm is broken by only two measures of sixteenth-notes. Thus, while this situation is admittedly rare, the variations in this prelude are almost entirely total which means that the key-signature governs virtually every change to which meaning may be ascribed. Most music is more complex than this.

Perhaps a more lucid, though not more accurate, instance of rules in music is the way that a composer determines the rythm of his notes. Immediately following the key-signature is the time-signature: they are rules of equivalent structure. The time-signature 4/4 tells one that every measure has four beats and that every quarter note gets one beat. Thus the time-signature as rule determines that if a measure contains four quarter-notes, no more notes may be inserted. However, there are many options: one measure may contain one whole-note, two half-notes, eighth-notes, and so on for thirty-second and sixty-fourth notes. So the time-signature does not predict how quickly the notes will follow one another. But the time-signature does determine the relative value of notes: an eighth-note must always be half as long as a quarter note, and visa versa, so that if either note is played, the value of the other is fixed. There are more radical rules for breaking the time-signature rule though. Any note may be given any time value, that is, be held indefinitely (fermata); or, there may be an odd number of notes to the quarter note as in triplets, quintuplets and so on. The point is that the time-signature like the key-signature exists along side of numerous rules for breaking it. Yet even when it is broken, it still governs the

significance of the deviant notes by maintaining the norm. A B-major chord is unremarkable unless it occurs in isolation in a piece governed by some other scale. Time-signatures govern the same way. These rules do not ordain. They are not like rails. If one looks to them to ordain one would find chaos. But they do govern; and they govern everything that falls into their domain. What they determine in their domain is meaning, the possible ways in which notes may be interpreted. Useful and descriptive though they are, the accuracy of Wittgenstein's parallels between language and geometrical projection and the rules of chess comes to a halt. His ideas are too deterministic to bear comparison with the world. The conclusion drawn from this entire discussion takes form in the odd suggestion that the rules of language are more like the rules of music than they are like the rules of chess or the lines of geometrical projection. Another illustration of this can be seen by returning to Wittgenstein's own example of a line on a sheet of paper as a rule.

Wittgenstein writes of a man following a line with a pair of compasses. One point of the compass follows the line exactly; the other moves about in what seems to be a random manner. Is the straight line a rule for the wavy one? Wittgenstein says not, it seems to be an intimation, but not a rule. Like many of Wittgenstein's illustrations, this one is deceptively surreal. Look at what he says: the actor moves the compasses "apparently with great precision, looking at the rule the whole time as if it determined what he did". And yet watching him, Wittgenstein discovers no regularity. How does this case jibe with the aforementioned trait of rules, that they are always

obvious? To the detriment of Wittgenstein's internal consistency, it does not. If the draftsman seems to be following the rule and is not, then he must be pretending to follow the rule. But surely if this were the case Wittgenstein would have said so. The conclusion that the man is pretending to follow the rule is more reasonable than to say the rule gives him hints as to where his line should go. Wittgenstein's own principles provide hooks for snaring this example. That there are no secret rules invalidates this example. The idea of a line on paper as a rule, however, provides another instructive example of how rules govern without ordaining. Consider a "ruled" sheet of paper (there is not a pun here for no reason). I take the ruled sheet and place it beneath an unruled sheet so that the lines of the ruled sheet show through the other. Say, further, that the ruled sheet has one-half inch horizontal lines and a single vertical line on the left exactly one inch from the edge. Now, how can this sheet be said to be a rule for what I do on the clear page. First of all, think of what the case would be if the rule ordained everything that happened on the other sheet. If this were the case, the rule would be a prototype; I would see the rules peeping through the sheet, take out a straight edge and mechanically trace over each one. Finally, there would be an exact model of the prototype. In this case, the rules really are like rails. How silly though to think like this! The fact is that I did not place the ruled sheet under the clean sheet in order to draw models of the prototype. That is one possibility of the rule, but when writing an essay, that aspect of the rule is not highly valued. Actually, I want the rule beneath the sheet because I need a definition of lines for my

writing, and left-hand margin for purposes of paragraph indentation. So when I see the rules peeping through the sheet, I see a way of keeping my lines and paragraphs neat. And when I have filled up a sheet with words, I may rip it off the pad and compare it with the rule - obviously it is not a model of the rule, and yet the lines of handwriting are straight, and only so tall and the paragraph indentation is uniform. All of these features are governed by the ruled sheet of paper. The rule has even more possibilities than this. Say I want to put a diagram in my essay, a truth-table for example. Then I will use the rules to help me locate the columns of letters and space them evenly on the page. Hence, another activity is governed by the one rule. But of course, everything that is drawn on the page is not governed by the ruled sheet. I may begin writing in the upper right-hand corner and continue diagonally to the lower left-hand corner. In this case, one would not say I broke all the rules, one would rather say that I did not pay any attention to the rules, or more exactly, that I did not play the game defined by the rules. If I tried to write along the rules and did a messy job of it, that situation would be obvious. Then a judgement would only be possible on the basis of the rules. But writing from corner to corner is not a misguided attempt to follow the rules. I now consider this discussion sufficiently developed to obviate Wittgenstein's example of a man following a line with a compass. Rules govern, they do not ordain.

Oddly enough, the Philosophical Investigations contain a very good example of how the rules of language govern but do not ordain:

When I say that the orders "Bring me sugar"

and "Bring me milk" make sense, but not the combination "Milk me sugar", that does not mean that the utterance of this combination of words has no effect. And if its effect is that the other person stares at me and gapes, I don't on that account call it the order to stare and gape, even if that was precisely the effect that I wanted to produce.  
(Wittgenstein, 1953, #498).

Note first of all that this passage is another implied criticism of the causal theory of meaning. The second point is that the reason the utterance "Milk me sugar" might cause a listener to stare and gape is that the rules of grammar are being defied. There is nothing peculiar about the phrase "Milk me sugar" that produces staring and gaping, any other absurd phrase would have the same result. So it is not this phrase but the act that it breaks certain rules that brings the reaction. As Wittgenstein indicated earlier, a statement of cause and effect misses the point entirely. What matters is the rule. A statement of the rule should stress that breaking it results in nonsense, and in this way the rule defines, or governs, even those cases that break it. The reason that this is so is that statements of sense and nonsense are parts of one language game; one set of rules govern them all. Rules express certain possibilities of activity; they are not prototypes. Adoption of this argument does not nullify Wittgenstein's general argument about rules; rather, I suggest, it makes them more lucid and convincing. Rules are learned by observation; rules are taught by example; without suspending the game; rules are not secret and rules do characterize normality. This list must be emended, however, with the statement that rules govern, they do not ordain. The final point is especially important in considering systems of rules that govern meaning, which is to say the sort of system

that makes up social structure.

The road back to the theory of social structures is slowly becoming apparent, but it is still long and circuitous. There are two stops along the route before the descent to the problems raised in the second chapter. The first of these is Wittgenstein's omission of de Saussure's distinction between language and speech. It is remarkable that Wittgenstein should overlook one of the most fundamental concepts in Linguistics, but the rudiments of this distinction are found in his thought and incorporation therefore adds to its acuity.

Some sort of distinction between language and speech is as old as modern linguistics. This is equivalent to saying that it began with de Saussure. What de Saussure has to say is very simple, which is, no doubt, the main reason for its perseverance. Speech is obvious. Everyday people are seen talking. That people speak is indisputable. Equally conspicuous is the fact that only one person at a time can speak. De Saussure is the first to point out that there is much more to speaking than this, however: "Speech has both an individual and a social side, and we cannot conceive of one without the other" (de Saussure, 1959, p. 8). He goes on to say that "speech always implies an established system" (de Saussure, 1959, p. 8). This dual nature of speech presents the linguist with an ~~insuperable~~ problem, namely that speech is a pastiche of different things: "Taken as a whole, speech is many-sided and heterogeneous, straddling several areas simultaneously - physical, physiological, and psychological - it belongs both to the individual and to society; we cannot put it into any category of human facts, for we cannot discover its unity" (de Saussure, 1959, p. 9). His conclusion

is that there is really no such thing as speech, it is rather an aggregation of separate entities that fall apart whenever they are lifted up for examination. Analysis of speech, then, is not the beginning of linguistics; this is rather, the other side of de Saussure's coin, language.

Language is purely social; it "is not complete in any speaker; it exists perfectly only within a collectivity" (de Saussure, 1959, p. 14). No one individual can create or alter language; "it [language] exists only by virtue of a sort of contract signed by the members of a community" (de Saussure, 1959, p. 14). Language is acquired and conventional. Language is learned: "the individual must always serve an apprenticeship in order to learn the functioning of language; a child assimilates it only gradually" (de Saussure, 1959, p. 14). Unlike speech, language is self-contained; it is basically a principle of classification. Language is independent of speech. If a man loses his ability to speak, he may retain his knowledge of language and therefore be able to understand others. However, without the knowledge of language, the ability to speak could never be acquired. De Saussure summarizes the differences this way:

In separating language from speaking we are at the same time separating: (1) what is social from what is individual; and (2) what is essential from what is accessory and more or less accidental. Language is not a function of the speaker; it is a product that is passively assimilated by the individual. It never requires premeditation, and reflection enters in only for the purpose of classification. . . . Speaking, on the contrary, is an individual act. It is wilful and intellectual. (de Saussure, 1959, p. 14).

Ullmann (Ullmann, 1962, p. 26) distils de Saussure's opposition between language and speech into two trends, that between actual

and potential, and between individual and social. Language is everything people can say, speech is what people are saying now. Language is an entire code, speech is the encoding of a particular message. Ullmann's suggestion that language expresses the potential of actual speech is so close to Wittgenstein's concept of logic, that the temptation to put de Saussure's idea into Wittgenstein's terms is irresistible. Language then expresses the order of possibilities of speech. It is the logic of speech. Other similarities support this equation. For de Saussure, language resists temporal change whereas speech is ephemeral. And for Wittgenstein logic is atemporal whereas the events of the world are transient. Furthermore, it is in relation to language that de Saussure develops the concept of structure. Interestingly enough, he, like Wittgenstein uses the game of chess as an example. His discussion has striking resemblances to Wittgenstein's analysis of the rules of chess:

Take a knight, for instance. By itself is it an element in the game? Certainly not, for by its material make-up - outside its square and the other conditions of the game - it means nothing to the player; it becomes a real concrete element only when endowed with value and wedded to it. Suppose that the piece happens to be destroyed or lost during a game. Can it be replaced by an equivalent piece? Certainly. Not only another knight but even a figure shorn of any resemblance to a knight can be declared identical provided the same value is attributed to it. (de Saussure, 1958, p. 110).

Thus, the container again defines what is contained. De Saussure is the father of structural linguistics, but, as indicated earlier, Wittgenstein's whole philosophy clarifies and in a way ~~supercedes~~ "structuralism" per se. This, then, takes care of the language and speech problem. The distinction between society and the individual intrinsic to de Saussure's discussion

of language and speech is a different problem entirely and need not be mentioned now. The critical matter at the moment is to see how de Saussure's thoughts re-order Wittgenstein's discussion of rules.

Gilbert Ryle, in a very elucidating article in Parkinson's book, correlates de Saussure with Wittgenstein. Ryle's idea of language is roughly equivalent to de Saussure's, even though his acquaintance with the idea comes, not from de Saussure himself, but from Sir Alan H. Gardiner's The Theory of Speech and Language. Whatever his intellectual antecedents, though, Ryle finds several interesting metaphors for the old idea and from there develops it in his own way:

A Language, such as the French language, is a stock, fund or deposit of words, constructions, intonations, cliché phrases and so on. 'Speech' on the other hand, or 'discourse' can be conscripted to denote the activity or that the clan of activities of saying things, saying them in French, it may be, or English or some other language. A stock of language-pieces is not a lot of activities, but the fairly lasting wherewithal to conduct them; somewhat as a stock of coins is not a momentary transaction or set of momentary transactions of buying, lending, investing, etc., but is the lasting wherewithal to conduct such transactions. Roughly, as Capital stands to Trade, so Language stands to Speech. (Ryle, "Use, Usage and Meaning" in Parkinson (ed.), 1968, p. 109).

