

TOWARDS AN ONTOLOGY OF HUMAN PERFORMATIVITY

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For mom

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Abstract

This article analyses the ontological presuppositions of the concept of performativity in two current philosophical theories about the social construction of human realities. By means of a discussion with Judith Butler and John Searle, two 'philosophers of performativity', I will defend that our creative capacity to create social institutions, gender and subjectivity, presupposes an understanding of humans as performative beings. Following a critical realist perspective and the theory of emergence, I will argue that performativity refers to a constitutive structure of human beings. After outlining the characteristics of a performative being, as well as the structure of performative agency, I further suggest that human performativity invites us to open up an inquiry about the aesthetic nature of human beings.

Keywords: ontology, performativity, human performativity, social construction, creative capacity, agency, emergence.

Introduction: The performative turn

In 1913, Marcel Duchamp made an experiment that determined his passage from painting to ready-made art. After cutting three meter-long threads, motivated by *le Hasard*, he let them fall one by one, at one meter above the height of three blue canvases. He pasted each thread onto each canvas and then drew the mold of three new meter curved sticks, thus creating three wooden rulers. Therefore, he created three different versions of the standard measure established by the French Academy of Sciences at the end of the 18th century. In this artwork, which acquired the title of *Trois Stoppages Étalons* (1913), Duchamp started with a ready-made idea, that is, the idea of the measurement of a meter. Together with the creation of a new kind of art, Duchamp's ready-made would put scientific object knowledge into question. More specifically, *Trois Stoppages Étalons* questioned the rigid parameters that established what art was supposed to be during the first decades of the 20th century. Duchamp's 1913 art piece cannot be described by appealing to the use of brush strokes and color combinations in order to represent reality as it is. In this experiment, the most relevant element is an idea. Duchamp's aim was, not to represent a realm reality preceding the creative process, but rather to begin with an already made reality. This new artistic starting point would lead to the creation of new protocols for artistic activity and also, to the creation of a new reality, rather than to its 'representation.'

Duchamp was triggering a performative turn in art history. He was opening a new possibility for artists to relate themselves to the world, not only by representing or describing it, but also by performing on it and creating a non-existent reality, such as the duchampian meters. By questioning the semantic connection between the world and artistic language, Duchamp privileged the performative force of artistic practices. As such, he defended the notion that creative and self-creative activity implies doing something in the world, namely, something new.

Interestingly enough, the performative turn took place, not only in the artistic realm, but also in the domain of philosophy of language during the first half of the twentieth century. Influenced by Ludwig Wittgenstein's *Philosophical Investigations* (1953), the pragmatic turn in philosophy of language was accomplished by John L. Austin, whose lectures on language performativity from the 1950s appeared post-mortem in the form of his famous *How to do things with words* (1962). In this book, Austin questioned the semantic connection between the world and ordinary language by pointing out that language holds more than a referential function. Austin argues that the function of a statement is not only to truly or falsely represent or describe a state of affairs, but "to do something" through the use of words. He thus introduced the notion of 'the performative,' derived from 'to perform,' the verb used in English for referring to the act of *doing* an action. Austin therefore indicates that "issuing an utterance is not just saying something, rather, it is the performing of an action" (Austin: 6-7). By advancing such an idea, Austin contributed to the pragmatic turn in linguistics, which opened up a new perspective for understanding performativity as the way in which we relate to the world. But what does it mean that we relate performatively to the world? And, more importantly, if we accept there exists this performative relationship with the world, then we may ask, in turn: what are the constitutive characteristics of human beings that allow for such a performative relation to take place?

In this article I aim to offer an answer to these queries. I will defend the idea that the performative relationship with the world necessarily implies that we are performative beings. Furthermore, and more significantly, I will argue that defining humans as performative beings entails that we are self-creating agents. In performance studies, the concept of performativity has been used to refer to a wide range of human activities relating to the everyday life, including sports, business, sacred and secular rituals and arts (cf. Schechner, 2013). I am not

defending, however, that all human activities are performances or that life itself is a performance. Rather, I wish to explore how the concept of performativity can be used for describing a constitutive structure of human beings. This approach will help us to understand a particular mode of existence, namely, a performative one. Such an existential understanding may contribute to give an account of the way in which we relate to the world and of the means by which we create the social world and ourselves. Our performative existence allows us to be open to several possibilities of creating, both the social world and ourselves.

As I will show, performativity does not only offer an account of a relationship that we establish with the world, it also brings to light an ontological thesis regarding what I will call 'human performativity.' The performative account of language provided by Austin and the performative gesture present in Duchamp's experiment, both presuppose that what is properly performative is not the result or the means of a creative process, but rather the one executing it. From this perspective, the aim of this article is to offer a characterization of the self-creative existence of human beings *qua* performative beings.

In the first section, I offer a conceptual account about the notion of performativity. I propose to analyze this term, not as a property of language, but rather as a dispositional predicate able to describe a human creative capacity. Considered in this way, I believe we can use the notion of performativity to explain a constitutive structure of human beings' existence. In the second part of the article, I answer to the following question: what does it mean to have a performative relationship with the world? In order to do so, I will situate the discussion within a horizon of understanding (to follow Hans Georg Gadamer's terminology) pertaining to contemporary anthropological philosophy. The main theoretical influence within this philosophical domain stems from the post-foundationalist tradition built upon the reception of authors such as Karl Marx, Friedrich Nietzsche, Sigmund Freud and Martin Heidegger. It is from this tradition that I extract the theoretical resources for studying how contemporary philosophy has constructed the idea of humans as a self-creating beings.

In the third section I approach the second issue mentioned above: what are the constitutive characteristics of human beings that allow a performative relation to take place? I will focus on the work of Judith Butler and John Searle, two contemporary authors who have dedicated a large portion of their writings to studying the notion of performativity from different perspectives, such as the construction of subjectivity, gender and the social world. I

show that their theories offer the resources to derive some ideas in favor of a strong ontological thesis about the performativity of human beings. Following Butler and Searle, performativity implies not only written or spoken language, but also corporeal language. We can therefore assert that they commit themselves to an ontological presupposition regarding the characteristics of a performative being. Such a being works as the condition of possibility for the construction of social reality, subjectivity and gender. Within the horizon of this discussion, I maintain that we can have a performative relationship with the world insofar as we are performative beings endowed with a creative capacity

In the fourth section, I will propose to understand performativity as an emergent property that provides an understanding of our creative capacity. By outlining the general structure of performativity, I provide a definition of such a creative capacity as a power to produce changes in the world and in ourselves. Performativity, I claim, is structured around two nuclei of “performative agency,” the first corresponding to an individual agency and the second to a collective one. Finally, I will outline some considerations about the aesthetic consequences for conceiving human beings as performative beings.

1. Performativity as a dispositional predicate

As Nelson Goodman says,

Besides the observable properties it exhibits and the actual processes it undergoes, a thing is full of threads and promises. The dispositions or capacities of a thing –its flexibility, its inflammability, its solubility– are no less important to us than its overt behavior, but they strike us by comparison as rather ethereal. And so we are moved to inquire whether we can bring them down to earth; whether, that is, we can explain disposition-terms without any reference to occult powers. (Goodman, 1983: 36)

Just as in the case of things, human beings are full of threads and promises. Even though most of them remain unknown and unpredictable, there are some characteristics traditionally known as dispositional predicates, which can also be “brought down to earth” in order to suggest our possibilities for action and behavior. Dispositional predicates have precisely been used to describe, and thus to unveil, occult powers of an entity, which express themselves under

specific circumstances.

