# The Diachronic Identity of Social Entities

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There are entities whose diachronic identity essentially hinges on human decisions. This is the claim I want to argue for in this paper.[1] Cases in question are social collective entities like states or associations. In such cases, questions of identity over time are very much practical questions. To argue for this, I first delineate persistence or diachronic identity from other meanings that the term "identity" often has in social contexts (§ 1). Secondly I point out that, as a matter of fact, the world in which we live does not only contain natural entities, but also social entities (§ 2). Then I use John Searle's account of social facts as a starting point to answer the question of how social entities come about in the first place and of how they are constituted (§ 3). Based on my discussion of Searle's analysis, I present a general account of the diachronic identity of social entities (§ 4). Having done this, I turn to consideration of those kinds of social entities to which human beings can belong as members, such as collectives, groups and institutions (§ 5). After having pointed out some peculiar features of the diachronic identity of such entities, I finally argue that there are cases where the diachronic identity of groups depends on decisions of the group. In a way, groups are self-determining with respect to the question of what will count as their past, though there are also external constraints for the diachronic identity of groups.

## 1. Social Identities and the Identity of the Social

The present paper is concerned with the persistence or diachronic identity of social entities. Logically, identity is a dyadic relation that holds between

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[1] To my surprise, some have objected that this claim is a truism. To sharpen my case I may add that for the entities in question identity is a matter of decision even with a given sortal and in a linear time order (for example with respect to the already determined past).

any thing and itself and only between a thing and itself. Identity thus conceived is the ontic counterpart of (and the necessary precondition for) the co-referentiality of terms.[2] Just as co-referentiality is an equivalence relation, so identity is reflexive, symmetric and transitive, too. Within the context of the social, however, the word "identity" is often used to denote a range of different phenomena, which are often not clearly delineated.[3] The most important of these phenomena are feelings of belonging and ascriptions of belonging.

In social contexts, the word "identity" is often used for answers to the question: "Where do I belong?" This is not a mere factual question, because one's identity is often connected with strong emotional reactions, with allegiances to groups, and with the bias to favour co-members of a group to which one belongs.[4] If we talk about identity in this way, we are obviously dealing with a psychological concept. What is relevant for deciding about identities conceived of in this way is the inner perspective of the individual. Seen in this way, a person's identity is a complex individual property: Everybody has his own identity. Thus we can use the plural here and talk about "identities", even while there is exactly one equivalence relation of identity. In fact there are as many identities of this kind in the world as there are persons.

Another use of the word "identity" fits with a sociological conception of identity. Conceived in this way, an identity answers the question: Who belongs to us? What is relevant here is the perspective of the group on the individual, and often such a perspective is connected with the postulation of a set of typical properties of a member, i.e. with a conception of what the "real" or prototypical member of the group is like. The perspective of the group can, of course, differ from the perspective of the individual itself: On the one hand, a group can ascribe membership to an individual who does not feel connected to the group. On the other hand, a person can feel like she belongs to a group that does not recognise her as a member. Seen in this way, different persons can share the same identity. Thus such "group identity" is a generic property. Nevertheless, the plural "identities" can be applied here, too: The identity of a member of a scientific community is quite different from the identity of, say, a Bavarian.

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[2] The classic text still is Frege 1892.
[3] Cf. Niethammer 2000 in connection with Jansen 2005.
[4] Cf. Maalouf, 2001; Appiah 2005.

Although these different meanings of the word "identity" are to be kept apart, they are not totally unrelated to each other. The feeling of belonging, the ascription of belonging, and the persistence of social entities are strongly connected through causal interdependence. On the one hand, if someone feels like he belongs to a group, he is likely to act in such a way that his belonging to this group will also be ascribed to him by others. On the other hand, if nobody else counts a person to be among the members of a group, it is unlikely (though not impossible) that this person will have or develop a feeling of belonging to this group. But note that these are only probability claims.[5] They are not conceptual necessities. Quite the contrary: our world is full of exceptions to these rules. A closet homosexual, for example, may feel like he belongs to the gay community, even though no one else ever ascribes this affiliation to him. He may, in fact, try hard to act in such a way that no one will ever notice his allegiance to this group.

In turn, the persistence of a group is often connected with feelings of belonging and ascriptions of membership. In many cases the lack of such feelings and such ascriptions will lead to the group ceasing to exist. There is, thus, an intimate causal connection between the different brands of identity. Nevertheless, it is important to keep them apart on the conceptual level.

## 2. *The Variety of Entities*

There are many different entities in the world. Here are two lists of examples:
- List 1: cats, oak trees, amoebae, electrons, earthquakes, the morning star, elementary charge, solidity, siblings, the size of a proton.
- List 2: European Commissioners, universities, laws, poems, borders, Poland, the European Union, ordinations of priests, Wednesdays, a sabbatical, Manchester United, superiors.