From this passage, it may be seen that Ryle is primarily interested in language as the potential for speech. This is of course nothing remarkable. So far what Ryle says only reiterates what others have said before. His ideas are novel, however, in that he argues that language and speech are governed by fundamentally different kinds of rules. In order to show this, he first argues that mistakes of language are not all like the mistakes of speech:

The reproof 'You cannot say that and speak good French' is generically different from the reproof 'You cannot say that without absurdity'. The latter is not a comment on the quality of the speaker's French, since it could be true though the speaker had spoken in flawless French, or had not been speaking in French at all, but in English or Greek instead. The comment, if true, would be true of what was said whatever language it was said in, and whether it was said in barbarous or impeccable French or English. A mispronunciation or a wrong gender may be a bit of faulty French, but a self-contradiction is not a fault-in-French. Cicero's non sequiturs were not lapses from good Latin into bad Latin. His carelessness or incompetence was not linguistic carelessness or incompetence, if we tether the adjective 'linguistic' to the noun 'Language' as this is here being contrasted with 'Speech'. (Gilbert Ryle, "Use, Usage and Meaning" in Parkinson, 1965, p. 112).

Ryle's thought is especially prone to a Wittgensteinian interpretation. What he says is only convincing if the premise that language is the potential for speech is granted. And, as mentioned earlier, this contention is most clearly expressed by demonstrating its congruence with Wittgenstein's view of logic. Logic, remember, is the order of possibilities. In accord with this view of logic, language may be seen as a set of words and the legitimate rules for their combination. Every speaker has access to the same language, or since few speakers are true masters of the language, or to parts of the same language. Speech is a selection from this pool. Ryle's point is simply that sometimes a speaker might look in the pool, find words and rules and then make a blunder. "He had took the book away": what is wrong with this sentence is a solicism, there is a misuse of language, that is, a standard rule is broken. But nevertheless the meaning of the sentence is undistorted. Compare this with "bookish apples are often petulant in the afternoon". Here, the words and the rules are in perfect order,

but the sentence is patent nonsense. This is, of course, the same phenomenon responsible for Wittgenstein's concept of "logical syntax" and of Chomsky's "deep syntactical structures". They both try to explain the nature of nonsense. What Ryle does is to correlate the idea of "logical syntax" with the division of speech and language. Ryle makes the point quite explicit:

A so-called Rule of Logical Syntax is what a nonsensical dictum is in breach of. [and he goes on] The Rules of Logical Syntax. . . . belong not to a Language or to Languages, but to Speech. A person who says something senseless or illogical betrays not ignorance but silliness, muddle-headedness, or in some of the interesting cases, over-cleverness. We find fault not with his schooling in years gone by but with thinking here and now. (Ryle, "Use, Usage and Meaning", in Parkinson (ed.), 1965, p. 115).

So the correlation is made, language is governed by the conventional rules of grammar, and speech is governed by the rules of logical syntax. The importance of this is its bearing on the nature of rules. Wittgenstein was earlier criticised for arguing that rules are like rails, they ordain. The point is this: if Wittgenstein were only talking about speech then what he says would be more cogent. The rules of logical syntax do not ordain, but they come much closer to doing so than do the rules of language. Since he does not say otherwise, it must be concluded that Wittgenstein is talking ~~neither~~ about language, nor about speech, but about the aggregation of the two that de Saussure rejects as unwieldy. What Wittgenstein says is still wrong, of course; the distinction between language and speech does not rectify his mistakes, but it is helpful to know how such a distinction partially unscrambles the jumble of linguistic examples in the Philosophical Investigations. But the division between language and speech has a greater impact on Wittgenstein's

theory of meaning than to give one more sympathy with his mistakes.

Before outlining the more important ramifications of the language/speech dichotomy, it must be stressed that Ryle and de Saussure agree on the essential point that language is primary to speech. Upon consideration, this is very obvious. Without knowledge of a language's grammar, one could say nothing, sensical or nonsensical. As Ryle puts it: "The rules of Latin syntax are part of what we must learn if we are to be able to produce or construe Latin dicta. They are parts of the equipment to be employed by someone if he is to say either sensible or silly things in decent Latin" (Ryle, in Parkinson, 1965, p. 115). That language is more important than speech is an interesting parallel to the way Wittgenstein makes the picture primary to statements about or knowledge of the world. Like a picture, language makes no statements about the world. Also like a picture, language embodies the potential for making statements. Likewise truth and falsity or sense and nonsense of the statements derived from either system of potentialities bears no reflection on them. One could not say that the pattern Noun-verb-adverb-preposition-direct object is true or false. Language is a system of elements and rules, as are pictures. It is impossible to think of one without the other.

By way of summary, here are the significant differences between language and speech. Some of these differences have not been exhaustively treated here, but will soon be granted fuller treatment. Language is a body of knowledge, which constitutes the potential to speak; speech is the actualization of language. Language is social, no individual knows all the

language, there is differential access to it, and everybody who speaks intelligibly knows some of it; speech is individual; in his speech every person makes an individual selection from the possibilities of language. Language is resistant to change, no one person being able to change it by fiat; speech is highly subject to change, there are trends in speech of short duration; twenty years ago people called "the cat's pajamas" what someone today might dub "really cool man". Language is governed by the rules of grammar, which are conventional; speech is first of all prescribed by the rules of language and secondly subject to the rules of logical syntax which reflect its articulation to the structure of the world. Being conventional, language is independent of the world. A final thought is that the division between language and speech is reflected in the everyday usage of English. One does not say of the "Gettysburg Address" that it is Lincoln's finest language. Rather, one says that it is a speech and its excellence shows his command of language.

The discussion of language and speech suggests another division of verbal phenomena which is much more relevant to the problems of social structure, that between factual and conventional discourse. Everything that Wittgenstein says about the problem of meaning is an attempt to define and understand factual discourse. Hence, his preoccupation with truth and the resultant development of verifiability. "Fact" here is, of course, being used in a way that is consistent with the Tractatus. Facts are produced by confirmation of propositions about the world which are derived from pictures. The "world" is the totality of known facts. One can think about states-of-affairs that are not facts, but, in Wittgenstein's scheme, when one speaks of "knowledge",

one is referring to facts, states-of-affairs that are actually the case. Thus, the alternatives are to speak of facts, factual discourse, or to speak of states-of-affairs that are not facts. The latter arrangement of speech, I suggest, should be called "conventional discourse". Wittgenstein is concerned with the non-factual side of linguistic phenomena. In the Tractatus, he clearly sets out to define the limits of factual discourse, to put borders on what may and may not be said. In his treatment, factual discourse becomes coextensive with the language of science. Following from this, Wittgenstein argues that what can be known is equivalent to the sum of all the propositions of natural science. Beyond natural science, one knows nothing; about which one knows nothing, one may not think; where there is no thought there can be no speech; and, finally, the concluding statement of the Tractatus: "What we cannot speak about we must pass over in silence" (Wittgenstein, 1921, #7). Part of the beauty of the Tractatus Logico-Philosophicus, is that the aim of its author is so clearly laid out and so rigidly adhered to. Wittgenstein is often criticised for not saying more about the non-factual side of discourse, but since this was not his aim at all, he can hardly be held culpable for its omission. Bear in mind, then, that scientific discourse includes only a small fraction of linguistic phenomena, and that Wittgenstein's theory of meaning refers exclusively to this small part of the whole.

Now, the glaring problem is this. The question of the meaning of words in the vocabulary of social structure is obviously not susceptible to any solution that is solely concerned with scientific discourse. It is inconceivable that the statements of this realm of discourse are verifiable in the same way

as are those pertaining to Wittgenstein's "facts". "Is she an adultress?" is of a different order than "Is that book Red?". The latter question is articulated to the physical world and is answered on the basis of sensory experience. The former is not articulated to the physical world and sensory experiences are of no help in answering it. But precisely here is the puzzle of this thesis. Questions of this form are answered. How is this possible? At last it is possible to give an answer to this question.

Suffice it to say for the moment that statements of the form "she is an adultress" are part of the realm of conventional discourse. The problem now becomes, what is conventional discourse? How does it differ from factual discourse? What semantic principles operate in this non-scientific domain? Only by solving these quandaries can the more specific ones about the meaning of the vocabularies of social structure be considered.

The only difference between conventional and factual discourse is that conventional discourse is neither true nor false. It makes no sense to say that statements in the conventional realm are true in the sense that the word can never be correlated with its object. Here is just the difficulty: there is no object. Conventional discourse floats free of the world. To verify the assertion "he is married" one must first of all know what country "he" lives in and what people in that country think about marriage. Or, to put it another way, one must know what the conventions are that deal with marriage. Knowing the convention, then, one could compare the history of the person concerned to see whether he had committed those actions deemed necessary by the convention for him to be married. The nature

of a convention is obvious from the word itself. A convention is an agreement. Only people make agreements. Agreements are often broken; they are easily changed. Thus, conventions are human creations; words that have conventional meaning are artificial in a way that is different from other words. "Dog" is a human creation in so far as the same object can just as easily be called "Hund", but the artificiality only extends to the name. In conventional discourse the thing itself is artificial; it is created and dispelled by human contract. A criminal may be called by some other name, "Verbrecher" for example, but also what is "criminal" today may not be "criminal" tomorrow. The world itself changes at man's whim: this is the oddity of conventional discourse. Or, to reverse Wittgenstein's proposition, the conventional world does depend on man's will: note, "man's will" not mine, and not yours. You nor I can change conventions.

Statements made in the conventional domain are precisely those about which Wittgenstein advises us to be silent. Yet conventional discourse is a remarkably large part of what people do with speech. And, people persist in using conventional discourse these fifty-one years since the publication of the Tractatus Logico-Philosophicus. What then are the semantic principles of this segment of discourse? Oddly enough, Wittgenstein himself gives the answer to this, albeit by a serpentine route.

Through much comparison of African customary law cases and reading of semantic philosophy, I am convinced that the theory of meaning most applicable to courtroom ratiocination is Wittgenstein's picture theory. How can this be so if it is expressed as the pattern of factual discourse only? The answer

to this is simple. People think about conventional things as if they were physical things. Conventional discourse operates as if it were factual discourse. The two are very different, but that people often loose sight of the artfulness of their own agreements is a common human foible and belies the fact that conventional discourse is usually thought to be factual. Even in the age of reason, constitution-builders did not appreciate this fact. The theory of "natural law" has gone hand in hand with the theory of "social contract" for precisely this reason. (see the "Introduction" by Sir Ernest Barker in Social Contract: Essays by Locke, Hume, and Rousseau, London: Oxford University Press, 1947). Even in the act of drawing the convention, men could not take full responsibility for their deeds. "We hold these truths to be self-evident" says Jefferson, not, "we have decided that things would run more smoothly if such and such were the case". Even Marx does not argue that artificially conceived institutions are wrong, but that those who formed them did not know the facts. And this is still the great temptation of Marxism, that it is scientific, that it discourses on factual matters. That this would be the case, that the semantic principles of factual and conventional discourse are the same, is indicated in the Tractatus. The structure of language, says Wittgenstein, reduplicates the structure of the world. Thus, the order of the world generates the order of language. And this applies to all language being opposed to all speech. Remember that all speech (discourse) is an epiphenomenon of language, so that once the order of the world is duplicated by language, all speech will partake of the same structure. Thus, it is inevitable that factual and conventional speech are built

on the same semantic principles. To prove this one really need only say that they are speech, all else follows from the nature of the language/speech division. The conclusion may thus be drawn that Wittgenstein's picture theory of meaning in the form it is given here is the theory of meaning. It is in the light of this theory that thought about social roles must grow.

At the end of Chapter Two the conclusion was reached that the nature of social roles should be discovered by concentrating on them as words. Nadel's theory of social structure provided the clue for this being the case, but The Theory of Social Structure itself does not contain the promised theory of meaning. In this chapter, it is argued that there is an incipient semantic theory in Nadel's work and that it is of the type developed first by Ogden and Richards and later by Bertrand Russell. These views were examined and found wanting. Their several deficiencies were traced back to several mistakes either founded on falsely placed enthusiasm for behaviourism or on a misreading, characteristic of the times, of Wittgenstein's Tractatus Logico-Philosophicus. Beginning with that work, Wittgenstein's philosophy is seen as a whole. After some qualification Wittgenstein's picture theory of meaning is accepted. What does this portend for the theory of social structure advocated by Nadel and largely accepted in the second chapter?