Following Goodman, dispositions are considered ethereal properties that are not always apparent but seem to lie in an intermediate realm between potentiality and actuality. What is interesting in the concept of ‘dispositional predicate’ is that we can use it for describing a power that is not ‘actually’ in use. Such powers, however, exist as a sort of ‘real potentiality’. I propose to conceive of performativity as a dispositional predicate. It can thus be applied to human beings in virtue of the possible, rather than actual occurrences of its creative capacities. This account of ‘performativity’ as a dispositional predicate can describe our creative capacity by appealing, not to occult powers, but to real ones, such as the kinds of powers that allow us to create social reality, gender, and subjectivity.

To sustain this argument, I will situate the following discussion within a critical realist perspective, not only because I am giving priority to ontology over epistemology (cf. Smith, 2010: 93) but specially because I am committing myself to a particular perspective about ‘the real’ traditionally labeled as ‘causal realism’. As Roy Bhaskar (1998) put it, if we only establish a perceptual criterion for determining what ‘the real’ is, then we ignore a causal criterion regarding the capacity of an entity to bring changes in material and non-material things. Bhaskar uses the example of the gravitational field: we do not perceive this field, but we are nevertheless affected by it. Hence, the causal criterion for ascribing reality establishes that “to be is not to be perceived, but rather (in the last instance) just to be able to do” (Bhaskar, 1998: 13).

Drawing from Bhaskar’s critical realism, in *What is a person?* (2010) Christian Smith gives an account of human capacities from a critical realist perspective. Smith makes use of the theory of emergence in order to describe how some human capabilities come into existence from our ‘embrained bodies’ in interaction with the natural and social environment. As I will explain in the last section, the importance of the theory of emergence lies in avoiding any reductionist explanation of our capabilities. It is important to retain for now that Smith’s approach helps us to understand that, as a disposition, performativity is a real power.

Following a critical realist perspective, being made of a particular material does not entirely define what is real, insofar as some immaterial things are also real. We may mention here as examples humans’ mental states, such as intentions or reasons, or the gravitational field (cf. *ibid*: 14). Hence, the type of realism to which I am committed establishes an ontological

criterion of 'reality' that appeals, not to mental or physical characteristics, but rather to causal powers. As Smith explains,

Most of the real, in short, possesses ordered and structured causal capacities to behave, under certain conditions, according to particular tendencies that exert influences that bring about changes in material or mental phenomena. The real may consist of material things, such as chemicals and hurricanes, or of nonmaterial entities, such as structures of memory or identity or personhood. What matters in establishing their reality, in most cases, is their possessing or being endowed with some properties, mechanisms, forces, characteristics, powers, tendencies, or interactive relations capable of producing causal effects in the world. (ibid: 14-15)

I will consider performativity precisely as a kind of causal power that structures the development of actions, interactions, and relations with the self and the surrounding environment. However, as a dispositional predicate, I believe performativity can refer, not only to a creative relationship established with the world and with ourselves, but also to an existential predicate pointing to the mode of existence of human beings. As a dispositional predicate, performativity is already denoting a constitutive feature of human beings.

Just as "causal realism does not assume consistent and universal empirical manifestation" (Smith, 2010: 190), performativity, by the same token, works as a dispositional predicate that refers to possible but not actual realization of our creative capacities. Performativity can operate in a discontinuous and contingent way, but this does not imply that sometimes we are performative and sometimes we are not. We exist performatively inasmuch as we are able to produce causal effects in the world and in ourselves, consciously or unconsciously, in the same way in which the world causes changes in us.

In the next section I will show how the concept of performativity can be used in contemporary philosophy for referring to humans' creative capacity. I will situate this discussion within a post-foundationalist philosophical frame. The main focus of this exploration will be centered upon the Marxist notion of man. It will stress how such a notion and its reception has led to the consolidation of a common place for understanding human beings as self-creating beings.

2. Post-Foundationalism and the notion of self-creating beings

Duchamp's experiment in *Trois Stoppages Étalons* can be read as a subversive reiteration of a ready-made reality whose normative status determined a universal unit of measurement. By the same token, so-called post-foundationalist philosophies may also be analyzed as a subversive reiteration and reappropriation of one of the most entrenched theories of knowledge in the history of Western philosophy: foundationalism. While Duchamp was questioning the objectivity of scientific knowledge and the rigid parameters that determined what a piece of art was, post-foundationalism interrogates the rigid, unquestioned, and universal character of taken-for-granted premises present at the heart of the theories of justification. As one of the critics of foundationalism says, post-foundationalism understands philosophy as a "constant interrogation of metaphysical figures of foundation –such as totality, universality, essence, ground" (Marchart, 2007: 2).

Along this same perspective, Gilles Deleuze and Felix Guattari define philosophy in *Qu'est-ce que la philosophie?* (1991) as a creative activity that works with ready-made concepts: "philosophy is the art of forming, inventing, and fabricating concepts" (Deleuze & Guattari, 1994: 2). As an expert in concepts, the philosopher knows which of them are arbitrary, which are inconsistent, and which are not viable. Hence, the philosopher has to develop a capacity to diagnose when a concept entails a dangerous or disturbing creation in order to create a new one (cf. Deleuze & Guattari, 1994: 3). Following Nietzsche, Deleuze and Guattari argue that we should distrust, at least to some extent, those concepts that are given to us with a universal outlook. Their conception of philosophical work rests upon a post-foundationalist epistemology that is suspicious about universal and closed concepts or premises, which would determine the ground of an entire system of thought.

This perspective is well developed in what Deleuze and Guattari call the first principle of philosophy: "Universals explain nothing but must themselves be explained" (Deleuze & Guattari, 1994: 7). By putting the universality of concepts and premises that found a theory into question, this philosophical perspective conceives of "the category of universal as a site of insistent contest and resignification" (Butler, 1995 [1994]: 40). In the article *Contingent Foundations: Feminism and the Question of 'Postmodernism'* (1992) Judith Butler explains that a post-foundationalist approach focuses, not on defending the complete absence of any ground, but on questioning the existence of ultimate, fixed, and universal grounds.

As a response to the criticisms raised against post-foundationalist philosophies and as a reply to the hasty judgments qualifying them as ‘post-modern anything-goes perspectives’, Butler argues that assuming a post-foundationalist approach

is not to do away with foundations, or even to champion a position which goes under the name of anti-foundationalism. [...] Rather, the task is to interrogate what the theoretical move that establishes foundations authorizes, and what precisely it excludes or forecloses. (1992: 39)

Post-foundationalism therefore highlights that developing a theory is always as open-ended process in which any ground has to be always contested and revised. The problem is not with foundations themselves but with their strong and fixed ontological status. Post-foundationalism proposes to weaken the ontological status of foundations through an argument that points out the always contingent character of grounds —thus *Contingent Foundations* is the title of Butler’s article.

The critical perspective developed by Jacques Derrida during the years preceding the publication of *Qu’est-ce que la philosophie?* may illustrate the connection between post-foundationalism and the critics of essentialism. Influenced by the so-called ‘masters of suspicion’, Derrida considers that a philosophical enterprise should be understood, not as a construction of a particular theoretical system, but as a breaking force that restates Universal philosophical ideas. Derrida’s criticisms to Universal ideals —grouped under the notion of ‘the metaphysics of presence’— questioned the concepts on which western philosophical thought has been founded, such as *eidos*, *arché*, *telos*, *energeia*, *ousia*, *aletheia*, transcendentalism, consciousness, God, man (cf. Derrida, 1978: 279–80).