According to common-sense, all of these things exist, and many of them are important in our daily life. The examples in these lists differ however in various respects:
- Some of the examples in the two lists are individuals: the morning star is an individual as well as Poland, the European Union and Manchester United.

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[5] Witness my use of the probability adverbs "likely" and "unlikely".

- Other items in the lists are named by general terms. They name classes or kinds of things, and may correspond to universals. Cats form a natural kind, whereas universities and European Commissioners might be said to form social kinds.
- Some of the entries in the lists are things that are present as wholes at any time at which they exist. They are called "continuants", a term introduced by W. E. Johnson, who defines a continuant as "that which continues to exist while its states or relations may be changing"[6]. Similarly, the term "endurer" has been coined for a thing which persists by being wholly present at more than one time.[7]
- Other entities do not exist as wholes at different times, but rather stretch out, or develop, over time. Following Johnson, these entities are called occurrents. Examples of this kind are events, like earthquakes and ordinations, or periods of time, like Wednesdays or a sabbatical. In another terminology, such an entity is called a "perdurer". They persist by having different temporal parts, although none of its parts exist at more than one time.[8]
- The entities in the list belong to different Aristotelian categories: Solidity is a quality; the size of a proton is a quantity. Superiors and siblings, however, identify relations: nobody is a superior or a sibling for herself, but only with respect to someone else. And for every superior (and for every sibling) there is some person of whom she is not the superior (or the sibling, respectively).[9]

There is another crucial distinction, in fact, that separates the examples in list 1 from those in list 2. The examples collected in list 1 are natural entities; they exist independently of any human activity or human intention. The examples in list 2, however, are "social entities". Some philosophers would deny the existence of social entities, and others would grant existence to certain categories of social entities.[10] The world in which we live, however, obviously consists of both natural and social entities.

But what would the world look like if we did not inhabit it? How would the world look without sentient rational beings? What was it like when,

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[6] Johnson 1921, 199.
[7] Lewis 1986, 202. Lewis credits this distinction to Mark Johnston.
[8] Lewis 1986, 202.
[9] Cf. Jansen 2005c.
[10] E.g., Searle 2003 affirms the existence of social facts but denies the existence of social objects.

long ago in natural history, no human beings existed? It should be clear that the absence of human beings should not affect the entities in list 1. Earthquakes happen and the morning star exists whether there is anyone to take notice of them or not. The entities in list 2, however, would be seriously affected if there were no sentient rational beings. There would be no European Commissioners, no universities, no laws, no poems, no borders, no Poland, no European Union, no ordinations of priests, no sabbatical, no Manchester United, and no superiors. Now, if, in the long course of natural history, there was once a time without social entities, consisting only of natural entities like those in list 1, how could social entities possibly arise within a natural world?

## 3. The Constitution of Social Entities

### 3.1 Searle's account of social reality

One answer to this question has been provided by John Searle in his book *The Construction of Social Reality*.[11] Roughly, Searle's account consists of three elements: brute facts, collective intentionality, and constitutive rules. According to Searle, in constructing social reality we can start from what he calls "brute facts"[12] – from nature as it is, independent of our conceptions of it. The generative factor of social reality within the realm of nature is, in particular, the social human nature: our ability to say "we", to form thoughts and intentions in the first person plural. According to Searle, our collective abilities are on one and the same scale with, say, the ability of wolves to hunt in packs or the ability of birds to fly in flocks.[13]

It is this ability which allows human communities to accept constitutive rules. A constitutive rule does not "regulate an antecedently existing activity", but creates "the very possibility of certain activities".[14] The rule "Ladies first" regulates the activity of passing through doorways, which we can be engaged in without this rule as well, though maybe not as smoothly. The game of chess, however, could not exist without its rules. Any activity that is not governed by (amongst other things) the rule that the king may move only one field at a time would not be chess, but some other game,

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[11] Searle 1995.
[12] Searle takes this term from Anscombe 1958.
[13] Cf. Searle 1995, 37-38.
[14] Searle 1995, 27.

say pseudo-chess. Social entities, or so Searle claims, need such constitutive rules in order to come into existence.

## 3.2 Constituting things and things constituted

According to Searle, the general form of a constitutive rule is the following "counts as" scheme:

> X counts as Y in context C.