First of all, remember that "meaning" is an ambiguous word, and that the particular usage of the word most relevant to the theory of social structure is the one for which "interpretation" may be substituted. How then is Wittgenstein's picture theory of meaning an account of interpretation? The interpretation of a word is its picture. The picture of a word shows

every possible way a word can be understood. The total of all these possibilities is the meaning, or interpretation of a word. Sentences form pictures as well. The picture of a word is an expression of its possibilities. A certain sub-set of the possibilities are incorporated into a sentence. Without seeing the word used in a sentence, it is not clear which of its possibilities are being realized. The process of interpretation is to see a word in a sentence and to wonder about its other possibilities. By studying many different uses of the word, one sees its picture. The picture may be written down as the rules of usage, just as a scale is represented by a key-signature. These rules govern, not ordain, the ways the word may be intelligible, i.e., its uses. The picture is an aspect of language, not of speech. All discourse is derived from pictures, both factual and conventional. Without pictures there would be no thought. It should, thus, be obvious how pictures interpret past events. Any history is verbal; the past only exists as a story. The words of the story are understood only with pictures. If judgement must be made between varying accounts of a history, the pictures will be invoked to see which is/correct, that is, the only possible, meaning. This is the way customary law judges are able to draw conclusions on verbal accounts alone. This is how the vocabulary of a social structure expresses the logic of customary law. Also, to follow up a metaphor used earlier, pictures are the bees buzzing in the bonnets of customary law judges.

The second aspect of role names is that they are used as a basis for expectation or prediction of the future. The picture theory of meaning accounts for this property of social

roles more eloquently than any other theory of meaning. Knowledge of the picture governing a word is knowledge of every possible way the word could be used. This, as Wittgenstein says, makes a claim against all possible worlds. Only the uses prescribed by the picture are possible. Knowing what is possible amounts to knowledge that certain things will never happen. In this way a word shows what the future may bring concerning its own use. For example, imagine a society where there is sibling rivalry. If, in a particular case, one brother closes his camp to another, the anthropologist may say that this was caused by the presence of an etherial property most likely based on the rules of inheritance called "sibling rivalry". This, however, is erroneous. Remember Wittgenstein's support of Hume's thesis: belief in the causal nexus is superstition; if B always follows A then it is not correct to say that A causes B, but that A and B are the same proposition. Hence, in this example, one should take the word "brother" and see that in the conventional formulation of its picture there is the possibility of sibling rivalry, that this is part of the logic of the word itself. Rivalry, then, is an intrinsic part of brotherhood in this imaginary society and it is inaccurate to speak of cause. This sort of analysis is tautological. A word and its picture are the same thing.

Defining a word in this way is to make an analytic proposition, in Kantian terms. In effect, it is saying  $10 = 6 + 4$ , which is saying no more than  $10 = 10$ . But while analytic propositions are tautologies, it is still possible to learn a great deal from them. Analytic propositions, of the kind advocated here in relation to defining words, constitute a special sort of explanation, called by Gilbert Ryle the dispositional explanation.

This is, in turn, linked to a particular understanding of what anthropological explanation should be like.

Ryle's example of "dispositions" is really quite simple. Imagine a pane of glass; somebody picks up a stone and throws it against the pane; the glass shatters. Now, according to Ryle, there are two ways of explaining this. First one may say that the glass broke because so and so smashed it with a rock. Or, secondly, one can say that the pane broke because it is brittle. The first is an "episodic" explanation, that is, the glass broke because it is part of an episode beginning with the hurling of the stone, the lifting of the arm that threw, the beginning of the decision to destroy the glass, and so on in an infinite regress. The second is a "dispositional" explanation. In this case, the pane is said to break because of its nature; glass is brittle and therefore disposed to break when heavy objects hit it. Ryle emphasises that both kinds of explanation are valid, but that they do very different things. Episodic explanations are perforce historical; they can only explain the present with reference to the past. Dispositional explanations are, if known before the fact, predictions about the future. One can never predict when a rock will happen to strike a brittle pane. But one can accurately say that because a particular pane is brittle, if it is struck by an object with sufficient force, then it will break. The advantage of a dispositional explanation is that it enables one not to know how a particular event happened, but to know why a general event will happen. It should also be seen that an elaboration of the dispositional properties is tautological. Saying that glass is brittle or banana skins slippery is like saying ten is made up of five and five. If

one has even an elementary knowledge of these things, one would say "but of course that is so, what is the point of telling me that". Such statements are only interesting to those who know nothing of the thing in question. But in crude terms, this is an anthropologist's situation.

In this sense a picture, too, is a tautology; it and the word are the same. In so far as a tautology reveals dispositional properties, it shows the order of possibilities, the logic, of whatever it refers to. Thus, pictures summarize the dispositional properties of a word. And this shows how they govern expectations about the future. "Expectation" is a better word than "prediction" here, because it carries less force, and is therefore more consonant with the principle that rules govern, not ordain. To say "as a rule so and so smokes" or "so and so is disposed to smoke" does not bind one to saying that "so and so is smoking now". Or, if someone sees me smoking and says "but I did not know you smoked" I might say, "but as a rule I do not". This is what rules, and pictures are rules, are all about; they do not determine the future, they are but rough guides to it. This is how social role names cause expectation about other people and what they will do. Finally, emphasis on dispositional properties is equivalent to what Ardener calls the "program" (Ardener, 1971, p. 456). This thesis thus shadows his conclusion that in the "primacy of the program" lies the correct view of anthropology.

These, then, are the solutions to the problems of how role names furnish interpretations and stimulate expectations. Wittgenstein's theory of meaning forces a major change in Nadel's theory of social roles. Once again consider Nadel's formula for

a general role,  $\mathcal{C} = \{ p, a, b, \dots \mid m/n \}$ . The main expression of the formula is that perception of a pivotal aspect triggers the rest of the role, or, more accurately that the role itself is inferred from the pivotal aspect. This is the part of Nadel's theory most influenced by the Ogden and Richards "contextual reference theory", or some other brand of the same thing. In short, what happens, is that an event in the world,  $p$ , occurs and when perceived rather mechanically causes all knowledge bound to a particular role name to emerge. Ogden and Richards' theory will just not do; it has already been criticised enough to obviate a new discussion of its merits. As Ogden and Richard's behaviouristic theory of meaning is shown the door, the idea of cause goes with it. "Belief in the causal nexus is superstition", says Wittgenstein, and though superstition is not as daunting to anthropologists as to philosophers, in this case it is best to adhere to the philosopher's solution, for, we are after all discussing his problem. Without Ogden and Richards, Nadel's theory is left contending that one event is an inference ticket to the role. Once again, Nadel is right without being lucidly so. Nadel's description of the process is right, but his account of the mechanism behind it, leaning on behaviourism, is not very strong, Wittgenstein's picture theory of meaning gives a more satisfying answer to the problem of inference.

For Nadel, the pivotal aspect of a role is the basis for making an inductive inference. It is, in effect, a hypothesis that if  $p$  appears then  $a, b, \dots$  etc. will follow. The only reason for believing this to be the case is experience. It is like Ogden and Richards' "engram", an accretion of episodes which lead to expectations. Strict adherence to the realities

of life in society does not confirm this, however. Social life is seldom regular enough to permit every individual to learn so much. Just as language is not learned by practicing scientific inquiry, neither are social role systems. They are learned and taught in toto. In the brief course of a lifetime, one may know a few people well enough to be able to make inductive inferences about their actions, but this is not learning ~~their~~ roles, it is getting to know them. Idiosyncracies are not roles.

A new look at the events described in Nadel's formula will show exactly why Wittgenstein is right. First of all, there is an event. This event means nothing by itself. Before it has meaning it must be interpreted. The event appears and fades away; it becomes a history. It is interpreted by a picture. Once it is interpreted it may point to various other configurations, but before this, comes the intervention of the picture. The mind is like a filing cabinet full of pictures, some are more abstract than others, some are more common than others. The point is this: in the gap between the pivotal aspect and the role in Nadel's formula falls the picture. In a simple situation, the pivotal aspect would be something represented by a word, or a simple sentence. That simple picture may be combined logically with only a certain number of other simple pictures. Role names are complex pictures, but still they are pictures, they order the possibilities of what the thing itself might be.

One other point is obvious. All thought about social roles begins with interpretation of past events. If there is a projection from a past event to the future, this is not done by the event alone, but equally by the method of projection.

Existing as an abstract arrangement of possibilities, the knowledge of social roles is a means of projection. What is projected is not a new course of events, but a new arrangement of possibilities. Thus, expectations, too, are interpretations; they are never predictions. Rules govern they do not ordain. An expectation based on a past event is not an inductive inference, it is rather a deductive inference. From established conventions one deduces the meaning of the relevant word; the word has certain possibilities and no others, these possibilities are the expectation.

Finally this rather convoluted discussion comes to its object. Social roles are words, as Nadel indicates. They are part of language, as opposed to speech. Roles are potential, not active; they are social, not individual. Roles are pictures, showing possible states-of-affairs. The same picture is used to make interpretations and expectations; both of these come about by deductive inference. Furthermore, roles are rules; as such they govern but do not ordain. Nevertheless, they always govern meaning. Concrete examples of this theory of social roles are not given here, since the final chapter of the thesis is composed solely of illustrations taken from the literature on African customary law.

CHAPTER IIIPART 2

S

SOLIPSISM AND SOCIETY

Between the idea  
And the reality  
Between the motion  
And the act  
Falls the Shadow

T.S. Eliot, "The Hollow Men"

All theories of social roles have one peculiarity. They see society from the view point of an individual person. The only account of similarity between individuals offered by role theories is that many individuals occupy one role either simultaneously or through time. This is the problem social role theories are designed to solve, but there are others and they are equally pressing. The real problem for social role theories is to explain socialization and communication. How do people understand each other: Do people mean the same thing by the same word? Can one know the mind of another? These questions are perplexing. But on the basis of the role theory outlined above, an answer is clear. It is quite simply the idea of society as first developed by Durkheim.

Durkheim's first attempt to define the concept of society is in The Division of Labour in Society. This book has much to say about many things, but all in one way or another hinge around the concept of society. Durkheim's expression here is notoriously vague: "Social life comes from a double source,

the likeness of consciences and the division of social labour. The individual is socialized in the first case, because, not having any real individuality, he becomes, with those whom he resembles, part of the same collective type"; (Durkheim, 1933, p. 226). His discussion of the division of labour is not as germane to our problems as his treatment of society. Significantly, Durkheim relates his account of society to the nature of law: "The similitude of consciences gives rise to juridical rules. . ." (Durkheim, 1933, p. 226). Suggestive as these remarks are, they are hopelessly ethereal. Durkheim never says what this conscience consists of. His translator in fact affirms that his use of the word "conscience" is strangely similar to "subconscious" as that word is used in psychoanalysis. There is a reason for this, but Durkheim misses the point. Thus, while at first glance, Durkheim's idea of society in his earliest book seems promising, it is at best only an undefined hypostatization and at worst a chimera.

Even in his own day, Durkheim's critics realized that this mystical treatment of society is inadequate. Through persistent attacks, they hounded him into an attempt to clarify the concept. The Rules of Sociological Method is Durkheim's second attempt to explain what the concept of society is all about. As such, it is a great improvement over The Division of Labor in Society. Durkheim argues that the essence of society is found in what he calls "social facts". "Social facts" have two characteristics (Durkheim, 1938, p. 13). First, they are independent of individuals. This means that they exist before individuals. A certain concept of "son" existed before I was born; it is therefore a social fact. Secondly, social facts

exert a constraint upon the individual. This aspect of social facts usually either refers to socialization or to crimes. In either case, "social facts" constrain or compel the individual. Now, helpful as these stipulations are, they nevertheless do not say what "social facts", or by implication society, are. Durkheim acts as if he is describing the centre of mass of the solar system when, in fact, he is describing a stone. Durkheim sees society from a distance and through many clouds. One who followed him sees this phenomenon clearly and describes it in precise detail. The influence of this man's thought is already found in the preceding discussion of semantics. Ferdinand de Saussure is the link between the theory of meaning and the theory of society. All social facts are linguistic and language is the only social fact.

