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# The Metaphysics of Establishments

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## ABSTRACT

I present two puzzles about the metaphysics of stores, restaurants, and other such establishments. I defend a solution to the puzzles, according to which establishments are not material objects and are not constituted by the buildings that they occupy.

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## 1. Introduction

What are restaurants, and what is their relationship to the buildings they occupy? I will explore two puzzles that arise when trying to answer these questions. The first puzzle is that, while there is good reason to think that restaurants are constituted by the buildings they occupy, there also is good reason to think that they can exist without being constituted by anything and that nothing that's constituted can ever become unconstituted. The second is that, while there is good reason to think that restaurants are material objects, there also is good reason to think that they exhibit a certain kind of mind-dependence that no material object can have.

This paper isn't just about restaurants. It's also about other human constructs that we would naturally describe as places one can go—stores, banks, universities, orphanages, factories, casinos, hotels, prisons, and hospitals. Let's call such things 'establishments'. Given certain of their features, it is tempting to classify establishments as material artefacts, like statues and buildings.<sup>1</sup> Given other of their features, it is tempting to classify them as institutional entities, like laws and religions, which are widely and (to my mind) rightly held to be immaterial.<sup>2</sup> As we shall see, the puzzles pull us in opposite directions. Ultimately, I defend a solution to the puzzles, according to which establishments are immaterial objects, which enjoy a somewhat more flexible relation than that of constitution to their material embodiments. I close by considering whether this immaterialist account should also be extended to such things as countries and driver's licences.

<sup>1</sup> See, e.g., Hawthorne [2006: 112–13].

<sup>2</sup> See Smith [2003], Thomasson [2003a, 2009], and Searle [2010: ch. 5] on the immateriality of various institutional objects. I'm not sure whether these authors would extend their immaterialism to the items that I have listed as establishments.

## 2. The Puzzle of Temporary Constitution

I'll illustrate the first puzzle by using the case of Hatcetera, a store in Bloomington that sells hats, helmets, and so on. Tomorrow, its owners will close their one location and Hatcetera will become an e-store, conducting all of its business through its website. Here is the puzzle, framed as an inconsistent triad:

- (HT1) Today, Hatcetera is constituted by something.
- (HT2) Tomorrow, Hatcetera will exist and will not be constituted by anything.
- (HT3) For all  $x$ , if there is some time at which something constitutes  $x$ , then, at all times at which  $x$  exists, something constitutes  $x$ .

Let's examine each step separately.

### 2.1 Once Constituted

HT1 is motivated by the observation that the building and store bear a striking resemblance to the textbook case of constitution—namely, the statue and the lump of clay. Both the statue and the lump from which it was made are material objects, with the same spatial location and the same material parts. But they evidently differ temporally: the lump, for instance, pre-dated the statue. The dominant reaction among metaphysicians has been to acknowledge that these are genuine differences between the statue and lump and that they therefore are not identical, but also to acknowledge the tight ontological tie between them. Specifically, the statue stands in the *constitution* relation to the lump, an asymmetric relation holding between a thing and that from which it was made.<sup>3</sup>

Hatcetera and the building have a similar profile. They look to be material objects with the same spatial location and the same material parts (doors, windows, etc.), but with different temporal properties. The building has been around for fifty years, but Hatcetera has been around for only fifteen. After Hatcetera moves out and Nailed It moves in, people will come to this building to get their nails done, whereas people will never come to Hatcetera to get their nails done. These parallels provide *prima facie* reason for treating the building and store, like the lump and statue, as a case of one object constituting another.<sup>4</sup>

To be sure, not everyone takes this view of the statue and lump. Some hold that the statue is identical to the lump, and—given Leibniz's Law—must therefore regard all apparent differences between the statue and the lump as merely apparent.<sup>5</sup> One would have to say that the statue has been around for as long as the lump, either affirming that the statue existed even before the sculptor began working on the lump, or (worse) maintaining that the statue-shaped lump and the amorphous lump from which it was made are two different lumps. It is for good reason that this is a minority view.

That being said, those who have already grown accustomed to biting such bullets will likely deny HT1, insisting that the relation between the store and building is one of identity, not constitution.<sup>6</sup> This again would require explaining away all apparent differences between the two. For instance, one must either affirm that Hatcetera has been

<sup>3</sup> See Baker [2007] for a representative defence of constitutionism about statues.

<sup>4</sup> See Hawthorne [2006: 112–13] for constitutionism about restaurants; cf. Passinsky [2016: ch. 2.2].

<sup>5</sup> See, e.g., Price [1977].