The "Y" in the "counts as" scheme represents the constituted object, i.e. the social thing that comes into existence through this rule. While Searle himself is primarily interested in a theory of social facts,[15] there is no reason why Y should not represent social things like social acts, social events, social qualities or social relations.[16] The "X" represents the constituting object – the object that functions as the bearer of the new status Y. The constituting object can be a natural or a social entity. If it is itself a social entity, it comes into existence through the collective acceptance of another constitutive rule, whose Y-term can again be a social entity. We have, for example, a constitutive rule that establishes that uttering an affirmative speech act like "I do" in front of the registrar counts as a marriage vow. The utterance of "I do" is, of course, itself a social entity governed by constitutive rules: It is a constitutive rule that establishes the social fact that a certain pattern of sound waves, i.e. the sound "I do", counts as an affirmative speech act. We can thus have a whole cascade of nested constitutive rules, which is a good mirror of the factual complexity of our social sphere.

In some cases the X-term refers to tokens, whereas in other cases it refers to types. When we declare a certain river in the countryside to be a border between two states, we refer to a particular river and not to all rivers of a certain type. The status of money, however, is not transferred individually to each bank note, but to a certain type of pieces of paper printed by the issuing bank. Searle's argument for this is that a bank note that falls behind the printing machine would also be money, even if it would never as a particular be the object of anybody's intentional attitude.[17]

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[15] Cf. Searle 2003.

[16] Searle himself uses plenty of examples that are not facts. Cf. also Searle 1995, 36 ("social acts", "social objects").

[17] Cf. Searle 1995, 32.

Note that the "counts as" scheme does not account for all social entities. For there are, so to speak, "free-standing" social entities Y without a corresponding X that counts as Y.[18] The money in my purse consists of coins and bank notes; pieces of metal and paper, that is, that count as money. But I also have money in my bank account. There are a lot of physical traces of this money: There are numbers on my bank statement, memory traces on the bank's computers and hard disks, and so on. But neither the numbers on my bank statement nor the hard disk tracks *count* as my money. Rather, they are signs of it. They are not constituents of my money but representations of it. Thus Searle's original "counts as" formula cannot account for all social entities. There are also social entities that are constituted by representations of them.

Things are even more complicated with my credit card. It neither counts as my money nor represents my money.[19] If you need an argument for this claim, just ask yourself, *how much* money the card is constituting or representing. Maybe there is an upper limit for the amount of money you can transfer with its help, but that still leaves open the exact amount that will be transferred on a certain occasion. And the card will allow this amount to be transferred again and again. Thus even with an upper limit the card would cumulatively constitute or represent a potentially infinite amount of money. Thus rather than constituting or representing money, the credit card is a document that gives evidence of an agreement between me and the credit card agency to the following effect: When I owe 20 Euro to my petrol station, I can use the credit card to transfer the right to claim 20 Euro from my credit card company. The credit card company, in turn, has the right to claim this amount from me. Thus the credit card itself does not constitute or represent any money. Nor does the swiping of a credit card through a card reader constitute or represent money. It is, however, part of a process that counts as the imposition of the aforementioned deontic powers: the right to reimburse a certain amount of money and my obligation to pay this sum.

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[18] Cf. Smith 2003a, Smith 2003b, Johansson 2005.

[19] Contrary to Searle 2003, 307: "I say that one form that money takes is magnetic traces on computer disks, and another form is credit cards. Strictly speaking, neither of these is money, rather both are different representations of money."

## 3.3 Collective acceptance

We can, of course, think of many different constitutive rules and come up with arbitrary formulations of "counts as" phrases. But in order to bring about social entities, it is not formulation that counts, but acceptance:[20] We need to accept the constitutive rules in question. There are two elements here that need discussion: the acceptance-element and the we-element. I will discuss them in turn.

First, what exactly is the intentional attitude involved in acceptance of constitutive rules? In the opening passage of *The Construction of Social Reality*, Searle is a bit sloppy about this, writing that "there are things that exist only because we believe them to exist".[21] However, further along in his book, Searle says that the attitude in question is the attitude of acceptance.[22] Acceptance is a propositional attitude similar to, but distinct from, belief. It differs from belief in various respects: Belief can come in degree, acceptance cannot. Belief is based on evidence, whereas acceptance is rather based on the goals we pursue. Belief aims at truth, while acceptance aims at success. The classical tradition of the *ens morale* considered the will to be the intentional stance involved in creating a social entity.[23] And indeed there is a voluntaristic element connected with acceptance. We can decide to accept that $p$, but we cannot decide to believe that $p$.[24]

Second, what is needed to build up a social entity is *collective* acceptance, i.e. an acceptance that can be expressed using the pronoun of the first person plural, "we":

"We accept that X counts as Y in context C."