De Saussure notices that the only concrete entity that would fit Durkheim's description of "social facts" is language. The division between language and speech is the division between society and the individual. This is really very obvious when one considers that the only way a person has knowledge of what has preceded him, and this is the essence of anything being external to an individual, is to be told. To risk making the point too often: knowledge of the past is only possible through storage in language. An infant is not socialized at the same time as he learns the language, learning the language is socialization. Any social activity is impossible without language. The point could be made over and over again, but need not be. Social roles are names and the society is the language; they are not two things identical, they are one thing. This is the view of society implied by the theory of social roles based on

the semantic aspects of Wittgenstein's philosophy. Emphasising the priority of language makes lucid Durkheim's ideas of society which has been tempting, and haunting, thinkers for nearly ninety years. Awareness of this extension of the Durheimian tradition into Linguistics is seemingly widespread in France where the sources are more accessible, Roland Barthes remarks on this in a rather offhand way: "The manifest affinity of the language according to Saussure and of Durkheim's conception of a collective consciousness independent of its individual manifestations has been emphasised very early on. A direct influence of Durkheim on Saussure has even been postulated. . . ." (Roland Barthes, 1967, p. 23). It is remarkable that in British social anthropology where Durkheim's influence has been so strong the tradition growing out of his work should be ignored. This lamentable state of affairs should now be remedied.

Pointing a finger toward language, however, only solves part of the problem. As mentioned earlier, language is an abstraction that is related to individuals. In society, separate people act in common and sometimes in harmony. How does the relation between language and individual speakers permit this? A nice metaphor for the relation of the individual to language and society is found in Leibniz's metaphysics. Here, Leibniz is concerned with two problems both of which have a bearing on the questions posed above. He is primarily interested in the relation of parts to a whole and also of the harmony of different representations of one category. Leibniz's thought is more abstract than any so far considered; he is puzzled by the relation of any part to any whole and of all harmony. Our problem is not this ambitious and so to adopt Leibniz's general

approach is not to pass final judgement on his metaphysics. But for these parts of this whole, his ideas are wonderfully illuminating and remarkably similar to Wittgenstein's own. Or, to get the chronological order straight, Wittgenstein's philosophy of language parallels Leibniz's metaphysic without embracing its final solution. A further extension of the parallel is thus appropriate. It is not as outlandish as it may seem to embrace Leibniz's metaphysics on one point and reject it on others. In an essay that is overwhelmingly hostile to the Monadology, Russell concludes that it is still "useful in relating perception to physics" (B. Russell, 1946, p. 576). What Russell does for physics it is surely permissible to do for linguistics and social theory.

The point of similarity between the two philosophers is in their treatment of parts. As the senior of the two, Leibniz is discussed first. The parts in Leibniz's scheme are called "monads". Monads are like particles; they are discrete and are not affected by any other monads. Monads are windowless, that is, there is no connection or communication between them. Monads are part of a whole, the universe. They are like mirrors that all reflect the same reality. In this reflecting lies the unity and harmony of the universe.

Wittgenstein's philosophy is about language, not the nature of the universe, but it nonetheless has an equivalent of Leibniz's monads. In the Tractatus, Wittgenstein asserts that solipsism is the only realistic philosophy. Solipsism is the doctrine that the self can know nothing but itself. From this it follows that communication between people is impossible.

Even Wittgenstein's strongest advocates chafe at swallowing or

even apologizing for his solipcistic position. But that he does not provide the answer in the Tractatus does not mean he is wrong. I want to suggest now that Wittgenstein, once again, is right. Solipsism is the correct account of human communication. One's knowledge of other people's minds is virtually nil. Life is too full of misunderstanding, deceit, and misery for anyone to imagine that communication is anything but imperfect. In one sense at least, the sense that Wittgenstein is getting at, all people are monads and solipsism reigns supreme, or, to follow Eliot's image, life is infested with Shadows. But like the windowless monads, there is often harmony and what passes for communication in even this solipcistic world. This is possible because people, like monads, refelct a supraindividual reality. Wittgenstein does not use the reflection metaphor himself, but I think it shows the point of his argument. As a clue to understanding Wittgenstein's solipsism, first look at Latta's account of Leibniz on parts and wholes:

Thus the parts are not determined or characterized without reference to the whole, and the whole is not a mere vague aggregate of independent parts. In some sense each part must contain the whole within itself, each unit must include an infinite manifold. The whole stands not merely in a mechanical but in a dynamic relation to the part. The whole is not merely other than the part, but in some way passes into it and expresses itself through it. (p. 31)

The part must, therefore, contain the whole potentially and ideally or by means of representation. The relation of whole and parts is not to be conceived as one of greater and less, of thing containing and things contained, but rather as a relation of symbolized and symbols, sign and thing signified. (Leibniz, 1898, pp. 32-33).

Now compare this with the following propositions from Wittgenstein's Tractatus:

2.012 In logic nothing is accidental: if a thing can occur in a state of affairs, the possibility of the state of affairs must be written into the thing itself.

2.0121 If things can occur in states of affairs, this possibility must be in them from the beginning.

2.0123 If I know an object I also know all its possible occurrences in states of affairs, (Every one of these possibilities must be part of the nature of the object.) A new possibility cannot be discovered later.

What is so interesting about Wittgenstein's passage is the way that objects contain their own possibilities. Objects are like particles in Leibniz's system, that is, the possibilities are "written into the thing itself" and this ""must be in them from the beginning". In just this way, Leibniz's whole passes into and expresses itself through the parts. Wittgenstein's idea that the object contains all its own possibilities at any given time is again congruent to Leibniz's idea that "the part must, therefore, contain the whole potentially and ideally or by means of representation". Nor is there much difference between the wholes that each system of parts reflects: for Leibniz it is the Universe, for Wittgenstein it is the "form of the world" that is displayed in language and therefore our conception of objects. But similarities on the metaphysical level do not solve the quandary of how communication can be reconciled to solipsism. This is exactly the point on which Leibniz's explication clarifies Wittgenstein's doctrine.

Remember that the windowless monads cannot influence one another, and that there is absolutely no communication between them. This does not hinder Leibniz's explanation of harmony in the universe however:

Though no true substance can really act upon another, everything in the universe takes place as if this mutual interaction were real. Substances form a system, not of physical relations, but of harmony or mutual compatibility. (p. 41) One Monad influences another ideally, that is to say, not ab extra, but through an inner pre-established conformity". (p. 42) And later: "But in simple substances the influence of one Monad upon another is only ideal, and it can have its effect only through the mediation of God, in so far as in the ideas of God any Monad rightly claims that God, in regulating the others from the beginning of things, should have regard to it. For since one created Monad cannot have any physical influence upon the inner being of another, it is only by this means that the one can be dependent upon the other. (Leibniz, 1898, p. 246)

Harmony for Leibniz, then, is not brought about by communication, but by something that seems like communication. The monads move in mutual accord, but this is caused not by some pact among the monads, but by the mediation of God, the force reflected in each monad, and it is God that is contained ideally and potentially in every monad.

Now, Leibniz's vocabulary is somewhat dated, but the structure of his system is totally applicable to the solipsism of individuals and the harmony of social intercourse. Naturally, the isolation of individuals is not as complete as that of monads and the harmony of social life is not as extreme as that of Leibniz's "best of all possible worlds" but in the descent to physics from metaphysics this corruption is expected. Just as the semblance of communication between two monads depends on their common articulation to God and the universe, the semblance of communication between two people depends on their common articulation to language, that ideal form contained in each of us ideally and potentially. There is no direct knowledge of other people's minds, and to the degree that this is true,

solipsism is increasingly realistic. But mediating between our inapproachable minds is language, the social fact. One person activates part of the language existing in him as potential and transforms it into speech. Whoever hears and understands this will not be drawing back the curtains of the other's mind. He will only be seeing speech and he will only understand if that speech is intelligible in terms of his own language. The language is impersonal, it is not your soul and it is not my soul. But without it there would not even seem to be communication from one to another. It is as if we never saw one another directly, but always reflected in a mirror. The mirror is language. Is the mirror image in this case a distortion? There is no way of knowing. This is essentially the view of language Ryle uses in The Concept of Mind to disspell Descartes' fallacious division of mind and body. We do not know other people's minds, but we know through language what they say. This is why the appeal "yes, that may be what I said but it is not what I meant" is always ludicrous. Other than what you say, there is no way of knowing what you mean. Saying is thinking. Without language there wogld be no evidence of thought or of other minds. Thus, solipcism reigns supreme in human affairs, but it is patched together with language, the common ground of all minds. Without language there would be no society: they are one and the same.

Thus, people are like monads and language like Leibniz's concept of God or the Universe. This is the way that social roles are communicated. What is said here forms the backdrop for the episodes d&escribed in the next chapter where all of these ideas are il&ustrated and the more anthropological problems of customary law in Africa considered.

CHAPTER IVSOCIAL STRUCTURE AND JUDICIAL PROCESSPART 1BACK TO THE SOGA

At long last the way is clear to return to the original problem of this thesis, the case of "Genatio Magino versus Yowasi Maliwa". The reasons for obscurity in the original presentation should by now be fairly obvious. The thoughts of chapter III and a little imagination disperse what earlier seemed impenetrable fog. It must be remembered that the method of analysis developed in the preceeding chapter is tautological, and so what is said here will seem obvious. But, as Wittgenstein says, whatever is logical is obvious. And also it is important to bear in mind that what is obvious now was not so before. The expansion of a quadratic equation is obvious to one familiar with algebra, but to one not so enlightened its mysteries are unfathomable. Since this next discussion is but a projection of the method developed earlier it should seem very familiar indeed.

First of all, think of the English glosses of the Soga personal nouns seen in "Genatio Magino versus Yowasi Maliwa". They are: sibling, husband, wife, adulterer, father-in-law, and mother and daughter. Next, think of the way these words are used in the arguments of the various litigants. Yowasi's first defense is that he and Matama called each other "sibling-of-the-opposite-sex". Playing in the understanding that adultery between

siblings is impossible, Yowasi's is an attempt to deduce from the picture of the sibling relationship the impossibility of his guilt.

The second use of the picture of siblingship is in Yowasi's attempt to demonstrate his relationship with Matama by claiming that he visited her after her marriage to Genatio. As before, his plea is that siblingship justifies Matama staying in his home. The interesting thing here is that the court tries to verify this contention. The picture involved here is obvious. Brothers are entitled to visit their married sisters, therefore, if Yowasi and Matama are siblings, he would have visited her. The judge has a picture and holds it up against the world. The attempt at verification takes the form of asking Genatio if it is true or false. However, as is so often the case in the interpretation of histories in the realm of conventional discourse, the world, which is no more than Genatio in this case, equivocates. The court asks Genatio of Yowasi once visited his home, but they conjoin this question with the more basic one whether or not he knows if Yowasi is brother to Matama. Genatio avoids the first question, denies having knowledge relevant to the second, throwing the question instead to Yose Toli. Now, the important thing is that Genatio completely ignores the question of Yowasi's visits. There are two pictures in operation here. That brothers visit married sisters is one picture held up for verification and the other is the picture of genealogical descent. Genatio ignores the former, the court permits this and thereby establishes the primacy of the latter. This could well be the turning point of the trial. Here is possibly the exact spot where Yowasi loses the case.

The argument about the genealogical evidence bears on the concept of siblingship rather dramatically. It turns out that true siblings not only call each other "brother" or "sister", there must be a demonstrable genealogical connection as well. That Yowasi fails to produce this evidence is the main reason for his conviction.

The argument centering around Yose Toli and the picture "father-in-law" is probably the most instructive. Tose Toli is suspected of harbouring Matama, not on the basis of any evidence, but on the logical strength of the picture alone. Likewise, the picture of "father-in-law" is behind Genatio's interpretation of Yowasi's being at Yosi Toli's compound as an attempt to negotiate bridewealth. The accusation of "eating two hens" also arises from this picture. There is no evidence of bridewealth negotiation other than the direction of the picture saying that this is the most likely interpretation of the events. The picture of "father-in-law" is used by Genatio to put Yose Toli in a very weak position. In effect, the court assumes the worst about fathers-in-law, or rather, their language leads them to expect the worst of fathers-in-law and to interpret their actions in a consistently bad light. It is the picture that gives Genatio power over Yose Toli and, ultimately, it is the picture that makes it in his interest to deny acquaintance with Yowasi. The possibilities of harbouring and eating two hens are draped around Yose Toli's neck as inevitably as the ancient mariner's albatross, and its effect is far less dramatic. All of Yose Toli's statements about the world are designed to extricate himself from the all too obvious proclivities in the picture of his social role. Note that the charges of "harbouring" and

"eating two hens" are part of the logical formulation of the picture of fathers-in-law. These two charges are possibilities in the idea of the social role. They form part of the order of possibilities, or logic, of the term itself. The logic of the term not only decrees that Genatio is in a position of power over Yose Toli, it also gives Yose Toli a clear set of choices and further lays down the consequences of each alternative. Given the structure of Soga social life, Yose Toli is the only person in the case who has a decision to make; and as he exonerates himself, he convicts Yowasi.