One of the main legacies that Derrida inherited from Heidegger’s *Zeit und Sein* (1982 [1926]) was his critique of Western metaphysics. Derrida was then able to expand upon Heidegger’s perspective on the constitutive relation that exists between temporality and the being of *Dasein*. In *Ousia and Grammē: Note on a Note from Being and Time* (1982 [1968]) Derrida elaborates his criticism of the metaphysics of presence following Heidegger’s interest in destroying the history of ontology. This destruction should not be conceived of in the negative sense as the complete elimination of ontology or the total relativizing of perspectives. Rather, Derrida focuses on the positive tendencies of destruction, which bring to the fore how in the

history of ontology Being has been interpreted from the perspective of time. In paragraph 6 of *Being and Time* Heidegger points that it has been characteristic of western ontology

the treatment of the meaning of Being as παρουσία [presence] or οὐσία [essence or substance], which signifies, in ontologico-Temporal terms, ‘presence’. Entities are grasped in their Being as ‘presence’; this means that they are understood with regard to a definite mode of time -the Present. (Heidegger, 1982 [1926]: 47)

According to Derrida, since Aristotle, time has been thought “on the basis of *ousia* as *parousia*” (Derrida, 1982 [1968]: 61). Thus, the temporal structure of Being in Western philosophy is becomes one of pure presentation and manifestation, in which Being is always in relationship with the present and the presence. Thus the existence of Being is posed in terms of that which persists; that which is not affected by time: it is in the now where being is always a being-present (cf. Derrida, 1982 [1968]: 40). Derrida follows a post-foundationalist approach inasmuch as he questions a taken-for-granted idea that grounds Being upon presence. If in criticizing the metaphysics of presence Derrida is raising the possibility of thinking Being beyond presence, how can we develop a conception of the human being without appealing to presence?

The relevance of this post-foundationalist approach is that it provides us with the theoretical resources to reconstruct the horizon of understanding where the idea of human beings as self-creating beings has been housed. But, even if the idea of a self-creating being offers a contested account regarding the grounding of human beings (without appealing to an essence or to the ‘metaphysics of presence’), it needs to presuppose a strong ontology of humans as performative beings.

2.1 Marx and the non-presence conception of human beings

The Marxist notion of man as a “species-being” or “species-essence” [*Der Mensch ist ein Gattungswesen*] (Marx, 1975 [1844]: 328) has been one of the grounds upon which a non-presence conception of human nature has been erected. Its importance lies in the fact that it helps us to understand our performative relationship with the world by appealing to labor, the “vital and free conscious activity [that] is the species characteristic of man” (Marx, 1975 [1844]: 328). Following a critical realist methodology, I will carry out a transcendental move

that brings to light how the Marxist notion of man and its reception ends up in presupposing a strong ontology of human beings.

Marx's phrase *Der Mensch ist ein Gattungswesen* has been translated in English as "Man is a species-being" (Marx, 1975 [1844]: 328). The Spanish translation, however, seems to capture a more specific meaning of *Gattungswesen* by translating it as "*genérico*". In the first place, the generic character of human beings can be explained as they all belong to a particular group, gender or species: the human species. We belong to that particular species because we live our life with and within nature, establishing with it a particular relation. Insofar as Marx defines life as activity —"what is life but activity?" (Marx, 1975 [1844]: 327),— the generic character of human beings can be understood as their capacity for generating or creating, not only a state of affairs, but, especially, themselves.

Marx claims that "labor is the self-confirming essence of man" Marx, 1975 [1844]: 386). Marx points out that human beings are the result of their own labor. But, as a critic of German idealism, Marx's notion of labor is not related to a 'mental' conception of labor considered as the true essence of human being a thinking being who dominates nature. Rather, labor becomes the key practical activity of a corporeal being. As nature provides us with the means by which we can survive, the worker and, by extension, man, cannot live exclusively from himself; he rather needs an external world that offers him material means to live. However, the relationship between human beings and nature cannot be understood purely as a means-ends one. As Marx points out, there exists an intimate intermingling between nature and man, because "man's physical and mental life is linked to nature [and] nature is linked to man" (Marx, 1975 [1844]: 328). Hence, human beings live from nature because they are a part of nature. As humans are conscious about the natural and organic world that surrounds them, it is characteristic of their species to appropriate or manipulate nature through labor.

As natural beings, humans are part of the system of nature. From this perspective, human nature should be understood relationally: our nature is outside ourselves as it is labored in a creative relationship established with the rest of nature (cf. Marx, 1975 [1844]: 390). Therefore, human nature is not a biological or spiritual substrate. It is historically constructed through labor and by making use of the material conditions surrounding us. As nature is not static, it exist hand in hand with our practical involvement with the world. Nature develops in the course of history through human labor. But, why can we labor?

According to Marx, humans are equipped with *natural* or *vital powers*, which endow us with dispositions, capacities, and drives directed towards the world outside ourselves. This ‘outside realm’ indicates how Marx followed Hegelian dialectics in non-idealistic terms. For Marx, history develops materialistically, that is, not simply via the becoming self-conscious of a consciousness that confronts another consciousness. A Marxist perspective makes apparent how history is the product of *real* and *active* relationships between human beings and nature, insofar as its *species powers*, such as self-preservation, are outwardly directed.

Marx’s viewpoint introduces an intersubjective dimension in the process of self-creation, inasmuch as we need others for creating the world and ourselves. In fact, the process of creation is not produced *ex-nihilo* as it requires the recognition of an outside reality. Although this reality precedes the human, it is not only an external limit to its action, but invites him to intervene on it by acting and creating. As Maurice Merleau-Ponty puts it, “the world is always already constituted, but also never completely constituted” (Merleau-Ponty, 2012 [1965]: 480). Human performativity implies accepting that, as human beings, we have always been interpellated by the world that precedes us. This world summons us to perform on it through labor. More precisely, human activities that intervene and transform the world happen simultaneously on two levels: they imply the creation of a social reality and they entail, at the same time, the self-creation of a particular type of social subject whose labor will constitute him as a creator and creature of history.

In this context, performativity, or more precisely, its adjectival inflection, ‘performative,’ refers to a quality or feature of human beings: the quality of being creative. However, creativity is not only directed towards an outside realm, but it also involves a labor directed at the self. As long as we act in the world through labor, we are creating ourselves as a particular kind of subject. To go back to Duchamp’s experiment, “the new usage of artistic techniques that goes beyond the realm of art, [...] open up new modalities of action and subjectivation” (Lazzarato, 2010: 101). His artistic labor results in creating, not only an artwork and artistic movement, but also an action performed by a human being who, at the same time, creates himself as an *anartist*¹ insofar as he intervenes the world he inhabits by questioning the

¹ Precisely, Duchamp referred to himself as an ‘anartist’: “I am against the word ‘anti’, because it is something like the ‘atheist’ compared to a ‘believer’. An atheist is more or less just as religious as a theist, while the anti-artist is more or less as much an artist as an artist. . . . ‘Anartist’ would be much better. If I could change the word, it would be ‘anartist’” (as cited in Lazzarato, 2010: 103).

establishment of the arts.

If we accept that performativity can be used for referring to the human quality of being creative, as a verb, ‘to perform’ can be used for the process by which we *perform* such a quality through labor. In turn, as a noun, performativity refers to a being that has performative qualities that can be brought into action. Although Marx does not explicitly talk about performativity, the discussion I have sketched above allows us understand performativity as a relationship that we have with the world through labor. While we labor we develop ourselves by creating the world and our own selves.