In his own account, Searle does not say anything about who actually has to accept the constitutive rules in order to bring social things into existence. In fact, Searle is a methodological individualist about collective

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[20] In fact, explicit formulation seems neither to be necessary nor sufficient: It is not sufficient, because we can formulate arbitrary rules. It is not necessary, because an implicit acceptance of rules is possible (cf. Searle 1995, ch. 6).
[21] Searle 1995, 1.
[22] E.g. Searle 1995, 104-106.
[23] Cf. Kobusch 1993.
[24] Cf. Hakli 2006.

intentions: For him, even brains in a vat can have we-intentions.[25] It might well be the case that brains in a vat form such thoughts of collective acceptance, but does this bring about a social entity? More seems to be required for this: Interaction between a plurality of actual persons seems to be at the bottom of anything social.[26] An interaction between imagined persons is not enough. Thus there needs to be a real "we" to be connected with such collective intentions. Thus social entities are mind-dependent in a peculiar way: They come into existence through appropriate intentional attitudes in a plurality of minds.[27]

Such a real "we" comprising several minds can either be an informal we-group or a formal we-group. If it is a formal we-group, then there are usually fixed procedures for establishing group-acceptance. Such procedural rules are laid down, e.g., in the constitution of a state or in the by-laws of an association.[28] But if the "we" in question refers to an informal we-group, no such rules exist. However, there is still a possibility to establish group-acceptance: Group-members can enter mutual obligations (or at least commitments) to accept jointly some proposition $p$.[29] By means of this procedure, they form a mini-size social contract to accept something collectively, "as a group".

3.4 Constituents of social entities

We have started our investigation on the constitution of social entities with Searle's "counts as" scheme. In Searle's picture, a physically localisable entity *counts as* a simultaneously existing social entity. Paradigmatic cases of this structure are sound waves that count as sentences and pieces of paper that count as bank notes. From the problem of free-standing Y-terms we learned, however, that this is not the whole story. Some social entities exist without there being simultaneously existing physically localisable entities that count as these social entities. The money on my bank account exists, but it is not constituted by the ink on my bank account or by the magnetic properties of my bank's hard disk. The ink on my bank account

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[25] Cf. Searle 1990, Jansen 2004, Schmid 2005. On Schmid's book cf. Jansen 2007.
[26] Cf. Jansen 2005e.
[27] Because several minds are involved in the constitution of social entities, it is sometimes said that they are a "conspirational" matter. Cf. Mumford 2004.
[28] Cf. Jansen 2004a.
[29] Cf. Gilbert 1989, 1996, 2000.

and the magnetic properties of the hard disk do, however, *represent* my money. In these cases, we are confronted with physically localisable entities that are signs for simultaneously existing social entities.

But for the existence of a social entity it is not even necessary to have a simultaneously existing representation. A contract may exist without any documentation or representations of the contract. It comes into existence through a mutual promise of the parties involved. The speech acts of mutual promises bring about a reciprocal obligation of the parties, and after the speech acts are completed, these obligations continue to exist.[30] It is thus possible that physically localisable events constitute social entities that continue to exist in the present even when the constituting events belong to the past.

## 4. The Persistence of Social Entities

In the socio-psychological and sociological literature, as well as in history and cultural studies, it is the psychological or sociological concept of identity that is discussed. My present concern, however, is not primarily with these but with the ontological concept of diachronic identity. I will first give a general account of the diachronic identity of social continuants (§ 4.1) and their ability to persist through change (§ 4.2). I will then shortly turn to social occurrents in order to distinguish diachronic identity from the phenomena of resumption and re-enactment of social events. After this, I will turn to groups, i.e. to social continuants that have human beings as members (§ 5).

### 4.1 A general account

My account above presented social entities as being, in simple cases, constituted by a social status imposed either on natural entities or on lower level social entities. In other cases, social entities are only represented by other entities or constituted by past events that brought about certain obligations. Social entities are thus ontologically dependent on several things which, taken together, are constitutive of them. In the simple cases, they depend on the constituting thing in the X-position, and on the status im-

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[30] Cf. Reinach 1913. The example of obligations as a free-standing social entity is already mentioned (though not explicitly discussed) in Smith 2003a.

posed on this X by collective acceptance of the respective constitutive rule. They cease to exist as soon as one of the constitutive elements ceases to exist. Correspondingly, there are two ways to destroy such social things: Either you destroy the constituting X or you destroy the status. For example, in order to diminish the amount of legal tender in the EU, you could collect a certain number of Euro notes and burn them. Alternatively, you could equally well pass a law that withdraws the status of being legal tender from, say, all 20 Euro notes.

By contraposition, a bank note continues to be legal tender as long as both the constituting X and its status continue to exist. In general, a social entity continues to exist, as long as its constitutive elements continue to exist. If the constituting X is a natural entity, it might still be difficult enough to account for its diachronic identity. This problem is, however, no problem that is specific to the ontology of social entities, and hence I will just presuppose that we have a good working account of the identity of natural entities in order to allow me to focus on the question of how long the status conferred upon X persists.