<sup>6</sup> Cf. Searle [1995: 57] on dollar bills.

around for as long as the building has been—long before it or anything else was called ‘Hatcetera’—or else deny that this building pre-dated Hatcetera. One must deny that Hatcetera will later be an e-store, or else affirm that this building will later be an e-store. Since Hatcetera occupies the building, one must affirm that the building occupies the building and that the building occupies Hatcetera. One must say that the owners of Hatcetera also own the building—tell that to their landlords! ‘One-thingism’ is no more palatable here than in the case of statues and lumps.

## 2.2 Later Unconstituted

HT2 is a conjunction of two claims—that Hatcetera will still exist after it becomes an e-store, and that it will not be constituted by anything at that point. The first conjunct is extremely plausible. After the transition, Hatcetera will still have employees, inventory, contractual obligations, a website, and so on. In a couple of years, one can rightly say that Hatcetera has been around for over ten years—eight in the building, two as an e-store—which suggests that we’re dealing with a single persisting entity that survived leaving the building.

As for why we should say that Hatcetera will no longer be constituted by anything, the short answer is that there will no longer be a building or anything else that can plausibly be said to constitute it. The longer answer is that assigning it a constituter—say, the physical server that powers its website—will have unwanted consequences concerning the location of Hatcetera. That is because constituted objects very plausibly inherit the location of whatever constitutes them. This is surely true of all paradigm instances of constitution: it can’t very well be that the lump is in one place and the statue that constitutes it is somewhere else, or nowhere at all. Moreover, the constitution relation is a relation of one thing being made up of another, and something can’t very well be made up of another thing without being where that thing is.

Suppose, then, that Hatcetera will be constituted by the server once it becomes an e-store. Since the server is located in Chicago, this means that Hatcetera itself will be located in Chicago. But if Hatcetera is *anywhere* once it becomes an e-store, it’s surely in Bloomington, where its owners and employees are. Moreover, even supposing for the sake of argument that Hatcetera will be constituted by the server when it becomes an e-store, what should we say about what *now* constitutes Hatcetera? After all, it already has a website, powered by that same Chicago server. We shouldn’t say that it is partly constituted by the server even now, since that would mean that it is now partly located in Chicago. Surely, though, Hatcetera (itself) is wholly located in Bloomington, where the building is. So, we would have to say that, while it will later be constituted by the server, it currently isn’t even partly constituted by the server. But that would be bizarre, since Hatcetera’s relationship to its server doesn’t change in any substantive way when it becomes an e-store, beyond utilising a bit more space on the server.

Similar mislocation problems arise for other candidate constituters. Suppose that it’s constituted by its warehouse, which is in Ellettsville, Illinois. Then we face the same dilemma as above: either Hatcetera (the hat store) is now partly located in Ellettsville, or else it moves to Ellettsville once it becomes an e-store (despite having had a warehouse there all along). Or suppose we say that it’s constituted by its staff. Then Hatcetera—the hat store itself—will be in Tahiti next week when the staff are there on vacation.<sup>7</sup> Or

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<sup>7</sup> Cf. Ruben [1983: 223] and Passinsky [2016: ch. 1.3] on why countries aren’t composed of people.

suppose that it's constituted by its inventory. Then Hatcetera was partly in the middle of the road while a box of fedoras was being transported. Or suppose that it's constituted by the neural correlates of its owners' decisions or intentions. Then Hatcetera is partly inside some people's skulls. And the mislocation problems are only compounded by insisting that Hatcetera is constituted by a fusion of some or all of these objects.<sup>8</sup>

### 2.3 Constitutional Permanence

HT3 is a principle of constitutional permanence: an object is always constituted by something if it's ever constituted by something. This does not prohibit objects from being constituted by different things at different times, and rightly so, since statues can plainly be constituted by different hunks of matter at different times. Statues cannot, however, cease to be constituted altogether without ceasing to exist.

In addition to being true of paradigm cases of constitution, HT3 draws further support from the observation that constitution is a dependence relation. Constituted objects depend ontologically on constituters: part of what it is for the constituted object to exist is for an object constituting it to be a certain way.<sup>9</sup> If that's right, then our principle of constitutional permanence can be seen as an instance of a more fundamental principle of *dependence* permanence:

(DP) For all  $x$  and all dependence relations  $R$ , if there is some time at which something stands in  $R$  to  $x$ , then, at all times at which  $x$  exists, something stands in  $R$  to  $x$

DP captures the intuitive idea that it's impossible for something to lose some of its dependencies altogether. Set-membership is a dependence relation, and if something has members at some time it must have members at all times, just as DP requires. Existential facts (for instance, that someone is prime minister) require singular facts (for instance, that Ardern is prime minister) to witness them, and this witnessing relation is a dependence relation—one that allows a given existential fact to be witnessed at different times by different singular facts, but that precludes it from existing in the absence of all witnesses, just as DP requires.<sup>10</sup>

Finally, HT3 is plausibly necessary if true, as is the principle of dependence permanence that underwrites it. This means that the puzzle will arise even for establishments that spent the entirety of their existence in the same building, like the video rental store That's Rentertainment which was always at 516 John St. from the moment when it opened to the moment when it closed down. Instead of shutting down when its lease expired, That's Rentertainment *could* have stayed in business as an e-store. Let's say that That's Rentertainment occupies the building from time  $t$  to  $t'$  in both the actual world ( $\alpha$ ) and the envisaged possible world ( $\beta$ ) in which it becomes an e-store after closing its doors. The puzzle then arises as follows:

(TR1) Prior to  $t'$ , That's Rentertainment is constituted by something in  $\alpha$ .