The clarity of Yose Toli's position is thus informative, but no less so is its ambiguity. Fallers speculates that Yose Toli might bear a grudge against Yowasi. The logic of the term father-in-law is enough to explain his actions, but Fallers' hunch is interesting and worth pursuing. Yose Toli is the divorced husband of Kale, and the cuckold of Kintu. The nature of these past deeds gives rise to suspicion about Yose Toli's motives in the present case, at least in Fallers' mind. But that there seems to be no Soga word for exactly this relationship is the reason for the court's discounting the possibility of its being a contributing factor. Conversely, that Soga are not interested in such relationships is the reason they have no term for it.

Yowasi's final defense is again deduced from the meanings of ordinary social roles. He argues that because his two wives stand in the position of calling Matama "daughter" adultery is inconceivable. This claim is also a failure. It is Yowasi's final attempt to prove his innocence; with this argument he seemingly exhausts the possibilities of the social structure.

Yowasi's conviction is, in the final analysis, the result of a picture. The court presumes that any man with a woman to whom he is neither married nor related is having sex with her. Thus, Genatio has to produce no direct evidence that illicit relations occurred between Matama and Yowasi, he has only to show that his wife deserted him and was found with another man. This conjunction of events is prima facia conviction. The roles "wife" and "man", permit only one interpretation. There is no possibility but that adultery took place. Or, in Nadel's terms, the situation recruits Yowasi and Matama into their respective roles. Ratiocination is concerned with only one issue, whether or not Yowasi's relationship with Matama justifies their intimacy. One picture is played against another until the court decides which picture is the most important. Finally, in this case, the predominant picture is that of an unhappy wife and her lover. Guilt is deduced from the conventions attached to the vocabulary of social structure. The verdict is not at all "fact-minded". The result of this case can only be understood by acknowledging that the words which compose its arguments are animated with a certain momentum, or logic, of their own, and that this is as important as the circumstances of the episode. Of course, the logic of the social system is also factual, to be precise it is a "social fact", but this is the opposite of what Fallers earlier refers to as "fact-minded". It is not the "facts", in his restricted sense, but the facts plus their principles of interpretation that yields the verdict in this sort of customary law case. The pictures that interpret the facts direct the court's suspicion, to Yowasi, allocate the burden of proof, again to Yowasi, and prompt their questions

and cross examinations, for example, that Genatio is permitted to kill the issue of post-marital visiting. Thus, the logical basis of the judge's decision, that ghost of something beyond the facts alluded to in the first chapter, turns out to be the logic of the social roles, the pictures which interpret them and render them meaningful.

This analysis is restricted to an a posteriori view of one case. But it must be seen that observation of the word's usage in one case leads to the formation of a dispositional structure which could predict the outcome of future cases. From even a single case there emerges a range of terms and incipient rules constituting their disposition. Think of the more dramatic ones encountered so far: "siblings" and the rule that adultery between them is impossible; "mother" and "daughter" and that they never call the same man "husband"; "father-in-law" and the ease with which he is suspected of harbouring and eating-two-hens; and even "man", that his company with women is indicative of a sexual relationship. These concepts govern the meaning of every case, or episode, of adultery. Obviously though, an analysis based on one case is inadequate; but, then, any number of a posteriori analyses are bound to be inadequate. A true dispositional model would have to prove itself against the world by predicting the outcome of cases yet unheard concerned with episodes yet uncommitted. Thus, the limitations to the factual side of this thesis are rather severe. This case, and what follows must thus be seen as faint illustrations and hints regarding future research rather than a conclusive demonstration of the arguments presented in the preceding pages.

PART 2THE REASONABLE MAN UNMASKED

Having admitted the limitations of an analysis done after the fact, it is no less important to see that this sort of analysis can throw light on deeply shadowed problems, most of which are themselves the outcome of an a posteriori view. The first problem subjected to the Wittgensteinian view of social structure is the old one of the "reasonable man".

While studying the legal institutions of the Barotse kingdom in what is now Zambia, Max Gluckman came upon an old friend. Gluckman's jubilant cry of welcome, "Hullo, the reasonable man!" has introduced a long and often tedious debate into both law and social anthropology.

Gluckman's study concentrates on the Lozi, the dominant tribe of the Barotse kingdom. Barotse courts are arranged in a hierarchy, with privilege of appeal granted to litigants whether they win or lose. The Lozi word for court is kuta, for judge induna, though indunas have powers and duties greater than those of English judges. Gluckman studied a middle kuta, cases being appealed to it from sub-district kutas with the privilege of appeal existing beyond it. Since Gluckman's analysis of Barotse court procedure and process is found in separate volumes over a period of more than ten years, I will put his central themes in what, I suggest, is a logical order.

First, the norms of Lozi society are well known: "Lozi society is on the whole homogeneous, and customary modes of behaviour are widespread, constant, and generally known to all,

despite tribal and status differences" (Gluckman, 1955, pp. 155-6). Since these norms are well known, they form, from the judges point of view, an effective corpus juris, or body of law.

Characteristic of all legal rules and of every corpus juris, Lozi norms are ambiguously stated. This imprecision serves an adaptive function (Gluckman, 1955, p. 141). As society changes, legal institutions are able to incorporate these alterations precisely because they are so diffusely stated. It is important to realize that Lozi "law" in the sense of norms is not written down; Gluckman largely discounts this difference.

There is, furthermore, around every legally significant norm, a "range of permissible leeway" and a "range of actively protected leeway", as pointed out by Llewellyn and Hoebel (Llewellyn and Hoebel, 1941, p. 23). In other words, every social norm is constructed so that perfect congruence with the norm is not demanded. Husbands may more or less approach the norm of an ideal husband, some may be nearly perfect whereas others may refuse to visit the in-laws, or may refuse to change the baby's diapers without being declared a non-husband, that is divorced, by the courts.

For Gluckman, the idea of "The Reasonable Man" makes the conceptual bridge between actual behaviour and the norms used to evaluate behaviour. The "reasonable man" defines the "range of permissible leeway and the range of actively protected leeway". It is a way of thinking. The judges ask themselves a question: Did A fulfill his obligations to B? Well, say the judges, he did not do everything he ideally should have done, i.e., what the relevant norm says he should have done; but did he do what any "reasonable" man in his position would have done?

Yes, say the judges, he did, therefore the relationship of A to B is not broken, that is, the rights of the relationship are not forfeited and the duties not suspended.

The concept of the "reasonable man" is very complex. Gluckman isolates six constituent ideas:

The ideas involved are (1) the measurement of standards of fulfillment of specific obligations; (2) the combination of several such standards (degree of performance, observance of etiquette or custom, adherence to rule of law) to assess whether or not a party has fulfilled the demands of his or her role, as the crux and main issue of the case; (3) the use of this model as a technique in cross-examination to destroy an apparently reasonable story; (4) the establishment of proof through demonstration of unreasonable deviation from custom or of failure in degree of performance of obligations; (5) the relation of proof to questions of whether responsibility and liability are strict and absolute in the specific relationship involved, with problems of onus of proof and possibilities of rebutting presumptions of intention; and (6) the whole question of "juristic" views on intention in terms of ethics and law, as against actual motivation (Gluckman, 1965, p. 142).

Through application of these six ideas, the "reasonable man" is manifested in two ways. First, the "reasonable man" establishes a standard of adherence to ambiguously worded norms. It clearly defines "the range of permissible leeway and the range of actively protected leeway". Gluckman argues that Lozi prefix the concept "reasonable" to every personal noun, so that there is a "reasonable wife", a "reasonable judge", a "reasonable headman" a "reasonable underling", and so on. In other words, the Lozi have a clear idea of what a good father is and what a bad father is, but there is a large area between the two poles. There is a cut-off point for being a good father; some things a father must not do. But other things are optional or deviation from some standards of the ideal father are permitted. Now this

area ranging from the minimally good father to the ideal father is called, by the Lozi, the "reasonable father". Or, as Gluckman puts it, the "reasonable man" establishes the "reasonable incumbent of a social position" (Gluckman, 1955, p. 94).

Secondly, the concept of the "reasonable man" forms the chief technique of attacking evidence in cross-examination. In determining the truthfulness of evidence, judges attempt to "catch persons in departures from usages and norms" (Gluckman, 1955, p. 82). Some of these norms are definite, in that one has broken them or one has not, but many are only stated generally. In cases like this: "The norms can be fulfilled in varying degrees, and therefore the judges require a standard by which to assess fulfillment. This standard is "'the reasonable and customary man' and what he would have done" (Gluckman, 1955, p. 83). Judges try to do this in four ways. First, "reasonable" can be used as "understandable". If a court is able to ~~sympathize~~ with a litigant, then the decision is likely to go in his favour. A clear illustration of this can be taken from English law. "Crimes of passion" are no less crimes, but because the jury understand the motives of the criminal they are sometimes likely to grant acquittal. In accordance with this, Gluckman gives "understandable" as an alternative meaning for the Lozi word which he usually translates as "reasonable" (Gluckman, 1955, p. 137).

Secondly, Lozi judges use ~~in~~ the set of ideas involved in the "reasonable man" to construct expectations of a wrongdoer. Thus, they think in terms of the "reasonable thief" and "the reasonable adulterer". In other words, judges know how criminals act, and if a defendant's actions are like this then the

probability of guilt rises (see Gluckman, 1955, pp. 129-30).

Thirdly, Lozi conceive of a "reasonable" order of nature. Lacking precise measurements of time and a scientifically based knowledge of biological cycles, Lozi nevertheless re-construct a case in terms of "reasonable" amounts of time. In Gluckman's words: "I heard several cases in which kutas calculated the number of calves which cows, and their own calves, might reasonably be expected to have had over a number of years, allowing for a reasonable number of bull-calves against heifers, for a reasonable number of barren heifers, and for a reasonable number of barren seasons for other heifers" (Gluckman, 1955, p. 122).

Fourthly, the "reasonable man" is used to erect a standardized interpretation of motivation. Lozi judges are not interested in the intentions of the guilty. It is assumed that men intend the consequences of their actions. For example, a man giving gifts to his cross-cousin is assumed to be committing adultery with her. Since this is behaviour of the "reasonable adulterer", adultery must have been his aim, his motive, for giving the gifts.

Finally, Gluckman argues, the "reasonable man" is at the center of every "developed" system of law (Gluckman, 1955, p. 83), and has an equal position in the law of less well developed societies. He claims this even though Lozi judges do not frequently use the phrase "reasonable man". Rather, they always prefix it to a rote name. It is a factor in their judicial process whether they verbalize it or not. In one essay, Gluckman re-analyses other studies of tribal law in his own terms, claiming even that the idea of "reasonableness" is

found in societies without formal courts or the values of an impersonal judge (Gluckman, 1965). Gluckman sees the norm of the "reasonable man" in any society where arbitration takes place. He further says that if the concept is not universal, it will be so as soon as primitive populations take over colonial judicial structures. Gluckman concludes that not only is the "reasonable man" a universal attribute of judicial logic, it is an analytical concept of great sociological importance and should be placed along side other standard tools of analysis like "role", "deviant" and the "ideal type" (Gluckman, 1955, p. 129).

This is, I suggest, a fair account of what Gluckman means by the "reasonable man", what ideas it entails and a description of how it is used. Above all else, one thing must be made clear. As Gluckman presents it, the "reasonable man" is a way of thinking, a process of reasoning and therefore about how human beings conceive of social and natural reality and how they relate and use these concepts. It is a sweeping hypothesis about the nature of the human mind. This point will later be important in elucidating the underlying substance of the "reasonable man".

Gluckman's detailed case material, and it is without doubt the best in the subject, can be subjected profitably to a thorough re-analysis. I shall use one of his longer cases dealing with the "reasonable man", "The Case of the Violent Councillor" (Gluckman, 1955, pp. 82-97). The defendant in this case, Saywa, is himself the induna of a village. The plaintiff is called "Y". The problem is that in 1942 the schoolboy son of the defendant, "A", made advances to the sister of Y's wife.