A question that typically arises in this context is: Can a piece of metal on the moon or at some other remote place (e.g., between the cushions of my settee) still be money? To answer this question, we first have to remember that money typically comes into existence through type-related attitudes. We do not have constitutive rules for every single coin, but rather for certain types of coins. Thus, even if we bring a Euro-coin to the moon and subsequently forget about this particular coin, it still retains its status as money, because it did not come about through a token-related attitude in the first place. Secondly, suppose the piece of metal would lose its status of being a coin under such circumstances. What would happen were it accidentally to be recovered from the moon? Surely it would then regain its status. Though losing and gaining status are not intrinsic changes, it is quite strange to assume so many changes of status to be going on with respect to something of whose existence nobody is any no longer aware.

Third, if the coin on the moon loses its status after falling into oblivion, what would happen to our money were we suddenly all to fall asleep, simultaneously, for an hour? Would any money exist during this hour? It would be strange to deny this. What we need to uphold a status is not necessarily an active and conscious contemplation of some collective acceptance. According to Searle, a collective acceptance can even be implicit

within a group, without any member of the group knowing explicitly the rule that is accepted within the group.[31] Moreover, once a group's intention has been established, it can exist even if the members do not share this intention individually.[32] If this is the case, then why should the group's intention not persist, even if the members of the group do not remember their decision to establish the group-intention?

Think about another example. Imagine that one day the loving couple Adam and Eve take their marriage vows. Only a few seconds after the ceremony a very strange cosmic incident wipes out all memories of things that happened the hour before and all relevant documents related to them. In the case of such a global amnesia, would the marriage still exist even if no one remembers it? In an appropriate context, a marriage comes about through a mutual promise of mutual love and care. What happens, from an ontological point of view, when Adam promises Eve that he will care for her? First, Adam produces some sound waves. These sound waves count as uttering a sentence. This sentence, then, constitutes a speech act of promising. Granted that Eve accepts the promise, an obligation comes into existence:[33] Adam's obligation to care for Eve. Adam's obligation survives even if Eve forgets about it. It makes perfect sense for Adam to explain his actions by saying: "I promised to care for you, did you forget?" And Adam's obligation survives even if Adam forgets about it. Indeed, we would doubly chide him: first for not caring for Eve and second for forgetting about his promise.[34] Obligations, or so it seems, are not ontologically dependent on memories of them: The existence of an obligation neither presupposes actually remembering nor the respective memory, i.e. the potential to remember it. They can exist even if no one has any memory of them.[35] And if obligations can survive oblivion, the bonds of marriage can survive oblivion, too.

4.2 Persistence through change

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[31] Cf. again Searle 1995, ch. 6.

[32] Cf., e.g., Gilbert 2000, 22.

[33] Cf. again Reinach 1913.

[34] This demonstrates that (contrary to Margalit 2000, 39) even on the individual level remembering or forgetting may be subject to moral evaluation.

[35] After the end of all human consciousness, however, all obligations cease to exist because there will no longer be anyone who could be obliged by them.

Some social entities persist not only through time, but also through change. This is a feature commonly attributed to substances as opposed to things of the other Aristotelian categories. Socrates survives his hairs becoming white; while the blackness of these hairs does not survive this change.

Some, though not all, social entities exhibit this feature as well. An association may, e.g., transfer one further duty to one of its committees. Here, one and the same committee first did not have a certain duty and then does have it. Hence the committee survived a change of its duties. Thus the committee is substance-like in that it can survive changes.[36]

In principle, every social entity can function as an X-term in a constitutive rule, i.e. can be a constitutive element in the constitution of some further social status. But not all changes are as innocent with regard to diachronic identity as the imposition of a new duty. If we look at both bearer-entity and status transferred, there are the following four possibilities:

(C0)     The same bearer-entity continues to have the same status.
(C1)     The same bearer-entity gets a new status.
(C2)     The same status is transferred to a new bearer-entity.
(C3)     A new bearer-entity gets a new status.

Of these four possibilities, (C0) does not describe a change at all. (C3), on the other hand, does describe a change, but it is a clear case of diversity rather than identity. Thus two possibilities remain: (C1) and (C2). (C1) describes cases like our committee-example: The same bearer-entity, the committee, gets a new status, a new duty. This is, as I said, a case of diachronic identity. (C2), however, is a case of diversity. If the same function of, e.g., presidency is transferred to a distinct bearer, we get a new president. If the same status of being the border between France and Germany is being transferred to another place, we do have a new border. If, however, the same line on the map used to represent a border between states, but now, as the two states have merged, as a border between two counties, we can still speak about the same border that now serves in a new function.

4.3 A word on social events

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[36] I argue more extensively for the substance-likeness of some social entities in Jansen 2005b.