(TR2) If so, then, prior to  $t'$ , That's Rentertainment is constituted by something in  $\beta$ .

<sup>8</sup> Perhaps one could say that Hatcetera comes to be constituted by some abstract object once it leaves the building. This would avoid the mislocation problems (although one wonders which abstracta could serve as a constituter in this case). See Passinsky [2016: ch. 3.1] for putative cases of constitution by abstracta.

<sup>9</sup> See, e.g., Koslicki [2004].

<sup>10</sup> Thanks to Jonathan Barker and David Kovacs for valuable discussion.

(TR3) After  $t'$ , That's Rentertainment exists and is not constituted by anything in  $\beta$ .

(TR4) Necessarily, for all  $x$ , if there is some time at which something constitutes  $x$ , then, at all times at which  $x$  exists, something constitutes  $x$ .

TR1 and TR3 are motivated in the same way as HT1 and HT2, respectively. And TR2 is motivated by the idea that constitution is an intrinsic affair: if in  $\alpha$  That's Rentertainment is constituted by the building between  $t$  and  $t'$ , then surely it's constituted by the building in the exact duplicate stretch of time in  $\beta$ .

To be clear, my aim in this section has not been to show that the puzzle is insoluble—I should hope it isn't! You could reject HT1 by identifying the building and restaurant (apparent differences be damned), or by refusing to treat establishments and statues alike despite the striking parallels (as I will do, below). You could reject HT2 by denying that things have to be located where their constituters are, or by denying the existence of e-stores, or by embracing one or another questionable view about the locations of e-stores. You could reject HT3 by denying that constitution is a dependence relation, or by denying that dependence has to be permanent in the indicated sense. My aim hasn't been so much to stump as to surprise, and I expect that you are surprised by the sorts of bullets that you'll have to bite in order to find a place for establishments in your ontology.

### 3. The Puzzle of Decision-Dependence

Our second puzzle about establishments concerns the ways in which they can be created, relocated, and eliminated.<sup>11</sup> Thai Tanic restaurant came into existence fifteen years ago in a building in Beaverton, Oregon, with the stroke of a pen (on a lease), later moved to Hillsboro, Oregon, with another stroke of a pen, and may someday cease to exist as a result of its owners deciding not to renew their lease on the Hillsboro building. This, on the face of it, makes it quite unlike ordinary material objects, which cannot be created, eliminated, or change their locations without their constitutive matter being altered in some way.

To introduce some terminology, let's say that an object undergoes some change  $C$  at  $t$  by *mere decision* iff it undergoes  $C$  as a result of a decision that it undergo  $C$  and without the matter in its location undergoing any intrinsic change at  $t$ . And we'll say that an object is *decision-dependent* iff it can be created, relocated, and eliminated by mere decision. (We'll count coming into existence as undergoing a change.) These decisions can take the form of verbal or written proclamations, or perhaps even unarticulated intentions in the minds of relevant people.

Here, then, is the puzzle, as it applies to Thai Tanic:

(TT1) Thai Tanic is a material object.

(TT2) Thai Tanic is decision-dependent.

(TT3) No material objects are decision-dependent.

Let us again consider each step separately.

#### 3.1 Establishments Are Material

The case for TT1 is straightforward. Thai Tanic is spatially located and evidently has material parts (doors, windows, etc.)—two characteristic, if not definitive, marks of materiality.

<sup>11</sup> Many others have remarked on this puzzling aspect of social reality: see, e.g., Searle [1995], Smith [2003], Thomasson [2003a], and Passinsky [2016: ch. 1.2].

One might be tempted to treat talk of Thai Tanic's parts and location as a case of deferred reference. That is, one might propose that we understand (1) along similar lines as (2):

- (1) Thai Tanic has windows.
- (2) Kripke is on the top shelf.

Just as (2) is a roundabout way of saying that *the book* by Kripke is on the top shelf, the idea goes, (1) is a roundabout way of saying that *the building occupied by Thai Tanic* has windows. So, (1) is strictly false, but manages to convey something true.