As Marx argues, humans have a conscious life activity that is manifested in labor. Their specific species-life differs from that of animal insofar as they not only act and intervene in the world in order to satisfy basic needs and instincts; they go further by creating an *objective world* in which basic needs and instincts are already satisfied. Marx refers to this process as one of *fashioning* of inorganic nature (cf. Marx, 1975 [1844]: 329). The key distinction between men and animals is labor. Labor allows human beings to manipulate an object of nature in order to create something new:

is therefore in his fashioning of the objective that man really proves himself to be a *species-being*. Such production is his active species-life. Through it nature appears as *his* work and his reality. The object of labour is therefore the *objectification of the species- life of man*: for man reproduces himself not only intellectually, in his consciousness, but actively and actually, and he can therefore contemplate himself in a world he himself has created. (Marx, 1975 [1844]: 329)

If man contemplates himself in the world he has created, the result of labor is the creation of objects that are the direct manifestation of his own individuality. The manipulation of nature is thus also the manipulation and creation of himself. Labor is understood as “man’s *act of self-creation*” (Marx, 1975 [1844]: 395) where the rise of *species-consciousness* and *species-life* takes place. Our world-making capacity always involves a self-making capacity. Therefore, human creativity is part of a whole movement in which man produces society, as well as society produces man.

The relevance of labour lies in that it is the driving force of history. For Marx, history amounts to the self-creation of human beings, through the development of labour, conceived of as our creative capacity. As he puts it,

the *whole of what is called world history* is nothing more than the creation of man through human labour, and the development of nature for man, he therefore has palpable and incontrovertible proof of his self-mediated *birth*, of his *process of emergence*. (Marx, 1975 [1844]: 357).

When Marx claims that history is the creation of man through labor, he is presupposing that all members of the human species share what seems to be a creative capacity through which the world, history, and ourselves are created. This capacity may be more developed in some individuals than in others. However, this difference is not enough to deny its existence. It is precisely this capacity, always present in every individual, which may provide us a constitutive structure of human beings.

Around the notion of labor, Marx offers a constellation of ideas that help us to understand our performative relationship with the world in terms of a creative and self-creative capacity. However, this capacity is realized not as an *ex-nihilo* process. It implies the recognition of an outside reality that precedes us, but, more importantly, it requires the recognition of an ontological grounding concerning the mode of existence of human beings. This ontological grounding is related to the Marxist explanation about the creation of an objective and specifically human world. Therefore, we should ask: what does it mean to have the capacity to create an objective world? and, what does it mean to create ourselves?

2.2 Homo socius as Homo performans

In *The social construction of reality* (1966), sociologists Peter Berger and Thomas Luckmann offer an answer to these questions by explaining the process by which reality is socially constructed. Berger and Luckmann distinguish between two kinds of reality. One is independent of our volitions; the other is called social reality. The latter refers to subjective, objective and intersubjective experiences and to the interpretations of the former kind of reality (Berger & Luckmann, 1966: 33-42). They argue that what is socially constructed is our sense of reality as an objective one. Our experience of social reality is the product of our coordinate and intersubjective actions within a world that is independent from us.

Following the Marxist notion of labor, Berger and Luckmann draw from the fields of biology and evolutionary psychology for arguing that, due to some biological characteristics

present in human organisms, constructing a social reality is a necessity. Our instinctual structure is instable, eccentric, and plastic and, therefore, our instincts and impulses need to be externalized in a social world that provides a stable, organized and specialized environment for our conduct (cf. Berger & Luckmann, 1966: 70).

Contrary to other mammals, our behavior is not totally determined by our instincts. In fact, our biological constitution permits humans to engage in different activities. The plasticity of human organisms allows them to develop a variety of responses to the environment. One of these responses corresponds to the necessary development of a social order, considered as biological need (cf. Berger & Luckmann, 1966: 70). From this perspective, Berger and Luckmann conceive of human beings as essentially social creature, to the point of defining the *homo sapiens* as an *homo socius*. The process of becoming a social being consequently takes place while humans establish a specific relationship with the world and position themselves within it. I call such a relationship as performative one inasmuch as it implies the performing of an action that results in creating the social world as well as a social subject.

Along this same of argument, anthropologist Victor Turner studied culture as a performance, not only because we create culture, but also because it creates ourselves. As he argues,

if man is a sapient animal, a tool making animal, a self-making animal, a symbol-using animal, he is, no less, a performing animal, *Homo performans*, not only in the sense, perhaps, that a circus animal may be a performing animal, but in the sense that man is a self-performing animal -his performances are, in a way, *reflexive*, in performing he reveals himself to himself. (Turner, 1988: 71)

Being a *homo socius* entails being a *homo performans*. The latter makes the former possible. Only through human performativity is it possible to create the social world.

The process by which we perform our creative and self-creative capacity has been called by Berger and Luckmann the “construction of reality”. This process occurs dialectically: “[humans] self-production is always, and of necessity, a social enterprise” (cf. Berger & Luckmann, 1966: 69). Thus, insofar as we socially construct reality, we are socially constructing ourselves. However, what requires to be analyzed is why Berger and Luckmann consider that

the process of social construction is a *human necessity*. I consider that this necessity is the key for unveiling the specific ontology underpinning the conception of human beings as *homo socius*. The process of creating social reality and ourselves is based on a strong ontological presupposition about human beings' creative and self-creative capacity.

Berger and Luckmann were strongly influenced by the existential Marxism present in Jean Paul Sartre's. Sartre's conception of human creativity stems directly from the notion of labor creativity present in Marx. Sartre, however, adds a stronger thesis concerning the self-creation of human essence and its moral and political consequences. According to him, God's foundationalist status was suppressed and, with it, the idea that there exists a human essence preceding human existence. As such, existentialism emerges, not as a philosophy of quietism, but as a philosophy of action. It encourages humans to create and shape themselves up through action. This thesis leads to a new kind of humanism, an existential one, in which humans may acknowledge that "there is no legislator other than [man] and that he must, in his abandoned state, make his own choices" (Sartre, 2007 [1945]: 53). Sartre's atheistic existentialism affirms that the consequence of denying the existence of God is the recognition that there is at least one being: man, "whose existence comes before the essence, a being who exists before he can be defined by any concept of it" (Sartre, 2007 [1945]: 22). Therefore, if we ask about the mode of existence of human beings we will find as an answer: 'a mode of existence in which it creates its own nature'. But, when defending this idea, are we not presupposing that human beings have specific ontological characteristics that allow them to create their own nature while they exist?

Sartre's perspective is echoed by Berger and Luckmann when they claim that [...] there is no human nature in the sense of a biologically fixed substratum determining the variability of socio-cultural formations. There is only human nature in the sense of anthropological constants (for example world-openness and plasticity of instinctual structure) that delimit and permit [humans] socio-cultural formations. But the specific shape into which this humanness is molded is determined by those socio-cultural formations and is relative to their numerous variations. While it is *possible* to say that [human] has a nature, it is more *significant* to say that [human] constructs his own nature [cursives are mine]. (Berger & Luckmann, 1966: 67)

From this passage, it would seem that for Berger and Luckmann the discussion about human nature lies upon the difference between what is *possible* and what is *significant*. Certainly, our creative capacity allows us to create an endless number of beliefs of different kinds. However, the object of philosophical inquiry should concern not only the *possibility* of creating beliefs, but also, and more importantly, the reason why some beliefs are more *significant* than others. Along these lines, I will situate the following discussion between the *possible* and the *significant*. I agree with Berger and Luckmann in saying that it is more significant to say that humans create themselves. However, in defending this perspective, they presuppose, not simply that there exists the possibility of an ontology of human beings, but that in fact there exists one.