So far I dealt with social continuants only. There is a reason for this: A social continuant is a social whole that exists at different times. That is why a social continuant can exist through time, even if it may change some of its accidental properties. However, social events like the ordination of a priest or a soccer match or social times like Wednesdays or a sabbatical are not continuants. They are social occurrents. They need time to happen; a soccer match, for example, needs two 45 minute periods, while a chess game consists of an indeterminate number of successive moves. They have different temporal parts, for example a first and a second half. Of course, plenty of soccer matches happen at different times all over the world. But none of these soccer matches is identical with any other soccer match that happens at a different time and a different place. Once a soccer match is over, it will never happen again. Therefore, there is no application for the concept of diachronic identity with respect to events.

There are, however, two other phenomena related to social occurrents that may be worth mentioning: resumption and re-enactment. It may happen that a chess game is not completed on its original day. The game can then be adjourned to the next day, when the two players can meet to resume that very game. What happens on this second day is a resumption: we can, after some interval, go on with a previously begun social event and eventually complete it. The original chess game on the first day together with its completion on the next day can be said to form a single token of a chess game. Resumption, however, differs from diachronic identity. It is non-reflexive, as no event is its own resumption. And due to the arrow of time and its directedness, it is asymmetric: If x is a resumption of y, y is not a resumption of x. Hence it is not an equivalence relation. Rather it is a concatenation of a series of events which together form a single token of a type of social event.

Re-enactment, on the other hand, occurs when we begin a new token of an event type with the intention of somehow repeating the original token. E.g., a historical battle might have been so important that people decide to celebrate this event each year through a re-enactment of this famous encounter. Often religious or even secular feasts are re-enactments of some important event, like Christmas is the re-enactment of the birth of Christ and the Jewish Passover feast the re-enactment of Israel's flight from Egypt.[37] Re-enactment differs from diachronic identity, too. It is non-

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[37] Cf. Assmann 1997.

reflexive, as no event is its own re-enactment. And it is asymmetric: If x is a re-enactment of y, y is no re-enactment of x. Finally, it is not transitive: If x is a re-enactment of y, and y a re-enactment of z, then it does not follow that x is a re-enactment of z, but only that x is a re-enactment of a re-enactment of z. Hence, re-enactment is not an equivalence relation either. It rather has the structure of having one original event and many "copies", with the original event being numerically distinct from each copy and the copies being pairwise numerically distinct from each other as well. With re-enactment, we thus have (possibly many) distinct tokens of the same type of social events.

## 5. *The Persistence of Groups*

After this general account of the diachronic identity of social entities, I will now turn to a special brand of social entities: those which have human beings as members, like collectives, groups and institutions. They are of special importance, not only because we human beings are members of them, but also because, according to our analysis, all social entities onto-logically depend on them: Social entities, or so I said, are ontologically dependent on the acceptance of their status by some collective or group at some time. Groups have a very special feature: Like natural persons, they have an "inner perspective" on their identity. Groups and their members are able to give an account of their identity themselves, while coins, borders and Wednesday cannot do this. I will now survey some peculiar features of the diachronic identity of such entities and then make a suggestion how to deal with these.

### 5.1 Surviving the exchange of members

The first peculiar feature I want to point out is that some groups can survive the exchange of their members. Here is some linguistic evidence for this:

> (E1) "After 1934, 1938 and 1982, the Italian national team won the world championship for the forth time in 2006."
> (E2) "For many centuries, the House of Lords has met regularly in the House of Parliament in Westminster."

Both of these sentences are meaningful and true statements. But not one of the team members of the 1934 match participated in the 2006 champion-

ship, and it goes without saying that even the House of Lords has different members in different centuries. Such examples demonstrate that groups can exist much longer than individual human beings, because they can survive the exchange of their members. In this, groups are unlike sets. Sets are defined alone in terms of their elements. If you could change the elements, you would not get the same set with different members, but a wholly different set. In this respect, groups are rather like organisms or artefacts: Organisms can survive the exchange of atoms, molecules, cells or even organs, in the same way that Theseus' ship can survive the exchange of its planks. Similarly, groups can survive the exchange of their members and are thus able to exist much longer than individual human people. That groups can span over a much longer time than individuals makes it possible for us to speak of "our" history with respect to times way before the beginning of our personal existence.[38]