It's just not plausible, however, that (1) is a case of deferred reference. To see this, compare (3) and (4):

- (3) Kripke lives in New York and is on the top shelf.
- (4) Thai Tanic used to be in Beaverton and has five windows.

(3) is infelicitous, and that's because one can't, with a single subject term, attribute one thing to the deferred referent and another to the nondeferred referent. By contrast, (4) sounds fine, which it shouldn't if it's one thing (the building) that has five windows and another (the restaurant) that used to be in Beaverton.<sup>12</sup>

For the same reasons, talk of Thai Tanic's location cannot plausibly be treated as a case of deferred reference. 'Thai Tanic is located in Hillsboro and is owned by the Therdthoonthai family' is felicitous, but shouldn't be if it's one thing that's in Hillsboro (the building) and another that's owned by the Therdthoonthais (the restaurant).

### 3.2 Establishments Are Decision-Dependent

Let us assure ourselves that Thai Tanic meets the stated conditions for being decision-dependent. Thai Tanic could have come into existence in a building whose previous owners left behind a fully functioning kitchen and all of its furniture, and could have opened for business without altering the building or its contents in any way—not even to put up a *Thai Tanic* sign. It could have had the same good fortune and lazy grand opening when it moved into the new building in Hillsboro. It could one day cease to exist, as a result of its owners deciding to stop paying rent and to abandon the building, leaving it in exactly the state that it was in on its last day of business. Thai Tanic is therefore possibly created, relocated, and eliminated by mere decision, which makes it actually decision-dependent.

As with HT1 above, TT2 can be resisted by maintaining that Thai Tanic is identical to the building in Hillsboro. In that case, Thai Tanic came into existence long ago when the building in Hillsboro was built, and it will cease to exist only once that building is demolished. All that happens when leases are signed and expire, the idea goes, is that buildings start and stop being called 'Thai Tanic': no restaurant comes into existence, and nothing moves from Beaverton to Hillsboro. One thereby avoids having to say that Thai Tanic is decision-dependent, since on this view all that change by mere decision are the *names* of buildings. At the same time, the view wrongly entails that the building and restaurant have the same owner (see section 2.1) and diagnoses our natural way of describing the restaurant's history as resting on an elementary use/mention error. No offense intended, I'm sure.

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<sup>12</sup> Thanks to Dave Liebesman for valuable discussion.

One might opt for a more nuanced version of this response, according to which the names of establishments are ambiguous. On one disambiguation, the idea goes, ‘Thai Tanic’ refers to a located, non-decision-dependent, material object (a building). On the other, it refers to an unlocated, decision-dependent, immaterial object. TT1 is true on the first disambiguation but not the second; TT2, on the second but not the first. One can then maintain that each premise is true on at least one natural reading and that the argument rests on an equivocation.

The problem with this ambiguity view is that it cannot account for the truth of sentences like (5):

(5) Thai Tanic used to be in Beaverton and is now in Hillsboro.

All that we have, on the envisaged view, is one immaterial referent that has never had a location and two material referents (the buildings), neither of which ever changes its location. So, the view wrongly predicts that (5) is false. Indeed, it predicts that (5) has multiple false readings—one on which (5) says of the unlocated entity that it’s located, and another on which (5) says of the Hillsboro building that it was once in Beaverton. Nor does (5) strike us as infelicitous, or ‘zeugmatic’, in the way that we would expect if ‘Thai Tanic’ had these different senses (contrast it with ‘athletes and broccoli are healthy’).<sup>13</sup>

This is not necessarily to deny that names of establishments are in *some* way ambiguous. But any attempt to exploit an alleged ambiguity to resolve the puzzle faces a dilemma. Either there is, or there isn’t, a disambiguation on which names of establishments pick out something that is both located and decision-dependent. If there isn’t, then it will mishandle sentences like (5). If there is, then it fails to identify an equivocation in the puzzle.

### 3.3 No Material Objects Are Decision-Dependent

TT3 says that no material objects are decision-dependent. Dean Zimmerman [2002: 335] nicely captures the spirit of this premise when he reports feeling ‘powerful resistance to the idea that changes in our ways of talking about things, even coupled with simple changes in some of our nonverbal reactions to things, could by themselves bring any concrete physical object into existence.’ I imagine that he would say the same about eliminating and relocating material objects.

This is not to deny that mental activity plays a crucial role in the creation of some material objects. Arguably, it is only in virtue of a sculptor’s having intended to make a statue that the lump constitutes a statue, or for that matter constitutes anything at all.<sup>14</sup> Still, one cannot bring a statue into existence by eyeballing a suitably shaped lump of clay and declaring or intending that it be a statue. One cannot relocate a statue by drawing up a contract proclaiming that, from now on, some other lump of clay constitutes it. One cannot eliminate a statue by sealing it in a vault and ensuring that everyone forgets all about it. So, statues do not meet the stated conditions for being decision-dependent.