3. Performing in/the social world

I have been reconstructing contemporary anthropological philosophy in order to show that it has built up a horizon of understanding according to which human beings establish a performative relationship with the world by means of which they create their own nature. I have also argued that this kind of relationship with the world is possible because we have a creative capacity that makes us performative beings. I will now turn to two philosophical approaches to performativity in order to make explicit that the notion of a performative being is a taken for granted presupposition of these theories. I want to make a transcendental move for showing not only that performativity designates a relationship that we establish with the world, but that it is also the condition of possibility of that relationship.

Influenced by Austin's work, Judith Butler and John Searle show how the performativity of language is constitutive of social reality, a reality that is characterized by the existence of norms and institutions. Both authors offer an account of the process of constitution of social reality, gender and subjectivity by appealing to language. Searle focuses on the linguistic mechanisms that constitute social reality, so that the structure of social reality may become connected with the structure of language. Butler, on the other hand, follows a foucauldian approach for showing that the process of subjectivation is constituted by language within a network of power/discourse.

In assuming the performative character of language, Butler and Searle, I claim, share a similar ontological presupposition, not about language, but rather about the one who uses it. I will argue that Searle's effort to establish an ontology of social reality and Butler's interest in

giving an account of the social conditions of emergence and operation of gender and subjectivity, both imply an ontological commitment to a particular conception of human beings. My exploration of Searle's philosophy of society and Butler's philosophy of subjectivity will follow a transcendental reading in order to expose the conditions of possibility of the idea that we have a performative relationship with world.

3.1 How to do a social reality with words?

If we asked Butler and Searle to answer to the question 'what does it mean to have a performative relationship with the world?' by using one single concept, probably both of them would say: 'language'. As heirs of Austin's performative approach, Butler and Searle would concede that language is one of the mechanisms by which we establish a creative relationship with the world inasmuch as we can *do things* while uttering a sentence. However, the way in which each of them characterizes such a *doing* is influenced by different (and often polar opposite) philosophical traditions. While Searle remains faithful to the most basic ideas advanced by Austin, it would be fair to say that Butler is closer to Derrida's appropriation of Austin's performative theory.

One of the many ways in which we relate to the world is through language. When we name things using linguistic means we are not only describing what we see, what we hear or what we do. We are, in fact, also creating a particular way of relating ourselves with the world through the linguistic representation that we make of it. As Gabriel García Márquez writes in the first lines of *One Hundred Years of Solitude*, "The world was so recent that many things lacked names, and in order to indicate them it was necessary to point." The performative character of language thus allows us to *do* something with and within the world, only to the extent that it becomes familiar for us. We create a world that ends up being a *social world*, shared by the members of a community. Along these lines, Butler would concede that to claim that language is performative implies, not that it "originates, causes or exhaustively composes that which it concedes; [but] rather it is to claim that there is no reference to a pure body which is not at the same time a further formation of that body" (Butler, 1993: 10). Therefore, when we use language for referring to something, we become familiar with a reality that is outside language, that is, a reality that is not created by language. But by doing so, we are altering the reference by ascribing to it a particular meaning that constitutes this reference as a

particular body. The body becomes inscribed in a social context thanks to the fact that it has been named.

By accepting the existence of something ‘outside’ language, Butler is conceding that there is something that is not constructed. However, one thing is to accept that language refers to something outside itself, but another is to claim that the ‘outside’ absolutely determines the way in which we refer to it when using language. Indeed, Butler insists that the ‘outside’ of language “is not an absolute ‘outside’ or an ontological there-ness, [...] it is [rather] a constitutive (or constituted?) ‘outside’” (Butler, 1993: 8). This outside exists independently from us, but it can only be thought by means of our linguistic categories. Hence, for Butler, the social world that we live in is a world that has been constituted and socialized. It is a world that is becoming ‘less recent’ —to follow García Marquez language—inasmuch as we appropriate it linguistically.

The constitutive relationship between the performativity of language and the social world has been well explored by Searle in order to defend an ontological thesis that connects the structure of language with the structure of social world. Searle begins by describing a basic characteristic of language, namely, that it is constituted by symbolic devices (words, phonemes, etc.). These devices represent something that goes beyond themselves. The representational character of language allows us to use words or symbols in order to refer to a reality that exists independently from us. Thus, by using language to represent reality, we are creating a symbolic device in order to talk about reality in a way that is publically understandable: “Symbols do not create cats and dogs and evening stars; they create only the possibility of referring to cats, dogs and evening stars in a publically accessible way” (Searle, 1995: 75). However, the performative character of language goes one step further inasmuch as it refers to our capacity for representing reality and also for creating what he calls social reality: “language is essentially constitutive of social reality” (Searle, 1995: 59).

In the introduction of his *Making the social world* (2010) Searle decides to disregard epistemological questions as peripheral. Instead he focuses on giving an account of the nature of human society and of the mode of existence of social reality. Searle is convinced that language is the key for uncovering the underpinning principle of social ontology. For developing this thesis, Searle follows Austin in affirming that language is a particular way of behavior governed by rules: “speaking a language is engaging in a (highly complex) rule-

governed form of behavior. [Therefore] to learn and master a language is to learn and to have mastered these rules” (Searle, 1969:12). Therefore, if we relate to the world through language, and if language is necessarily ruled-governed, then it means that Searle is assuming that we have a ruled-governed relationship with the social world. Searle’s ontological inquiries into how social facts exist lies upon his Speech acts theory precisely because it is language that creates and maintains the distinctive features of human society: its institutions (cf. Searle, 2010: 3; 2008: 444). Searle argues that rule-governed linguistic actions constitute our social reality, which is, consequently, a ruled-governed reality.

3. 2 How to do a social reality with materiality?

The relevance of the performative character of language in the process of social construction can certainly be considered as a starting point shared by Butler and Searle. However, although both of them agree on the constitutive social role of language, there is a critical disagreement concerning Searle’s distinction between ‘brute facts’ and ‘institutional facts’. Searle relies on such a distinction in order to argue that what we create is the social reality, but not reality itself. For him, social reality is composed of institutional facts, but reality as such includes, not only institutional facts, but also brute facts. Searle’s realism implies a defense of the existence of a reality that is totally independent from our interests, preferences, agreements, etc. That reality is made of ‘brute facts’, such as the hydrogen atoms of the Mount Everest’s ice, whose existence is independent from the way in which we refer to them through language.

Searle emphatically stresses that there are no institutional facts without brute facts (Searle 1995: 23), since the latter correspond to the materials employed for constructing social reality. Those materials can be explained through features that are *intrinsic* to nature. These features do not depend on attitudes or opinions of observers or users. The creation of social reality therefore takes place when we create institutional facts by ascribing to ‘brute facts’ some features that are not *intrinsic* to nature, but rather ‘observer relative’. The intentionality of observers, users, etc., provide brute facts with some features that are ontologically subjective as their existence depends upon the intentionality of an agent. However, they become objective facts when members sharing a social context agree on them. The formula *X counts as Y in C* explains how the construction of social reality takes place. Would Butler agree with Searle on the nature of ‘brute facts’ and on how they relate to ‘institutional facts’?