## 5.2 Surviving non-existence

Even more curious is the fact that groups can survive their own non-existence. They can have, that is, a gappy existence. A social entity like a university or a soccer team[39] can cease to exist and later be re-established. An association may be abolished at one time and later be re-founded again. A famous example of such a gappy existence is Poland, which ceased to exist as an independent state in 1795 after the Polish territory had been distributed among Austria, Prussia and Russia. Poland regained independence in 1918, only to be carved up for a second time by Germany and the Soviet Union in 1939. Since 1945, there is an independent Polish state again. Historically, it is important that there was a continuous patriotic tradition from the Napoleonic times onwards, holding alive during the 19th century the hope for Polish independence. Witness thereof is the mazurka that later became the Polish national anthem, which begins with the words "Poland has not yet succumbed, as long as we remain". In terms of the identity concepts distinguished at the beginning of this paper, it was always the case that there have been individuals who psychologically retained a Polish identity, who felt they belonged to Poland, although it no longer existed as a state. But as important as this may be historically, it is not an

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[38] Cf. Jansen, 2005a.
[39] Mumford 2004 mentions several examples from British soccer.

ontological necessity. It could well be the case that there is also a gap concerning the psychological identity, i.e. that there is a time when nobody feels as if he belongs to this passed-away entity, till some renaissance or romantic movement revives such feelings. Even in this case, a social entity can be re-established.

To be sure, the possibility of a gappy existence like in the case of Poland is not restricted to social entities. When my clock, during a repair, is disintegrated into its parts, there is good reason to say that it does not exist at this time. When the parts are then integrated again, it would be strange to say that now I am in possession of some new clock that consists of the very same parts as my old one. Rather my old clock regained existence. Similarly, my right fist regains existence every time I move my fingers appropriately, and it loses its existence again when I open my hand.

## 5.3 Groups decide on their past …

How do we know that what happened in Poland in 1918 or 1945 was a re-establishing of the same Poland which had ceased to exist in 1795 or 1939? In the case of Poland, on all four occasions it was a different territory, a different population and a different constitution. Still, in each case we speak about Poland and think of the events as re-establishments rather than the founding of something new. Why? Simply because the Polish say so. It is a re-establishment because they want it to be a re-establishment.

How is this possible? Well, not only states are social entities, but also their histories. Even if we "objectively" know what happened in a certain historical period, it is in many cases an open question whether or not this period counts as a part of "our" history. It is not determined by the facts of the past that the events of 1918 and 1945 were both re-establishments of an independent Poland. Each time the Polish could as well have decided not to connect the new state with the old ones. Here, diachronic identity becomes a matter of decision.

To be sure, even for groups, diachronic identity is in most cases a factual matter. If an informal group retains all their members or if a formal group retains its constitution, there will rarely be a dispute about whether it is still the same group as before. In other cases, however, such a dispute can arise. What if an informal group does exchange some members? Is it a new group? Or is it the old group with new members? What if a formal group does change its constitution? Is it the old thing with a new constitution? Or is it a new entity, like in the case of France, which now has its "Fifth Republic"? And what if the members of a collective are elected in

regular periods? Do such elections decide on new members for a perpetually existing (say: parliamentary) collective, like the United States Senate? Or does the election constitute a new collective, as in the case of the United States Congress or the German parliament: Currently, we have the 16th *Bundestag*, and the year 2007 will see the establishment of the 110th United States Congress.

It is in such moments that groups have a principal choice between two options: One option is to regard two historical periods as an earlier and a later phase of the same group. Another option is to regard the earlier group as a mere precursor to the later group. In many cases, both options can do justice to the facts of history. But if the group chooses the first option, we have a case of diachronic identity, whereas the second option yields a case of non-identity. The reason for this is that a (direct) precursor and a (direct) successor are by definition numerically distinct from that of which they are the precursor or successor. A special case of these relations is the legal institution of the successor in title who takes over rights and liabilities from his precursor.

Although the successor-relation is quite similar to the relation of diachronic identity, it is nevertheless distinct from identity and is, in fact, a case of non-identity. This can be seen if we consider the individualistic equivalent of the successor in title. Between organisations, the successor in title plays the role that the heir plays between individuals. Of course, nobody can be her own heir. The heir is of necessity distinct from the person whose heir she is. Analogously, the direct successor in title is of necessity distinct from his precursor. Thus, the direct-successor-relation is irreflexive: Whoever wants to be the next head of department after Jones has to be distinct from Jones. Nor is it symmetric, although it is conceivable that Jones is first followed by Smith as the head of department, but then returns into office, which leads to a situation where both Smith is successor of Jones and Jones is successor of Smith. In fact, this situation is such that Jones is also a successor of himself, albeit not a direct successor.

Let us summarise this: Even if it is indisputable that a certain period in history is crucially important for the development of a group, the group can regard such a period of the past either as a part of their own history or as (a part of) the history of some precursor. In deciding between these two options, groups decide on matters of diachronic identity.