One might take the following sort of case to pose a challenge for TT3.<sup>15</sup> Suppose that you find a piece of driftwood that happens already to be perfectly shaped to serve as a

<sup>13</sup> Cf. Passinsky [2016: ch. 1.3].

<sup>14</sup> Cf. Thomasson [2003b].

<sup>15</sup> The case is due to Baker [2007: 43–4].



wine rack. You take it home and begin using it as a wine rack. Certainly you now have a wine rack, and certainly the wine rack is a material object. But it wasn't a wine rack before you found it. So (the idea goes), a wine rack has come into existence as a result of your intention to use the driftwood as a wine rack and without the driftwood undergoing any intrinsic change. That would make it a decision-dependent material object.

We shouldn't be moved by this challenge. First, it fails on a technicality: decision-dependence requires not just the possibility of being created by mere decision, but also the possibility of changing locations by mere decision, and certainly the wine rack can't be relocated in this way. More importantly, it very plausibly rests on a misdescription of the case. What's true is that a material object (a piece of driftwood) becomes a wine rack. But nothing new comes into existence. The very thing that once was a piece of driftwood goes from not being a wine rack to being (identical to) a wine rack. Properly understood, the case does not involve any of the sorts of differences—temporal or otherwise—that would prevent us from identifying the wine rack with the piece of driftwood.<sup>16</sup>

Here is another potential source of resistance to TT3. Many metaphysicians accept *permissive* accounts of material objects, according to which there are far more highly visible objects than we would ordinarily take there to be. As a representative account, take the Lewisian ontology of arbitrary four-dimensional worms, one for every filled region of spacetime, no matter how gerrymandered. At every moment, on this view, countless worms are flitting in and out of existence and moving discontinuously from one place to another, without anything of interest happening to the matter where all of this is happening. Such permissivists might naturally identify Thai Tanic with some such worm—one composed of temporal parts of the Beaverton building and then temporal parts of the Hillsboro building—allowing, of course, some indeterminacy in exactly which worm 'Thai Tanic' picks out.

Even supposing, however, that there are all of these worms, it is not obvious that they have what it takes to be establishments. For one thing, nothing in the usual worm ontology exists at times at which it has no spatial location. Yet, as we saw in section 2.2, establishments can evidently exist at times when they have no spatial location. This is perhaps only a temporary setback for the worm theorist, to be remedied by embracing a more permissive permissivism on which there are multiple worms answering to each temporally gappy spacetime region—some that exist during the gap and others that don't exist during the gap (although one might wonder whether such worms would still count as material).<sup>17</sup>

More importantly, even if permissivism can deliver objects with the right spatial and temporal profile, it does not deliver *decision-dependent* entities. At every moment that the buildings themselves exist, on this view, some worms (indeed, countless worms) stop being located where the Beaverton building is, and start being located where the Hillsboro building is. Among them are worms whose beginnings (movements, demise) happen to coincide with moments at which it was decided that an establishment would come into existence (move, cease to exist). But there is no sense in

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<sup>16</sup> The same should be said of Duchamp's *Fountain*: it's just a urinal, which goes from not being a work of art to being a work of art. See Korman [2015: ch. 8.4] for further discussion.

<sup>17</sup> See Fairchild [forthcoming] for relevant discussion.

which this happens *as a result* of the decision. Just like all of the other worm-beginnings and worm-movements, these ones would have happened with or without the decision. Thus, even those who already accept a plenitude of material objects have reason not to identify establishments with material objects in their plenitude, if they are to do justice to the decision-dependence of establishments.<sup>18</sup>

#### 4. A Limited Defence of Immaterialism

I turn now to what I take to be the most promising response to the puzzles—denying that establishments are ever constituted by anything ( $\sim$ HT1) and denying that establishments are material objects ( $\sim$ TT1). So understood, establishments are of a kind with other social entities—like laws and religions—which, as others have argued, are immaterial objects.<sup>19</sup>

##### 4.1 Abstract Artefacts

The main appeal of the immaterialist response to the puzzles, to my mind, comes from thinking about such things as poems and novels, fictional characters, songs and symphonies, words and languages, jokes, recipes, and games. These sorts of things are widely, and I think rightly, held to be abstract artefacts.<sup>20</sup> And they have an awful lot in common with establishments.

First, like establishments, abstract artefacts have material manifestations. Establishments have buildings that they occupy. Abstract artefacts have physical copies (in the case of novels and recipes) or physical inscriptions (in the case of words and sentences).