It would appear at first sight that Butler also spouses a sort of realism. In an attempt to clarify some of the ideas advanced in *Gender trouble* (1990), Butler's *Bodies that matter* (1993) considers the notion of matter, by focusing on the relationship between the materiality of the body and the performativity of gender. Butler points out that the discourse around 'construction' and its defense of a notion of constructed gender is not enough for explaining how the "materiality of sex is forcibly produced" (Butler, 1993: 1). Following this statement, we can assume that if we try to search for a 'brute fact' in Butler's theory of performative gender—that is, a portion of reality whose existence is totally independent from us—the materiality of the body would be the best candidate. In fact, Butler writes that "what constitutes the fixity of the body, its contours, its movements, will be fully material" (Butler, 1993: 2). However, her concept of materiality goes beyond a fixed material body. She focuses on the process by which materiality is shaped and on how we characterize it. In this context, Butler proposes a notion of matter,

not as a site or surface, but as a *process of materialization that stabilizes over time to produce the effect of boundary, fixity, and surface we call matter*. That matter is always materialized has, I think, to be thought in relation to the productive and, indeed, materializing effects of regulatory power in Foucaultian sense. (Butler, 1993: 9-10)

Hence, Butler's concept of materiality cannot be equated to Searle's 'brute facts' inasmuch as for her there are no features 'intrinsic to nature.' For even when we use the term 'intrinsic to nature' to refer to such features, we are already creating their meaning and the way in which we to relate to them.

According to Butler, the so-called 'intrinsic-to-nature' features are themselves created by language performativity and, more importantly, by their relationship with a kind of normativity always attached to power. While Searle uses the concept of 'brute facts' in an ontological way (their existence is totally independent from our intentionality), Butler would characterize them from an epistemological perspective confined to power mechanisms. In fact, Searle's reference to 'brute facts' would be qualified by Butler as another narrative of origins attempting to describe a state of affairs before the law. Those efforts correspond to an authoritative account of an irrecoverable past that "makes the constitution of the law appear as

a historical inevitability” (Butler, 1990: 46).

What she is proposing is to understand materiality, not as a fixed place of inscription of the law, but rather, as a never-ending process in which the law materializes itself by shaping, forming and producing a particular type of body or object. At this point, the relationship between materiality and power is constitutive, as the former is an effect of the latter: “the materiality of the body will not be thinkable apart from the materialization of that regulatory norm” (Butler, 1993: 2). Therefore, materiality cannot be separated from language. Even if it can be said to have an existence independent from, we only apprehend it through linguistic categories. These categories give the body and the object a meaning, a place, and a function in society.

Butler would not agree with Searle about his claim that there are no institutional facts without brute facts. For Butler, to create an institutional fact is to create a brute fact, but not in the sense that the institution originates, causes or composes exhaustively the brute fact. In other words, when we call a fact a ‘brute fact’, we are already creating a non-brute relationship with that fact, since it is mediated by our *already-made* socio-linguistic categories. Even in using language for referring to a fact that exists independently from us, we are already creating a particular way of relating ourselves with that particular fact. Thus, our linguistic devices allow us to generate a performative relationship with the world, in which human creativity precisely establishes creative links between human beings and the world. In fact, social reality is the result of a creative process in which we apprehend the world linguistically by creating social institutions.

3.3 The social world as an institutional world

In John Searle’s *The construction of social reality* (1995), Austin’s performativity of language helps us to understand the process by means of which we construct the institutional reality that constitutes and regulates our social reality. Searle bases his argument in a more fundamental claim that defines that our performative relationship with and within the world takes places through language; we construct the social world by *performing* or acting on it. For Searle, what we create is an objective social reality, in which we constitute ourselves as subjects. For example, marriage is a social institution created by human agreement and convention, which is constituted by two different subjects named husband and wife. In this case, our performative

relationship with the world shows itself in how an utterance, such as ‘I declare you husband and wife’, pronounced by the correct person in the correct circumstances, creates a totally new social reality that did not exist before these words were uttered.

Something similar happens with Duchamp’s experiment in *Trois Stoppages Étalon*. The product is the creation of three new versions of a meter. But, more importantly, Duchamp creates himself as an *anartist* through acting and intervening in the social and artistic world, thus also creating a whole new artistic movement. However, Duchamp’s performative gesture in *Trois Stoppages Étalons* did not create an institutional reality, but an anti-institutional one. He conceived of his experiment under the idea of liberating himself from material and conceptual standards of art that prevailed in the society of his time. It is evident that Duchamp questioned the social standards defining art as an institution. What is interesting in this particular case is that Duchamp created both the idea and its referent: the three wooden rules did not exist before the creative activity. However, they were not created *ex nihilo*. There was a ready-made reality in which the meter was an institutionalized unit of measure; starting from this institutional reality, Duchamp created a new, non-institutional one.

Although it was Duchamp’s own creation, this anti-institutional fact shares a characteristic common to all institutional facts: collective intentionality. Insofar as living in a society implies the establishment of cooperative behaviors like having a conversation or accepting a set of laws, the artistic community of the early twentieth century also shared a common belief around the meaning of the artistic movement Duchamp started. This kind of shared beliefs illustrates how an artistic movement can be considered as a nucleus of collective agency where collective intentionality emerges as “a sense of doing, wanting or believing something together” (Searle, 1995: 25). In doing so, this kind of intentionality coordinates life under a cooperative behavior. For Searle, the most important idea about the ‘We Consciousness’ of collective intentionality is that social reality rests upon the idea of doing something together. Social facts are constituted by human agreements about the way we behave towards each other and the world. We can thus understand that Searle is focusing on a collective nucleus of performative agency.

According to Searle, it is a mistake to reduce collective intentionality to individual intentionality. From the fact that my intentions are in my mind it does not follow that the privileged way for expressing intentionality is an ‘I Consciousness’ (Cfr. Ibid: 25). As he is

focusing on social beings and social reality, it is impossible that our intentionality is completely and exhaustively individual because we are part of a social reality that exerts influence in ourselves. Therefore, as he says, “the intentionality that exists in each individual head has the form ‘We intend’” (Searle, 1995: 26). What is interesting here is that, instead of collapsing this discussion into a debate about the priority of individual or collective intentionality, we must accept, following a hermeneutic viewpoint, that as human beings we are born within a particular culture and are socialized in it, under certain beliefs, practices and relations.

The relevance of collective intentionality lies in the fact that having a common language implies the participation in a linguistic community. All of the members of this community share a ruled-governed system of symbols and sounds: “once you have a shared language you already have a social contract, indeed, you already have society” (Searle, 2010: 62). Hence, language is the most fundamental social institution, not because it is in itself an institution, but rather because it constitutes social reality through a process of agreement. At this point Searle is arguing for an understanding of the ontology of social institutions based on the most basic human institution: language.



FIGURE I. SEARLE'S INSTITUTIONAL ONTOLOGY: THE LINGUISTIC ONTOLOGY OF SOCIAL REALITY

As I show in FIGURE I, Searle's social ontology is an 'institutional ontology'. Yet, it seems that he is trapped in social institutions, since the *explanans* is included in the *explanandum*. Here I am not questioning the fruitfulness of Searle's argument. I simply want to draw attention to the fact that constructing social institutions requires more than institutions. We need to appeal to an ontological argument, not only about the existence of 'brute facts', but especially about the type of being whose characteristics would allow to talk about brute facts and to *do* something with them as well. We need a being that is sufficiently open to make room for establishing a performative relationship with the world. Can we find such a being in Searle's theory?