A good example for groups' range of choice is German history after the

Second World War.[40] At this time the state called *Deutsches Reich* ceased to exist. After some years of interregnum under the administration of the allied forces, two new states were established: the German Federal Republic in the west and the German Democratic Republic in the east. Neither of these states claimed to be a re-establishment of the *Reich*. Both established themselves as successor states. But only the western *Bundesrepublik* accepted to act as the successor of title of the *Reich*, and thus accepted some continuity with the *Reich*, regarding the Nazi crimes as its moral heritage. The eastern German Democratic Republic, however, regarded itself to be a new state of the hitherto oppressed workers and peasants, defining itself as an antifascist state, thus by definition all the criminal Nazis were in the west. Here, clearly, the rules of identity (in the sociological sense) have been shaped differently. The two German states formed totally different ways to regard people of the past and of the present as belonging to the respective state or not. This shows how differently collectives can form their successorship and their transtemporal allegiances.

5.4 … but there are external constraints

Up to now I have argued for what could be dubbed "the autonomy of groups regarding their past": I have stressed the moment of arbitrariness and the decisionistic element in the diachronic identity of collective social entities. But, as in general not all our decisions are successful, thus also in this particular case, decisions about the diachronic identity of groups can fail. Not all such decisions are successful. If we would decide to re-establish, say, an ancient kingdom and consequently claim its former territory, we would most likely end up in a mental hospital rather than in a palace. Thus it is time now to talk about the external constraints for the success of such decisions.

First, there are what I want to call ontological constraints. In order to re-establish a social entity, it must be the case that this entity previously ceased to exist in the first place. In addition, the formal axioms of identity must be taken care of. Because of the symmetry of identity, if x is a re-establishment of y and x is thus to be identical with y, y must also be iden-

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[40] My apologies to the historians for the following sketchy and imprecise remarks. A more detailed and accurate account can be found, e.g., in Kleßmann 1986 and Herf 1997.

tical with x. And because of the transitivity of identity, x must not only be identical with y, but with all z, with which y is identical. From this it follows that there cannot be more than one re-establishment of the same social entity at the same time. Let us assume for refutation that two distinct things $x_1$ and $x_2$ are re-establishments of the same y. Then y is identical with both $x_1$ and $x_2$. By symmetry, $x_1$ is also identical with y, and thus, by transitivity, $x_1$ is identical with $x_2$. But this is against our assumption that $x_1$ and $x_2$ are two distinct entities. Hence only exactly one entity can rightly claim to be diachronically identical with a past entity. Finally, in order to be diachronically identical with a group of a certain kind, often additional material criteria must be met. For a family, for example, bonds of relationships are constitutive of diachronic identity; these cannot be established through a decision alone.

Second, there are sociological constraints; after all, groups do not judge about their past alone and on their own. Other groups do so, too, and, of course, also individuals both inside and outside the groups in question. All these judgements, together with a network of dependencies and power-relations, lead to a pattern of social control. We will not be successful with the re-establishment of an ancient kingdom that we contemplated at the beginning of this section, because others would not agree with us. They would not recognise what we do as a re-establishing, and especially the state on whose territory the kingdom was once upon a time situated would most likely see what we are doing as an act of aggression. Or, to use a historical example: The two German post-war states would never have been successful in shaping their successor-relations as they did, were it not with the consent of the victorious allied nations.

Thus the diachronic identity of groups is in a very interesting respect similar to the diachronic identity of individual persons. There, too, we have both an external and an internal perspective on diachronic identity, which do not necessarily coincide in their judgements. If some madman considers himself to be identical with Napoleon, we would simply disagree, just as others disagree with regard to our re-establishment of that ancient kingdom. There is, however, an important difference between the diachronic identity of groups and that of individual persons: While we can, at least sometimes, revive past groups, we cannot at will revive past individual persons. Individual persons and their identity are much more bound to the natural realm and are far less a matter of decision than the realm of the social.

## 6. Conclusion

Social entities, or so I have argued, come about either by collective acceptance that a certain status is imposed on some bearer-entities, or by collective acceptance that some entities count as representations of social entities without that status being imposed on any bearer-entity. They exist as long as their constitutive elements exist, most prominently their bearer-entity (if there is any) and their status. I argued that those entities to which human beings can belong exhibit some peculiar features in their diachronic existence: They can survive not only the exchange of their members, but also their own non-existence. Like natural persons, they have an inner perspective on their identity, but unlike natural persons, they decide autonomously about their past, i.e. about what is to count as an earlier phase of them or as a precursor. There are, however, some restrictions to the success of their decisions: Other groups and individuals judge about such diachronic identity as well, and these judgments matter. Thus we have both a judgement from the inside of the group and judgements from the outside. We thus have two perspectives from which we can make judgements about the diachronic identity of such social entities. We do have two generating factors, the interplay of which will eventually lead to a decision for one of these two perspectives. The diachronic identity at least of social entities is thus very much both a contingent and a practical matter. It depends crucially on decisions.[41]

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