Second, like establishments, they are distinct from their material manifestations. The novel *Pride and Prejudice* is a couple of hundred years old, but my copy is only a decade or so old, and the copy but not the novel was made in a factory in New York. I will use ‘embodiment’ for that relation, whatever it is, obtaining between abstract artefacts and their copies, inscriptions, and other such worldly manifestations, leaving open whether it’s a type-token relation, a kind-instance relation, a realization relation, or something else altogether.

Third, abstract artefacts exhibit something in the neighbourhood of decision-dependence. A song, for instance, can be brought into existence entirely as a result of mental activity, as when a composer silently arranges some words and sounds in her head. She can shorten the song simply by deciding to drop the final verse. A song can cease to exist as a result of mere mental changes as well: a song that has been preserved entirely through an oral tradition plausibly ceases to exist once (and only once) it has been permanently forgotten.<sup>21</sup> That, admittedly, doesn’t make them decision-dependent in the sense articulated above. Among other things, songs can’t be relocated by mere decision,

<sup>18</sup> Cf. Korman [2015: 189–90] on creating words, although see Friedell [2017: 442–3] for a counterpart-theoretic response.

<sup>19</sup> See the authors cited in note 2.

<sup>20</sup> For representative defences of abstract artefacts, see Levinson [1980] and Thomasson [1999, 2003a]. Some would argue that these things are not abstract, or that they’re not artefacts, or that they don’t exist at all. See, e.g., Everett [2005] and Dodd [2007]. It is beyond the scope of this paper (as one says at such points) to address their arguments here.

<sup>21</sup> Cf. Thomasson [1999: 9–12] on literary works.

if they can even be said to have locations. But their susceptibility to being changed by mere mental activity does make them quite like decision-dependent entities.<sup>22</sup>

Fourth, like establishments, abstract artefacts can exist in the absence of any material embodiments. There would still be such a word as ‘newfangled’ even if all inscriptions of it were destroyed, and Bubbe’s kugel recipe long pre-dated the one written copy that we were eventually able to pry out of her. These are things that can be kept in existence merely by being ‘kept in mind’ by people, which is roughly the same way that an establishment is kept in existence in the absence of a building. One might object that, if abstract artefacts are kept in mind, then there will be neural states to serve as embodiments. But, just as we should heed Quine’s [1948: 22] warning not to confuse Pegasus with the idea of Pegasus, we likewise should not confuse the embodiment of an abstract artefact with the embodiment of an idea of an abstract artefact.

The parallels are striking and lend support to the idea that establishments are fundamentally of a kind, not with constituted material objects like statues, but with embodied immaterial objects like stories and recipes. This, in turn, is *prima facie* reason for taking establishments themselves to be immaterial objects. Armed, then, with this *prima facie* reason for denying that establishments are constituted material objects, let us revisit the case for HT1 and TT1.

#### 4.2 Constitution Revisited

The motivation behind HT1—that Hatcetera is constituted by the building that it occupies—was the strong analogy between the case of the store and the building and the case of the statue and the lump. I take this argument from analogy to be at least neutralised, if not bested, by the stronger analogy between establishments and abstract artefacts.

The comparison to abstract artefacts also sheds light on how establishments are related to the buildings that they occupy, if not by a constitution relation. We should take them to be related by the same embodiment relation that holds between the abstract artefacts and their copies or inscriptions. As indicated above, I am not taking a stand on what, exactly, that embodiment relation is; more important for our purposes, though, is what it is *not*. Embodiment is not a dependence relation. As we have seen, abstract artefacts can exist in the absence of their embodiments. Accordingly, the dependence permanence principle (from section 2.3) won’t stand in the way of establishments being embodied at some times but not others. Embodiment is therefore a better candidate than constitution for the sort of relationship that holds between establishments and the buildings that they occupy.

#### 4.3 Materiality Revisited

The motivation for taking establishments to be material objects was that they exhibit key marks of materiality. But we should be careful not to overstate the similarity

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<sup>22</sup> Lopes [2007], noting the way that certain Japanese architecture can be relocated by mere decision, denies that Japanese *buildings* are material objects, taking them instead to be events. Arguably, his cases are better handled by treating the buildings as material objects that embody immaterial works of architecture that are moved by mere decision.

between establishments and ordinary material objects. Van Inwagen [1990: 17] provides a helpful inventory of marks of materiality:

a material object ... occupies space and endures through time and can move about in space (literally move about, unlike a shadow or a wave or a reflection) and has a surface and has a mass and is made of a certain stuff or stuffs.

Do establishments 'literally move about', in the same way as other material objects do? This *can* happen—for instance, when the building is literally hauled down the street. More often, though, they move like a shadow: the restaurant jumps across town when a new lease begins, much as a shadow jumps from one side of you to the other when the lighting changes.<sup>23</sup>

Nor is it especially plausible that establishments have masses or surfaces. Take a restaurant in a shared food court with its own seating area. Where is its three-dimensional surface? Does it extend beneath the floor, and, if so, how far down? Does its mass include the mass of the tables? The ceiling, and, if so, how much of it? The stove? These questions seem not to admit of any sensible answer, and that's plausibly because establishments aren't the sorts of things that even have masses or surfaces.