3.3.1 Status function declaratives

For Searle, social reality is composed of institutional facts. These facts are defined as those whose existence depends on human's institutions, that is, on human agreements that have taken place, thus allowing to reach certain purposes (cf. Searle, 1995: 2). With the formula '*X counts as a Y in C*' Searle presents the logical structure of institutional reality and the process by which we create it: with the creation of constitutive rules, collective intentionality imposes a new status and function specified by the term *Y*, on some phenomenon named as *X*, under certain circumstances described by *C* (cf. Searle, 1995: 46). However, the formula creates an institutional fact only if it involves human agreement, acceptance and other forms of collective intentionality that constitute the collective nucleus of performative agency. Therefore, "where the imposition of status function according to the formula becomes a matter of general policy, the formula acquires a normative status. It becomes a constitutive *rule*" (Searle, 1995: 48). In other words, the formula constitutes an institution.

In *The construction of social reality*, Searle exposes his first philosophical approach to the relationship between what he calls 'assignment function' and the construction of institutional reality: what allows us to consider humans beings as agents is the fact that one of our agency capabilities relies in assigning or imposing functions to artifacts, natural phenomena, etc. These functions are distributed according to our interests. At this point of the argument, we can acknowledge that our performative relationship with the world takes place by virtue of agency capabilities, which allow us to do things in the world. I wish to claim that those agency capabilities pertain to a performative being that has the capacity, not only of participating in a sphere of collective intentionality that shares the function assignment, but also, of creating and imposing functions to objects, activities, persons, phenomena. These functions "cannot be performed solely in virtue of the intrinsic physical features of the phenomenon in question" (Searle, 1995: 44).

Searle explains this procedure by distinguishing between constitutive and regulative rules. Our collective nucleus of performative agency is especially apparent in our creative capacity of creating constitutive rules. While the regulative law "Thou shalt not kill" establishes a rule that prohibits murder, the establishment of such an action as a crime is realized through a constitutive law that institutes the act of killing as a punishable crime. Consequently, our capacity to create constitutive rules show how our performative relationship with the world

gives actions, objects, or phenomena a new status. This status becomes collectively recognized and attached to a function. Our capacity to interpret an act as punishable or enjoyable is possible due to our creative capacity to create interpretations or functions that may become established as rules.

In *Making the social world*, Searle revisits some of the main theses presented in *The construction of social reality*. Here he introduces the concept of “Status Function Declaratives” as the central building block for creating and maintaining institutional reality (Searle, 2010: 19). In the Appendix to this book, he says that he took some time to realize that the constitutive rule ‘*X counts as Y in C*’ is just one member of the class of Status Function Declarations, the type of declarations that for Searle create the reality that they represent, that is, institutional reality. Searle’s aim was to introduce a stronger theoretical claim: *all* institutional facts, and therefore, *all* status functions, are created by Status Function Declarations [cursives are mine] (Searle, 2010: 11, 31).

Following Austin’s *performative utterances*, Searle baptized as *Declaratives* those speech acts that “change the world by declaring that a state of affairs exists and thus bringing that state of affairs into existence” (Searle, 2010: 12). To understand this type of speech acts, it is necessary to stress that, in saying ‘I pronounce you husband and wife’, one is not only changing the world so that it may match with the word being uttered, but also that the world has been changed.² Indeed, the propositional content of *Declaratives* is brought into existence when the performance of that speech act is successful (cf. Searle, 1995: 34).

I already explained that the process of construction of social reality consists in the collective imposition and recognition of functions to artifacts, natural phenomena, or facts that in themselves cannot have any function without it being assigned by the agent. Therefore, for Searle, Status Function Declarations are always intentionality relative inasmuch as they are assigned by an agent in order to reach certain purpose: “a function is a cause that serves a purpose” (Searle, 2010: 59). Status function assignment can take place through explicit speech acts, but it can also be created by a corporeal relation with our environment. For example, my hand grabs the stone and places it on top of some sheets of papers located on my desk. In this case I am not creating an institutional fact. However, I am still establishing a performative relationship with the world in which I am creating a weight with a rock. The relevance of

² Searle calls it as a double direction of fit: word-to world and word-to-world (Searle, 2008: 452; 2010: 69).

Status Function Declarations is that they show that our performative relationship with the world can be understood in terms of our capacity for creating and assigning status functions.

Searle is providing an important contribution for understanding social ontology based on language and, more specifically, on *declaratives* and performative speech acts. However, how is it possible for language to constitute social reality? To answer this question, we may first appeal to a collective nucleus of performative agency, where collective intentionality participates. But even if Searle affirms that language is constituted due to a collective intentionality that belongs to a 'We intend', he must also concede that, in defending the existence of a 'We consciousness' which creates and assigns functions, an specific ontology pertaining to humans is presupposed. Such an ontological presupposition refers to the way in which the human's self-creative activity allows for the creation of the 'We intend'. Searle's writes that "the creation of human institutional facts always has the same underlying logical structure as the performative utterances [that assigned status functions]" (Searle, 2010: 69). What is valuable in this passage is that he points towards a collective and intersubjective understanding of our performative relationship with the world. Performative utterances that we make create, at the same time, socially shared functions and statuses of objects, practices, and phenomena.

As critical realist sociologist Christian Smith (2010) explains, any type of theory or philosophical approach implicitly assumes a notion of human beings. Consequently, "the better we understand the human, the better we should explain the social" (Smith, 2010: 2). Following this idea, I believe that Searle's thesis about language being constitutive of social reality is founded on a presupposition about human beings; a presupposition that works as a condition of possibility for oral, written and corporeal language, and without which the performative dimension of language would not work. In order to construct social reality, the existence of declaratives, ruled-governed systems, etc., requires conceiving of human beings as performative beings endowed with the capacity for creating. However, the fact that this capacity manifests linguistically does not mean that it is in itself "linguistic". From my perspective, establishing a linguistic social ontology implies a deeper ontology, not of the social, but rather of the beings that use language, namely, human beings. Human ontology cannot be reduced to language skills. Because for having language we need to presuppose a creative capacity precisely for doing things with language. This means that, in order for

defending a linguistic ontology of social reality, Searle requires to presuppose a particular notion of human beings, which I call the ontology of a performative being.

3.4 Performing gender and norms

The constitutive relationship that Searle traces between language and social reality, as well as the examples of marriage and Duchampian meters, help to understand how the performativity of language relates to an institutional order. It seems that performativity cannot escape from ruled-governed system of institutions. The relevance of normativity can be understood in Butler's critical approach to the concept of performativity, since for her norms are not only constraints which set limits to performativity. Rather, they are constraints that "call to be rethought as the very condition of performativity; [...] since they impel and sustain [it]" (Butler, 1993: 94). In this sense, norms are part of the collective nucleus of performative agency. They do not only authorize and produced the effects of what they name, but, in a negative sense, they also have a performative force that creates a field of action within which it is possible to produce the exact opposite effects that are being named. These kinds of effects are non-authorized, but not impossible.

Butler's notion of performativity and its relationship with norms and social institutions can be explained via her renowned criticisms to the institutional character of an heterosexual discourse of gender. In *Gender Trouble* (1990), Butler uses the concept of 'performativity' in order to give an account of the process by means of which gender becomes the effect of the constitutive and productive power of discourse. Butler's analysis stems from Foucault's analysis in *Discipline and Punish* (1975) on the discursive production of the subject and on the consideration of the body as the surface of inscription of power. Her idea upon the performativity of gender is based on the disciplinary production of gender: "gender is performatively produced and compelled by the regulatory practices of gender [heterosexual] coherence" (Butler, 1990: 30). Gender is the result of a ritualized and sedimented repetition of conventions that become a social institution. By developing a critical reading of Foucault's introduction to the diaries of Herculine Barbin (an 19th century hermaphrodite), Butler explains how binary sex categories established by medico-legal institutions constituted Herculine as the sexual (im)possibility within this binary frame: "The linguistic conventions that produce intelligible gendered selves find their limit in Herculine precisely because she/he occasions a

convergence and disorganization of the rules that govern sex/gender/desire” (Butler, 1990: 31).