The lad was discouraged with what must have been a severe thrashing. But the boy's passions were not stilled. He approached the girl again after a year and when Y again objected he said: "This year is not last year. I have grown up. You cannot make me defaecate". The Lozi connection between being worsted in a fight and defaecating is strange, but more on this later. At any rate, A insulted Y's wife. Y challenged A to fight. A again insulted Y, and the two fought. After a while Y's father-in-law intervened and the fight ended. A went back to his father's compound. Y, however, had not yet done with fighting and against the council of his own wife entered the courtyard of the induna, Saywa. There he claimed Saywa's three children attacked him, choking him and squeezing him around the middle. Saywa himself then joined the fray and dragged him several hards by the wrist. Y screamed "Saywa is breaking me, Saywa is breaking me". Whereupon Y's wife entered the compound and shouted at Saywa: "You are fighting, leave him", which Saywa promptly did. Saywa next got a whip which was taken from him by his son-in-law. After doing this he sent a child for a "stamping pole", but again this was taken from him before he could do anything with it. Finally, Saywa's daughter announced that Y had defaecated. He was released and was carried home.

Y first sued Saywa and his children at the local sub-district kuta. Here, although Saywa was the immediate superior of the sub-district induna, he was fined £1 - 10s to be paid to Y and 10s. to be paid to the kuta. Saywa paid the fine but still Y was not happy. He appealed the case to the higher kuta, where the case was re-tried. This appeal is what Gluckman actually witnessed.

Saywa's version of the story was very different. Upon hearing that there was trouble between Y and his son A, he hurried to Y's compound to head off a fight. Unfortunately, he arrived after Y had gone. Saywa hurried back to his compound where he found his children fighting with Y. He tried to stop the fight by lifting Y by the wrist. Failing in this, he got a whip with which to frighten the combatants; before he could do this, however, the whip was taken from him. Next he tried to remove the "stamping pole" from the reach of anyone angry enough to use it wickedly. Having thus accounted for his own actions, he concluded by saying that the real fault in this squabble lay with the two sister's of Y's wife, both of whom were whores. Saywa's defense, then, lies in the purity of his motives.

The kuta's first step was to verify Y's version of the critical events as much as possible. That he did, in fact, cry out, "Saywa is breaking me", was corroborated by a neighbor. His wrist was inspected and was found to show signs of swelling. Two allegations were moved to the status of fact: (1) that Y's wrist was effected by violence and (2) that Y connected Saywa with this act of violence at the time it occurred. This throws no light at all, however, on the motives for which Saywa undertook this violence. The judges did not go from this directly to a statement of guilt or innocence. Rather they proceeded to cross-examine Saywa.

There are three essential questions the kuta poses of Saywa: (1) "What manner of arbitrating in a fight is this, to seize the one who is on the ground, who is being fought, not to seize those who are overwhelming him"? (2) If you are innocent why did you not appeal the decision of the lower kuta? and (3)

why, then, when the plaintiff's wife cried, "the induna is fighting", did you release Y's wrist if you were trying to raise him?". Saywa's inability to satisfy the kuta on these questions proved his guilt, he was fined and warned that further violence on the part of an induna would not be tolerated.

Gluckman sees two standards by which the kuta breaks down Saywa's story: "first, he did not behave as a reasonable man would do when arbitrating in a fight; second, his whole behaviour was not that of a reasonable induna, following the customs of a good induna" (Gluckman, 1955, p. 87). In other words, the kuta sets up standards of what "reasonable" men do, and when "reasonable" men arbitrate they do not bruise wrists; when "reasonable" men are unjustly convicted they appeal their fines and "reasonable" men when falsely accused do not act as if they were guilty. Thus, in Gluckman's view the "reasonable man" is behind Saywa's conviction. The kuta spent a long time in cross-examining Saywa, in inventing questions to reveal that he did not intend to do what he claimed. The reason for this, Gluckman argues, is that the social relationships involved are so important that they could not be broken. Involved here is not merely the relationship of two strangers in a fight, but the relationship of induna to subordinate. Saywa and Y live in the same village and must go on living together after this particular grievance is settled. Therefore, the efforts of the kuta in cross-examination are directed toward Saywa, to convince him of his own guilt and to reintegrate him into the multiplex relationship he previously had with his villagers. Gluckman allows that proof of violence would have constituted evidence of guilt, since it is damning for an induna to be violent in

any circumstances. But establishing guilt is not the only aim of the kuta, for unlike Western courts, the Barotse kuta is concerned with ultimate social harmony and tries to produce this through its decisions and actions. This, then, is Gluckman's analysis of "The Case of The Violent Councillor".

It is immediately noteworthy that this case does not involve the sort of norm first discussed by Professor Gluckman as a function of the "Reasonable Man". There seems to be nothing at all uncertain, diffuse or ambiguous about the way in which the role of induna is handled. Any form of violent action is definitely a breach of the norms of indunaship; this never comes into question. The idea of "induna" is used in cross-examination but even there in a direct way. Indunas do not fight, and there the problem ends. There are no fine shades separating the amount of violence permitted an induna from the amount denied him. From this, I suggest, it becomes clear that a norm can only be used as an argumentative technique in cross-examination when it is precisely formulated; "indunas should never fight" is a norm that is sufficient for this. Norms that are diffusely stated could not be used in situations of cross-examination. Thus the two functions of the "reasonable man" put forward by Gluckman require two different types of norm. How then can Gluckman speak of "the norm of the reasonable man"?

The Wittgensteinian view of social structure makes quick work of this problem. When norms are stated abstractly they seem to be ambiguous, but when related to a particular case are not so. This does not mean, as Gluckman claims, that the norm changes its nature or that a new concept must be added. Rather, norms, like all words, are like chameleons; they change

colour to suit their surroundings. The possibilities in the picture of a word stated abstractly are legion, but when held up against the world, the events of the world constrain the number of possibilities in the picture, transforming its ambiguity into precision. To make the discussion clearer, "ambiguity", a term distinctly linguistic in reference, is inappropriate in relation to words which are social roles and norms. Think of the truth-table again; it not only might be said to be ambiguous, it actually equivocates by saying that the proposition is both true and false, and in relation to the logic of the word it is both at the same time. Likewise, a chameleon is both brown and green, and from the logical point of view both simultaneously. Remember that a thing, like a word, contains all of its logical possibilities at once; logic is not acquainted with time. Thus, to say that a truth-table equivocates is to miss the point entirely. In a similar vein, to say that social norms are ambiguous is to miss the point. Yet, that social norms should seem this way - i.e., both ambiguous and precise - is further evidence that they are pictures describing some order of possibilities. This resolves Gluckman's dilemma, I suggest, more handily than his proposed "reasonable man".

Yet another quality of "reasonable" used as a word is remarkable. In "The Case of the Violent Councillor" every time the word is used it is virtually meaningless. Violence is not something a "reasonable induna" does not do, it is something an induna does not do. The word itself contains normative meaning. Or, as Nadel says, the idea of "should" is incorporated into every social role. Likewise there is no difference in saying, "Saywa did not act like a reasonable man arbitrating a dispute",

and "Saywa did not act like a man arbitrating a dispute".

Gluckman makes two points which are relevant here. First, the Lozi equivalent for "reasonable man" is rarely used by the judges (Gluckman, 1955, p. 125); and, second, that judges often use the word for the particular social position under examination without the prefix "reasonable" (Gluckman, 1955, p.126).

"Reasonable" is an expression perceived by Professor Gluckman in something that is beneath the surface of Lozi thought and affixed by him to their own words for social roles and positions. His way of interpreting Lozi statements is equivalent to saying, of course you did not say that, but I am sure that is what you meant. Both of these points will assume even greater importance as the paper develops.

But for the moment we must return to "The Case of The Violent Councillor". Quite as important as the questions asked by the judges are the questions they leave unasked. Gluckman's account gives the impression that Lozi judges attack the claims of plaintiff and defendant with equal vigour. Gluckman further acknowledges that to most Western eyes Lozi courts operate on the principle that a defendant is guilty until proven innocent; this is not so, he goes on to say, precisely because the judges are so expert in the art of cross-examination and that they apply this art randomly, checking every statement of each litigant against the "norm of the reasonable man". In "The Case of the Violent Councillor" this is clearly not so. The version of the case given by Y is never challenged along the lines which one imagines might be laid down by the "reasonable man". This is suspicious since Y's story is laden with statements of interpretation as well as allegations of fact. Y's own view of

Saywa's motives is never challenged by the kuta. Once the factual allegations are verified, Saywa is thrown on the defensive, in effect being forced to prove himself innocent in the face of presumed guilt. This, then, is an instance when the common sense view of African law is correct and the anthropologist's one too much prejudiced in favour of the people he is studying. I suggest that there is a reason for the Lozi judicial process being based on the principle of "guilty until proven innocent" which is very intimately connected with Lozi thought processes in all social situations.

Before doing this, however, it is instructive to demonstrate the several confused areas of "The Case of the Violent Counsellor". This is the equivalent of the attempt in Chapter I to show the non-factual character of the decision against Yowasi. Re-analysis of the case proceeds as follows. The first question is, why is Saywa the one being accused? Saywa's children were the ones fighting. By no stretch of the imagination could Saywa be said to have started the fight. The original issue of the fight does not concern him and the fighting itself had begun even before he enters the compound. Why then is he the one charged and fined? The answer to this is that he is an induna, and that his actions are precise abrogations of the norms incorporated in that word. "Induna" is the most important of all roles in the case. That the requirements of induna be fulfilled is somehow more important than the reasons for a petty fight. Thus the charge of the court against Saywa is only marginally related to the episode that precedes it. This is seen by examining the "facts" of the case with a view toward seeing how Saywa's part in the little drama may be seen

as "reasonable".

The facts of the case are these: Saywa grasped Y by the wrist with sufficient strength to cause swelling; Saywa took a whip in hand but never used it; Saywa then went to fetch a "stamping-pole" but again did not use it. The judges could have reasoned like this: If Saywa's intent were to fight with Y, why did he only squeeze his wrist; is this an effective way of hurting someone? Is being dragged along the ground for three yards sufficiently terrible for Y to shout "Saywa is breaking me". Is being dragged equivalent to being "broken"? It does not seem as if Saywa's actions are those of a man seriously intent on punishing Y; if he were, if this were his end, then the most "reasonable" means would have been to fetch the "stamping-pole" to begin with and club him in the head straight away.

An evaluation of the violence potential of the combatants is also significant. How old are Saywa's children? Gluckman does not say. However, they are three: A, a male just past adolescence; B, a crippled boy evidently younger than A (unfortunately the nature of the crippled limb is not disclosed); and C a girl who from Gluckman's chart (Gluckman, 1955, p. 84) appears to be younger than A or B, but is married. Gluckman does in one place call this group "youngsters" (Gluckman, 1955, p. 85). Now, how formidable would this lot have been? Only the year before, A made advances on Y's wife's sister and was severely throttled, having been made to defaecate. Only a year has passed since Y was able to do this to A, though now A has confidence that it will not happen again. However, when Y and A fight in Y's father-in-law's compound, the outcome is incon-

clusive. In the second encounter, the critical one in the "Case of the Violent Councillor", A is joined by a crippled brother and a younger sister. The sister, incidentally, was the one squeezing Y's middle when he defaecated. Ignoring the outcome of the fight, would it seem likely that Y will be outmatched by this little hand. I suggest not. Y obviously thought he could handle Saywa's children or he would not have gone marching boldly into his compound against the prudent council of his wife. From this line of reasoning I deduce this fact: Y was overstating his case; he was not being mercilessly subdued by Saywa's offspring; his motive in going to Saywa's compound was malicious, to further assault A, a mere boy.

To return to an old problem, defaecation as a criterion of defeat is perplexing. Is defaecation a physiological response to pain? Yes, it is (personal communication with Dr. N. Malleson of London University Health Service). But even so, it is not an index of how much pain was inflicted on Y by Saywa's children. From culture to culture, the resistance to defaecation while enduring pain varies. It seems to be fairly common among the Lozi, but certainly is not something James Bond is caught doing. So, like many physiological phenomena, it is not simply a matter of stimulus and response. Rather, it must, among the Lozi, be a cultural, that is, verbal, way of admitting defeat, somewhat on the order of "I will twist your arm until you shout 'uncle'". If this is so, Y's defaecation is not a measure of how much pain he suffered, but is only a sign of his capitulation.