Of course, unanswerable questions can arise for material objects as well. Where exactly does the cloud end? Does the mass of the cat include the mass of *this* loose hair? But here the questions plausibly lack a determinate answer simply on account of some vagueness around the edges, whereas in the case of establishments the questions seem intractable and thoroughgoing in a way that suggests that they are somehow wrongheaded, like a category mistake.

Now for the question of how Thai Tanic can be an immaterial object, given that it has doors and windows. The immaterialist owes us some response to the following argument for TT1:

- (MP1) Thai Tanic has windows.
- (MP2) If so, then Thai Tanic has material parts.
- (MP3) If so, then Thai Tanic is a material object.
- (TT1) So, Thai Tanic is a material object.

We have already seen (in section 3.1) that MP1 cannot be dismissed simply as a case of deferred reference. So, where does the argument go wrong?

The best strategy for the immaterialist, I contend, is to deny MP2: affirm that Thai Tanic has windows, but deny that it has them *as parts*. To see the availability of this nonmereological reading of 'has', notice that, while restaurants have tables, their tables don't behave in anything like the way that we would expect from the parts of a thing. First, a restaurant can have tables that lie outside its boundaries—for instance, on the sidewalk in front of the restaurant. Certainly, though, a thing can't have *parts* that lie outside its boundaries. Second, one would ordinarily expect a thing's parts to make some contribution to its weight. But, to the extent that it even makes sense to ask how much the restaurant weighs, it certainly doesn't weigh less after its owners get rid of the tables that had been out front on the sidewalk.

Restaurants have tables, but not as parts. They have them in the sense of possessing or owning them. This opens the door to saying the same of their windows and doors. One can, after all, say in a single breath and with no infelicity that the restaurant has

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<sup>23</sup> Thanks here to Ben Caplan for valuable discussion.

tables and windows. So, while it's strictly false to say that windows are parts of Thai Tanic, there is still a perfectly good sense in which Thai Tanic can be said to have windows, one that in no way jeopardizes its immateriality.<sup>24</sup>

Immaterialists must also address the following sort of argument from spatiality to materiality:

- (LM1) Thai Tanic is spatially located.
- (LM2) No immaterial object is spatially located.
- (LM3) So, Thai Tanic is a material object.

LM1 seems obviously true: Thai Tanic is located in the middle of a certain block in Hillsboro. LM2 is plausible as well: being located is at least a mark of materiality, and for some (for instance, Markosian [2000]) is definitive of materiality.

Some brave souls may be willing to reject LM1—but, as with MP1, one cannot mitigate this bullet-biting by treating LM1 as a case of deferred reference (see section 3.1). The more promising option, to my mind, is to reject LM2 and to regard establishments as just one more counterexample to the view that spatiality suffices for materiality, alongside shadows and ghosts. Indeed, abstract artefacts themselves plausibly sometimes have spatial locations.<sup>25</sup> To see this, suppose that 'dog' is written once on the board and 'cat' is written twice. The following sentence, in that case, has both a true and a false reading:

- (6) There are only two words on the board.

On the false reading, it's saying of word embodiments that there are only two of them on the board. On the true reading, it's saying of the immaterial embodyable words that there are only two of them on the board. Once again, this cannot plausibly be treated as a case of deferred reference. If the words being said to be only two in number were different from the words being said to be on the board, then (6)—like (3) above ('Kripke lives in New York and is on the top shelf')—should strike us as infelicitous.

## 5. Beyond Establishments

### 5.1 Districts and Countries

Politico-geographical entities like districts, cities, states, and countries are puzzling in just the same way as establishments are, and (it seems to me) should be regarded as immaterial entities for all of the same reasons. Take the District of Columbia (DC). DC in some ways resembles a constituted material object. It is located on a certain stretch of land near Virginia but must evidently be distinct from that stretch of land on account of the historical differences. DC, for instance, used to be larger—comprising both Washington and Alexandria county—but became substantially smaller in 1846 when Alexandria was returned to Virginia. The stretch of land that it now occupies, by contrast, did not become substantially smaller in 1846.<sup>26</sup>

Yet, unlike a constituted material object, DC is decision-dependent. It came into existence when the appropriate people drew some lines on a map, later changed its

<sup>24</sup> Thanks here to Jonathan Barker for valuable discussion.

<sup>25</sup> I am here drawing on arguments from Liebesman and Magidor [2017].