A re-construction of the case following this vein of cross-examination looks like this. Saywa entered his own court-yard to find all three of his children fighting with Y. He

immediately tried to stop the fight. Of all the ways of going about this, he chose to try to raise Y by lifting him by the wrist. In so doing, he hoped to retrieve Y from his antagonists. Had he gone about his peacemaking task as the judges recommended he would have faced other difficulties. Assuming that the children are intent on pummeling Y as much as possible, as soon as Saywa could pull one of them off and then have started to pull another off, the first would have rejoined the fray. By this method, then, Saywa could have reduced the number of Y's opponents by only one at any given time. This would hardly have been an effective way to stop the fight. Instead, Saywa chose to exert his authority both as father and as induna by raising Y from the ground. Perhaps he thought this attempt would cause his children to desist. If so, he was wrong, and his lifting effort served only to drag Y along the ground for a few yards. Saywa saw the futility of this and decided to pursue a different course of action. At this moment, Y's wife came on the scene and accused him of fighting. To say, as the judges do, that Saywa dropped Y's wrist because of the wife's accusation is to reason post hoc ergo propter hoc. But this is not really important. What is important is that if Saywa dropped Y's wrist because he was aware of his guilt and did not want to be seen engaged in such behaviour, as the kuta and Gluckman reason, then why, having dropped the wrist, did he engage in even more incriminating behaviour, that is, fetching the whip and the "stamping-pole"? One of two reasons is possible: either Saywa was intent on hurting Y as much as possible without concern about who saw him, or he was sincerely bent on stopping the fight by whatever means he could find. The later reason makes

more sense. By this time, a crowd had gathered and was witnessing everything. Saywa had been induna for fifteen years and must have been well aware of the prohibition against fighting in his role. Would he then join in a fight which was taking place in public and which his children were winning anyway? I suggest not.

The final question raised by the judges was, if Saywa is innocent why did he not appeal after his first conviction? Saywa's answer was not entirely to the point. He said the first conviction was against his children not himself and because Y had already appealed. From what is known about indunas and how they should act, it is clear that Saywa, regardless of his intentions during the fight, would have nothing to gain by appealing. His is a case where any publicity is bad publicity. This is reason enough for trying to avoid court proceedings. I suggest it cannot be inferred from this that he was guilty to begin with.

All of this shows that Saywa's actions are not as "unreasonable" as the kuta makes them out to be. The line of questioning they followed is not the only possible one. Indeed, some relevant aspects of the case open to verification are completely ignored. Did Saywa come into the compound after the fight had begun or was he waiting there with his children? Saywa's and Y's versions of events disagree even here and this would have marked bearing on any assumptions about Saywa's intentions. Surely, someone would have seen Saywa hurrying through the village, but the kuta never even raised the issue. In verification and cross-examination, then, the kuta's actions show a definite direction of interest, a bias. They could

easily have thrown doubt on Y's version of events, had they tried. This is exactly like "Genatio Magino versus Yowasi Maliwa". The judge knows what to look for and which questions will elicit this information. The questions are not designed to cross-examine but to demonstrate guilt, the location of which is apparent through the logic of the words in the situation.

Once again, there is a set of pictures. Through ratiocination, the litigants play off one picture against another until, to the court's satisfaction, the possibilities of all the pictures are constrained and there is logically only one fact remaining. Thus, the kuta discovers that Saywa was violent, and this is really the only fact they unearth, and due to the logic of the terms in the case, they are able to reason beyond that to the guiltiness of his intentions. Ratiocination establishes the primacy of one picture, the Indunaship, and the rest of the trial hinges on this. Induna's are above all else peaceful men. There can be no good reason for an induna being violent. It is a logical impossibility. Hence, the fact of Saywa's violence orders the other possibilities of his role. The kuta's understanding of his motivation is the logical result of this one fact. The judges must have reasoned something like this: First, there is proof of violence having taken place; second, the victim was heard by a disinterested third party to accuse Saywa of effecting this violence; and, third, Saywa is an induna and for an induna there is no end that justifies violence, therefore his motives were evil, he is guilty and the rest of his actions must be interpreted in this light. And only after reaching this conclusion does the cross-examination begin, but even then, cross-examination with a purpose. The judges are

not impartially critical. Proof of Saywa's violence was prima facie conviction, as Gluckman points out. In Nadel's terms, it forcefully recruited him into the role of "violent councillor".

The purpose behind the cross-examination of Saywa is now clear. Saywa was routed as soon as violence was proven. The cross-examination was only an exercise in ordering Saywa's actions with what the court knows his motives must have been. Gluckman's analysis hints at these points, but does not stress them. He contends that the purpose of this cross-examination was to convince Saywa of his own guilt, the justness of his punishment and therefore to allow multiplex relations centering around the indunaship to continue peacefully. Gluckman argues this in spite of the fact that Saywa never admitted his guilt, even five years after the trial. Yet in spite of this Gluckman concludes: ". . . but the judges undoubtedly demonstrated his wrongdoing to him" (Gluckman, 1955, p. 91). Now, unless Gluckman's vision penetrates Saywa's mind, this is a non sequitur. Nor does Gluckman's other case material clearly illustrate this view. I count six cases where the guilty party is totally unrepentant. Admittedly, out of over sixty cases this is not dramatically significant, but then the post-trial attitudes of those convicted are not always revealed. Thus, recalcitrance is at least a possibility.

In the "Case of the Violent Councillor" there are more substantial reasons for an elaborate debunking of Saywa's story than those suggested by Gluckman. The Lozi kuta does not operate closed hearings. Court cases are public events. It is necessary to convince the crowd of the rightness of kuta decisions. And, more importantly, in this case, to convince

Saywa's supporters, who are numerous, prestigious and disgruntled. Saywa is never convinced, never admits his own guilt and his relations, several of whom are sub-district indunas themselves, continuously and vociferously charge Y and his witnesses with lying. This trial is a public performance. The crowd is composed of supporters of either side. Indunas, like Saywa, are not only magistrates, they are of great economic and political influence. In some ways, an induna is more like an Eighteenth-Century English squire than a court judge. The purpose of the cross-examination is to placate Saywa's angry followers and therefore to decrease the possibility of political discontent.

One could ask why the role of "bad induna" is so important in this case rather than, say, a role such as "spiteful villager lying about his induna"? The answer to this is equivalent to the one for the question posed about Yose Toli's possible vindictiveness against Yowasi. Among the Soga there is no role of "cuckold" and, seemingly, among the Lozi, there is no term for "spiteful villager". These concepts simply do not come to mind. They are not part of a picture, part of the logic of the social systems.

Thus, re-analysis of "The Case of the Violent Council-lor" goes far to unmask the "reasonable man". From this new look at this one case the following statements about the idea of the "reasonable man" have been deduced. First, there is a functional contradiction in the way Gluckman expresses this idea. He claims it is both a norm of behaviour used in the kuta to attack evidence and a method of relating diffusely stated norms to real behaviour. However, one type of norm cannot do both. In cross-examination norms must be precise. To relate ambiguous

ideals to concrete behaviour, the "norm of the reasonable man" would have to cover a broad range of equally legitimate contingencies, and become precisely the sort of norm that could not be effective in cross-examination. Gluckman presents the "reasonable man" as if it were a unitary concept used in different legal contexts. This is not so. The "reasonable man" is not a norm at all but, rather, an aspect of every norm. This conclusion is the result of seeing norms as words, the meanings of which are pictures, which contain an order of possibilities.

But the problem of the "reasonable man" goes much deeper than this. As Gluckman uses "reasonable" in "The Case of the Violent Councillor", it is semantically useless. It does not alter the meaning content of the role names to which it is attached. It bears repeating that "reasonable" is not a word often used by Lozi, either in the judicial process or in day to day affairs. Gluckman says they more often use role names without the qualificatory "reasonable". And no wonder. The word is meaningless. That Saywa did not act like a "reasonable man arbitrating a dispute" is to say that Saywa did not act like a man arbitrating a dispute. "Reasonable" is not, therefore, a substantive aspect of role names. The constituent meanings of Gluckman's "reasonable" are part of the internal structure of the roles involved. Application to real behaviour, socially accepted imputation of motive, the very components of "reasonable" are an integral part of the role, not a secondary factor attached externally.

The idea of the "reasonable man" only suggests itself when one of the old theories of social roles is being used. When roles are seen as words and the meaning of those words as

pictures there is no temptation to use the concept at all. The ideas called "reasonable" are part of all roles, not something independent of them. These ideas are, furthermore, not analytical ones as Gluckman claims, but factual ones, integral parts of a semantic reality.

This leads to another ramification of the Wittgensteinian view of social structure. Role names are words, words with enormously complex meanings. Yet if they are to be socially useful there must be some agreement on these meanings. Therefore, role names which appear to describe diffuse and ambiguous sentiments must, in fact, name a complexly structured system of ideas with wide social acceptance. Roles and norms that are ambiguously stated may be very complex; perhaps they are stated in superficial and simple terms, or seem to be so from the outside observer's point of view, but are in fact endowed with an orderly semantic structure. In other words, to the person who uses the phrase it may cover a wide range of possible actions in various contingent circumstances. A statement like "sons should help and respect their fathers" is only a way of naming quickly and easily more specific behavioural directives. The statement "sons should help and respect their fathers" is a cliché with which Lozi summarize certain aspects of the role of son, it is an accepted name for part of a complex mental apparatus which is too cumbersome to elaborate fully every time it is used or discussed. There are many secondary concepts in the statement "sons should help and respect their fathers". A process of "controlled eliciting" as outlined by Black and Metzger (Black and Metzger, 1969) could no doubt bring these secondary concepts, some of the more remote possibilities in the semantic structure,

into the open and even give a picture of how widely they are distributed in a culture. This would take the form of a list of specific situations in which sons defer to fathers and how they would exhibit deference, when and how sons would be expected to work with fathers and perhaps more statements growing out of these. It would, in fact, be a list of possibilities.

Thus the activities falling in Gluckman's idea of the "reasonable man" are more fully explained as roles, as that word is used by Nadel and augmented by Wittgenstein. Finally, one can only agree with Nadel's own criticism of the use of the "reasonable man" in The Judicial Process Among the Barotse (Nadel, 1956), and say that it is unnecessary; why Nadel said this becomes apparent when his final work is related to the idea. And if what Gluckman calls the "reasonable man" is in fact a social role, albeit a complex one, then no wonder he has had little trouble in forcing material from societies with no formal jural procedures into his model. And in so far as this is right, the "reasonable man", as opposed to other anthropologist's theories of customary law, embraces the correct view of jurisprudence. This issue is taken up in the final section of this chapter.

Replacing "reasonable man" with "role" has far reaching consequences for an understanding of the judicial process among the Barotse. As the kuta reconstructs and investigates events, it is directed, biased. The direction is controlled by the appearance of events in the external world that constrain the manifold possibilities of a well-known social role. This process recruits one of the litigants into a role of presumed guilt, and then guilt is proven by cross-examination. Cross-

examination takes the form of debunking the guilty party's version of critical events by showing that his actions are not consistent with his alleged motives. The true motives of the guilty party are, of course, obvious to the kuta for they are a function of the social role. There is, furthermore, a political side to the trial. The Lozi kuta is a public performance, and rival litigants may have supporters present. Certainly one reason behind involved cross-examination is the placation of potential unrest arising from dissatisfaction with the judicial process. It may be said that effective cross-examination is a socially accepted, and socially demanded proof of guilt. It is a part of what may be very close to the English idea of "due-process". And it is significant that justice is demonstrated through the operation of the vocabulary of social structure, which is, in fact, the logic of customary law.

### PART 3

#### LAW OR SOCIAL CONTROL?

"Every society is a moral society".

- Durkheim, The Division of Labour in Society, p. 228

P.H. Gulliver has taken issue with Gluckman on the importance of the "reasonable man". The preceding section of this chapter should make it clear that the idea of the "reasonable man" is unnecessary, but, nevertheless, it contains a core of truth. This core is the operation of the words of a social structure. The importance of this becomes obvious by reviewing the debate between Gulliver and Gluckman.