<sup>26</sup> This, all by itself, has driven some to immaterialism about politico-geographical entities. Van Inwagen [1981: 131–2] and Ruben [1983: 231–8] have argued that things like DC and Washington must not be material objects because these are distinct and co-located, which, they maintain, is impossible for material objects.

boundaries (and thus its location) when the appropriate people decided that Alexandria would be returned to Virginia, and might someday cease to exist as a result of the remaining land being returned to Maryland. It also arguably can exist in a disembodied state, in the absence of any stretch of land to call its own. Cities are sometimes relocated—about a hundred years ago, Hibbing, Minnesota, was moved two miles to the south—and the same could happen to DC. One way that this could happen is for all of the people and buildings of DC to scatter in different directions, and then to regroup sometime later at the new location. In such a case, there plausibly is no stretch of land or anything else that can plausibly be said to constitute DC during the move. (Don't say that DC doesn't exist during the move. It still has a mayor, and its ordinances are still in effect and are still being enforced by an overzealous sheriff.)

This should be impossible if DC is a constituted material object, since material objects can't be decision-dependent and since ceasing to be constituted is prohibited by the permanence principles. But it's more or less what we would expect if districts and the like are immaterial embodied entities.

Indeed, the parallels between certain abstract artefacts and politico-geographical entities are especially striking. Take an organization like NATO. It is plausibly an abstract artefact: while it does have a headquarters and member countries, it isn't located where those things are.<sup>27</sup> (You're not 'in NATO' when you're in Spain or inside the headquarters.) NATO came into existence as a result of such activities as generating a list of countries, drafting some rules, getting relevant people to agree to the rules, and appointing people to various roles; and it grows to include new countries as a result of additional people deciding to follow the rules and others agreeing to expand the list. These are more or less the same activities involved in the creation and expansion of politico-geographical entities like the United States.

## 5.2 Driver's Licences

Driver's licenses, marriage licenses, passports, deeds, and other such legal documents superficially resemble the other cases that we have been considering. My driver's licence is in my wallet and is roughly 3.5 inches long, but can't be identified with the 3.5 inch piece of plastic in my wallet on account of their differences. The latter but not the former existed before my image and information was stamped onto it, and the former but not the latter has expired. This suggests that the licence is a constituted material object.<sup>28</sup> Yet I still have a driver's licence even after the one in my wallet is destroyed and before my image and information are stamped on a replacement card. This suggests that the licence is something more like a disembodyable immaterial object.

In this case, the puzzles can be resolved by noting an ambiguity in 'my driver's licence'. On one disambiguation, it refers to a located material object constituted by a piece of plastic. This object ceases to exist—as opposed to continuing to exist in a disembodied state—when the plastic card is annihilated. Nor did it come into existence by mere decision. Rather, it came into existence when my image and information were stamped on the piece of plastic. (It may not have been valid until sometime after that, but it definitely already existed.) It does not jump from one piece of plastic to

<sup>27</sup> Cf. Thomasson [2003a: 277] for the related view that corporations are abstract artefacts; cf. Searle [2010: 98–100].

<sup>28</sup> Indeed, it is Baker's [2007: 37–8] go-to example of a constituted object.

another when the replacement arrives in the mail. Nor does it cease to exist by mere decision: it remains in existence until it is cut into pieces, melted down, or sanded down to remove my image and information from its surface.

On the other disambiguation, ‘my driver’s licence’ refers to my legal permission to drive, which is unlocated, immaterial, and constituted by nothing. This licence is never in my wallet, nor does it have corners or a magnetic strip or any other material parts. It is brought into existence by mere decision when relevant authorities decide to issue me a licence, and it is eliminated by mere decision when they decide to revoke it.

In contrast to the case of restaurants (see section 3.2), we do in this case have evidence of ambiguity. Consider the following:

(7) I have only had my license for a year.

(8) My license was in my wallet a week ago and I still have it.

There are multiple readings of (7)—a true reading on which it says of the object in my wallet that I’ve had it for only a year (suppose, for example, that we’re discussing why it’s in such pristine condition), and a false reading on which it says of my legal permission to drive that I’ve had it for only a year. Or suppose that I utter (8) after losing the card. In that case, (8) is false: there is nothing that I still have (legal permission to drive included) that was once in my wallet. This is the sort of evidence that we would expect to see if a term is ambiguous between a located and an unlocated entity—the sort of evidence that we failed to find in connection with names of establishments.

## 6. Conclusion

My primary aim here has been to show that establishments are puzzling and in need of further theorizing. While they do bear some resemblance to textbook cases of constituted material objects, their susceptibility to disembodiment and to being changed by mere decision make them, if nothing else, quite different from the usual examples of constituted objects. I have explored the possibility of classifying them as immaterial objects—more like songs than like statues—and I have explored what an immaterialist might say about their apparent parts and locations.<sup>29</sup>

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