Gulliver's book, Social Control in an African Society describes the Arusha, a tribe of agricultural Masai living in northern Tanzania. The social organization of these people emphasizes kinship principles and they are, thus, what some anthropologists would call "acephalous". There are families and lineages and clans and sub-sections in a pattern familiar to students of anthropology ever since Evans-Pritchard's seminal examination of the Nuer. Now, Gulliver contends that because the Arusha have little organization that is ~~ublatantly~~<sup>a</sup> political, they therefore have no institutions that are worthy of the name "legal". On this point, his main antagonists are Llewellyn and Hoebel, the joint progenitors of anthropology's involvement with legal studies. Llewellyn and Hoebel define "legal" institutions in the following way: "As soon as the course of behaviour shows recognisably, authority in procedures or persons for cleaning up trouble-cases, or authority in standards whose infraction is met not only by action, but by action carrying the flavour of the pro tanto official, at that point the peculiar institutions called "legal" have become perceptible" (Llewellyn and Hoebel, 1941, p. 268). From this definition, Gulliver deduces that its authors would probably call dispute settlement among the Arusha "legal". While recognizing some basis for doing this, Gulliver argues that the disimilarities between what happens among the Arusha and among more politically elaborate tribes requires a re-classification of what should be called legal. His view is this:

During my field investigations among the Arusha, and afterwards during the preparation of this book, I was constantly aware of an essential difference between the dispute processes of the Arusha and those of peoples who have a recognisable

system of courts and judges - for example, the Lozi as described by Gluckman. Clearly there is a crucial difference in the general methods of decision-making and decision-enforcing in these two cases. One way of dealing with this is to conceptualise two polar types of process - judicial and political - between which there is a graduated scale where, ideally, particular systems could be placed according as to whether they are more judicial or more political in their nature. (Gulliver, 1963, p. 297).

analysis

First of all, Gulliver presents an "ideal typical" of dispute settlement among all African peoples. This kind of analysis has been criticised throughout this thesis and, therefore, only specific objections to this typology need be considered here. What Gulliver means by the judicial and the political is quite simple. "Judicial", for him, means the presence of a supposedly impartial judge, whereas "political" means the absence of such a person. Gulliver sees the Lozi and the Arusha as examples of these extremes. While not denying that norms play some part in Arusha social control, Gulliver maintains that for them "a decision is reached and a settlement made as a result of the relative strengths of the two parties to the dispute as they are shown and tested in social action" (Gulliver, 1963, p. 298). "The relative strength of the two parties" is the key to this passage, for it implies the predomination of power over justice, and gives the impression that dispute settlement among the Arusha is more a case of "might means right" than otherwise. Gulliver further argues that "the use of the technique of the reasonable man and reasonable expectations must be directly associated with judicial processes of social control, where the judge requires a stable standard of reference" (Gulliver, 1963, p. 300).

The publication of Gulliver's book was followed by a

vigorous rejoinder from Gluckman (M. Gluckman, 1966). Gluckman's defense of the reasonable man as an analytical tool is very thorough. He re-analyses Gulliver's case material, unearths the reasonable man and claims this as proof of the universal applicability of his idea. In the appendix to the second edition of The Judicial Process among the Barotse, Gluckman claims even that Bohannan found the reasonable man among the Tiv of Nigeria although he did not use it in analysis. Now, as indicated in the last section, Gluckman's idea of the reasonable man is actually a way of pointing to certain aspects of every social structure. Therefore, the demonstrated ubiquity of the reasonable man is no surprise. What is important here, though, is that underlying Gluckman's arguments about the reasonable man is not only a resolution of the Gulliver/Gluckman debate, but a theory of jurisprudence capable of informing future studies of customary law.

These points can be seen by taking a fresh look at Gulliver's longest case. (Gulliver, 1963, pp. 243-253). This case concerns a payment of bridewealth. There are only two main players in this drama, Temi and his son-in-law Roikine. At the time of the dispute, Roikine has been married to Temi's daughter for seven years, and has had four children by her. Part of his bridewealth payment is made and part is still outstanding. At this time, Temi and his son have recently been fined for failure to pay their taxes, and are therefore rather poor. They are too poor, in fact, to make the marriage payment of Temi's son, which has just fallen due and which he cannot avoid. Thus, in dire straits, Temi comes to collect what is owed him by Roikine. Roikine acknowledges the debt but says he is too poor to pay at

the moment. Temi decides not to accept Roikine's refusal and calls a moot.

Nine days later a conclave is held, Temi and Roikine both bringing their close kin and lineage mates. Each also brings a lineage senior to act as his spokesman, or counsellor. Roikine is supported by Olaimer and Temi by Kisita. Kisita opens the moot by reminding Roikine that his is a happy marriage and that while he has four children, they are not really his children until his bridewealth payments are finished.

Olaimer defends Roikine by listing the payments he has already made. This discussion is quite detailed and Gulliver states its purpose as follows:

My assistant, who sat with me, whispered that he thought that Roikine and Olaimer were trying to establish that Roikine had hitherto been a good son-in-law. He was doubtless correct in his inference, because, when the listing of items was completed, Roikine began an account of the occasions when he had helped Temi in the ways a dutiful son-in-law should.

Temi listens to this, agreeing with everything and then makes it clear that his demands are not harsh and arbitrary but are rather necessitated by his own poverty.

Roikine then claims that he too is poor, only having two cows, one ox and a calf. He furthermore contends that he needs all of these for his young children who need milk. He concludes that Temi could not take a single animal without denying milk to his grandchildren, Roikine concludes by chiding Temi with the question "are you not a grandfather?".

At this point Kisita interjects that he has heard that Roikine wants to buy land. He furthermore brings a witness to corroborate this. There is much surprise since this lets the air out of Roikine's claims of poverty. Confusion grows.

Roikine's counsellor is flabbergasted. Temi's older brother threatens to take Roikine's wife away from him, but Temi assures everyone that he has no wish to destroy a happy marriage. On this note the conclave ends without making any transfer of property.

Eight days later another conclave begins, this time convened by Ndaanya, the head of Temi's maximal lineage. Temi opens the moot by summarizing his claim, and making it clear that Roikine does not deny the obligation. Roikine then repeats his excuses from the earlier session.

Ndaanya then speaks, admitting that Roikine has been a good son-in-law, but saying that Temi has been an even better father-in-law, because he has been tolerant in his demands for bridewealth. He reiterates the norms of bridewealth payment and recounts what has been paid up to the moment. He next counts up Roikine's wealth and exclaims that affinal obligations take precedence over the acquisition of new land. His conclusion is very forceful: "'To buy a field is good if another is foolish enough to sell. But Temi wants his cattle first; that is right. You must agree, it is right. Who can say no? We Arusha have always given bridewealth; it is our custom from long ago and it has always been so. Did not the big men long ago do this? You, Roikine, you say you have been a good affine; but good affines give bridewealth. We want no other words, only cattle. You have cattle - I have heard that you have cattle although I have not seen them - so give us the cattle'". (Gulliver, 1963, p. 248). Note that Ndaanya's argument is rhetorical, posing his statements as being the only possible way of seeing the situation.

The next speaker is Roikine's father. He argues that a good father-in-law should be generous to a good son-in-law, when the son-in-law cannot pay. Temi's supporters interrupt him with shouts that Roikine can pay, and should.

Roikine himself comes forward. He admits to have some cattle and that he plans to buy more land with them. He then tries to justify this course of action by describing his present land as small, arid, and barely sufficient to support his family. Roikine's counsellor, Claimer, corroborates this and further states that Roikine is a hard worker and will use the new land profitably. In conclusion, he says that it is difficult to find new land and that Temi should give Roikine this chance to better himself by delaying the bridewealth claim.

Temi then reiterates the necessity of his claim, that he is not being selfish but needs a cow for his son. At this point, Roikine's father's brother calls out that he offers them a calf. After some consultation, Temi decides to accept this as the equivalent of the ox he is owed. After some discussion of how the rest of the bridewealth is to be paid, Temi agrees to the principle that "a good affine does not claim bridewealth for nothing" and gives Roikine ample time to pay the rest. The meal finished, beer is drunk, and the two sides part amiably. Gulliver confirms that all payments were later made as promised.

Virtually everything that happens in this case is explicable in the terms of Nadel and Wittgenstein. Nobody argues about the norms of bridewealth payment. From the very beginning, agreement is reached about what should be the case. The interesting thing, though, is that every other argument is related to one word in the social structural vocabulary or another.

Roikine lists the criteria of a happy marriage and everybody agrees with him; similarly, he enumerates the constituents of a dutiful son-in-law, and again the assembly concur. The concepts of "grandfather" and "father-in-law" also seem to have fairly precise definitions. Certain other principles are also clear. Temi had the right to take his daughter away from Roikine, and he also could have held out for an ox father than accept the calf. Taking away these concepts leaves nothing. The contents of these words are the raison d'etre of the conclave. The importance of the Arusha social structure is paramount. This is something they share with, not only the Lozi, but all organized societies. In view of the blatancy of these arguments, how is it that Gulliver could see only pushing, shoving and politics behind the decisions of Arusha moots? The answer to this has been heard before. Gulliver's error is in his misunderstanding of the nature of rules. In effect, I suggest, he did not find "legal" rules among the Arusha because he was not looking for the right thing. Consider this statement:

What is more important for present purposes is, that the possibility of departure from expressed and socially approved norms exists in reference to most, perhaps all norms, the transgression of which may precipitate a formal dispute. It can be said that in the process of discussions and negotiations towards a mutually acceptable resolution of a dispute, there is most usually a departure from the applicable norms in the end result. For the Arusha, one might say that it is what a plaintiff can obtain (after, if necessary, long negotiations) which is important, rather than what he ought to obtain.

The mistake in this passage is obvious. It is a perfect description of rules governing. But then all rules govern, none ordain. The words of social structure among the Arusha are the loci of rights and obligations, and when disputes arise they are solved by arguing about the meaning and implication of

these words. Thus, arbitration among the Arusha takes on all the characteristics of customary law and that appellation must, therefore, be preferred to Gulliver's proposed "social control". In effect, there is no "social" control without law. Outside the law, control may be exerted by bullies and tyrants. But for control to be social, it must be articulated to social facts, or in other words, language. That this process occurs among the Arusha indicates that they have a form of society and law which is independent of the power of any person or group. This is, after all, the meaning of a social fact.

One final point should clarify the degree to which the logic of law penetrates all social life. Law is not something possessed by the courts solely for bindings society's wounds. Rather, law is ubiquitous and penetrates the lives of people who never quarrel or even visit a court. Moots and courts operate only when laws are broken. To say this is to say that knowledge of the law precedes the delict. This is obvious since abrogation of a law defines a delict. In the realm of customary law this is no problem since the essence of the law is imbibed with the language. They are one and the same.

The ubiquity of the law is also a trait of Western societies. In fact the point has been made most forcefully by scholars of Western jurisprudence. That anthropologists, Gluckman is a notable exception here, have largely ignored these writings is responsible, I suggest, for some of the problems considered in this thesis. That looking for law only in courts and squabbles is a point made by Hart, a professor of jurisprudence:

The principal functions of the law as a means of social control are not to be seen in private litigation or prosecutions, which represent

vital but still ancillary provisions for the failures of the system. It is to be seen in the diverse ways in which the law is used to control, to guide, and to plan life out of court. (Hart, 1961, p. 39).

The same point is made by Cardozo, who as judge and thinker, was probably in a better position than any possible anthropologist to speak on this issue:

Life may be lived, conduct may be ordered, it is lived and ordered, for unnumbered human beings without bringing them within the field where the law can be misread, unless indeed the misreading be accompanied by conscious abuse of power. Their conduct never touches the borderland, the penumbra, where controversy begins. They go from birth to death, their action restrained at every turn by the power of the state, and not once do they appeal to judges to mark the boundaries between right and wrong. I am unable to withhold the name of law from rules which exercise this compulsion over the fortunes of mankind. (Cardozo, 1921, p. 130).

Gulliver's preference for "social control" over "law", I suggest, ignores these highly cogent arguments.

This chapter has been an attempt to relate the ideas of Chapter III to the problems anthropologists have had in studying the court and arbitration proceedings of African peoples. If the application seems facile, it is because the theory was formed after reading the cases finally presented. The conclusion of the thesis can be stated succinctly: the logic of African customary law is the logic of society. It is hoped that these ideas will breath some life into the Durkheimian model of society for which many anthropologists seem to be losing enthusiasm. Nevertheless, there is one final word of caution. What is said here about customary law is only true of purely customary systems. Durkeim's view of law and society does not hold for Western social systems with ancient codes, systems of precedent, case law and constant legislation. Here,

the law can be notoriously out of step with prevailing sentiments, which in a customary system would be immediately moved to the status of "legal". This, then, is the final suggestion of the thesis, that customary law is more like what we think of as morality than law, so that the thought processes forming the logic of customary law may well be the logic of our own morality. This is only a hint, but it serves to show that Wittgenstein's ideas about language may have more manifold possibilities than those which can be touched on here.

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