By criticizing Foucault, Butler argue that Herculine’s diaries did not provide the vivid experience of an unregulated field of pleasures prior to the imposition of a law that univocally regulates sex. If we apply Searle’s formula, *X counts as Y in C*, to the case of Herculine, we find that s/he was oscillating between two contradictory medico-legal discourses according to which s/he counts as a female and also as a male. The diary shows how s/he was experiencing gender confusion, caused by the material effects of the discourses and practices of the heterosexual law upon his/her body. Herculine is the ambivalent embodiment of a social institution of the 19th century. S/he is a testimony of law’s capacity to produce what it needs to reject in order to define, maintain and legitimate itself.

The case of Herculine is useful for our purposes because it shows how certain discourse performatively produce certain realities. After his/her confessions to doctors and priests, the intervention of a medical and religious discourse is a performative act that creates a subject and a reality in which a social institution *makes* Herculine to cease to be a ‘female’ and to commence to be a ‘male’. In this case, the medical and religious discourses work as a collective nucleus of performative agency which produces Herculine into a particular a subject. This discourse enables or disables a particular individual agency ascribed to masculine or feminine behavior.

We can therefore acknowledge that Butler follows Austin’s basic claim on the performativity of language as she defines a performative act as “one in which one brings into being or enacts that which it names” (Butler, 1995 [1994]: 134). However, she distances herself from Austin by drawing upon the relationship that Jacques Derrida establishes between performativity and iterability in *Signature, event and context* (1982 [1971]). In this article, Derrida analyzes the problem of performatives by providing a particular interpretation of Austin’s perspective upon performatives and their function in communication. Focusing on written language, Derrida remarks that, insofar as a written sign can be legible in the absence of its producer and her intention, the *citationality* of language (what he also names as its *parasitary* use) allows it to have a communicative function outside the *ordinary* circumstances that produces it. Written language can be *cited* beyond its context of emission.

Writing implies the production of a trace that constitutes a kind of machine. As the trace becomes productive in any context (cf. 1982 [1971]: 316), Derrida argues that language can function, not only according to Austin's *felicities conditions*, but also beyond of them. In the case of Herculine, his/her intersexual body did not fit within the material conditions that the utterances 'it is a boy' or 'it is a girl' required for it to become a *happy utterance*. However, despite this "failed" use of language, the medical discourse succeeded in inscribing s/he as a female body to be educated as a female subject. The citationality or iterability of a medical discourse works as a written sign that is repeated outside its original context of production. This is neither an abnormal use of language nor an accident. Citationality is inherent to language as it is the condition that makes its use possible for us.

Derrida is showing that, for Austin, the successfulness of a performative utterance is constituted in virtue of the exclusion of *parasitarian* utterances. Hence, what Austin excludes as an anomaly or infelicity case, is, for Derrida, an "internal and positive condition of possibility of language" (1982 [1971]: 325). If performative utterances succeed it is not only because they can be uttered under specific conventional and intentional contexts. Rather, performative utterances succeed because they can be cited or repeated outside that context. *Parasitarian* uses of language do not exclude the successfulness of a performative utterance, but they are presupposed as the general realm of its possibility (cf. 1982 [1971]: 327).

In this context, Butler offers a definition of performativity which follows Derrida's reception of Austin's theory of speech acts: "performativity must be understood, not as a singular or deliberate 'act', but, rather, as the reiterative and citational practice by which discourse produces the effects that it names" (Butler, 1993: 2). She goes beyond Austin's doctrine of *felicities* and *infelicities* by characterizing performative utterances as those that have neither a unique emission source nor unique reception context. Therefore, acting through language involves combining different temporal horizons whose iterability subverts the appearance of a substance. The case of Herculine Barbin works as an example of a parasitary citation within the medical and religious discourse concerning the tags 'male' and 'female'. Doctors and priests were dealing with a body that did not fit within their medical and religious categories. In spite of this fact, their performatives acts succeeded inasmuch as they created a new subject: a male, whose materiality constituted Herculine's body. S/he began to dress like a male and perhaps to behave like one.

This example shows that the power of medico-legal discourses has “the productive capacity to regulate strategies to produce subjects that will be subjugated” (Butler, 1990: 125). As a reader of Foucault’s, Butler precisely follows the productive character of discourse for showing that “the inherited *discourse* of the metaphysics of [gendered] substance [cursives are mine]” (Butler, 1990: 33) has been produced by a set of linguistic conventions pertaining to the heterosexual matrix (cf. Butler, 1990: 31-33). Butler follows the Nietzschean criticism against the existence of an ontological reality of substance. Gender may be reduced to a set of substantive attributes grounded on a binary relation of masculine and feminine. However, as Butler argues, this conception of gender is the result of the historical sedimentation of linguistic conventions that have formed institutions, whose laws have material effects upon the bodies they refer to.

Butler attempts to develop a genealogy of the ontology of gender, based on Nietzsche’s claim that “there is no such substratum; there is no ‘being’ behind doing, effecting, becoming; ‘the doer’ is merely a fiction added to the deed —the deed is everything” (Nietzsche, 1989 [1887]: 45). From this perspective, gender is performative and has no internal essence that precedes existence. As she puts it: “there is no gender identity behind the expressions of gender; that identity is performatively constituted” (Butler, 1990: 140) through a sustained set of acts, and posited through the gendered stylization of the body. No gender essence is expressed by actions, gestures or speech acts.

Butler suggest that “certain cultural configurations of gender take the place of ‘the real’ and consolidate and augment their hegemony through that felicitous self-naturalization” (Butler, 1990: 42). Following a linguistically understanding, Butler’s conception of performance alludes to an ‘act’ or a ‘staging’ in which language—including its corporeal dimension—produces certain effects through reiteration and iterability. Those performative acts of a speaking body constitute a ‘hallucinatory effect’ that naturalizes gender. They impose on the subjects’ self-identity the burden of the metaphysics of presence as a consequence of a historic sedimentation of discourses (cf. Butler, 2013: 17). The performance of gender has produced the illusion that there is an inner gender core. The constitution of this essential core is, however, one possibility among several others.

3.4.1 The performativity of subjectivity: In the beginning it was power

In the article *Contingent Foundations: Feminism and the Question of 'Postmodernism'*, Butler connects her criticisms to gender with her explorations on subjectivity. She explains that the death of the subject, proper of postmodern *episteme*, is not the end of agency, speech or political debate. By answering the question of *which* subject has been killed in hands of post-modernism, Butler clarifies that to deconstruct the subject “is not to throw away the concept, rather to call it into question and, perhaps most importantly, to open up a term, like the subject, to a reusage or redeployment that previously has not been authorized” (Butler, 1995 [1994]: 49). Butler’s epistemological project underlines that the subject is a *site* of openness and resignifiability to future multiple significations.

Following this perspective, Butler explains the becoming of the subject as a process of subjectivation in which Foucault’s dyad power/discourse has a constitutive role. Butler describes the subject that inhabits a social reality by characterizing it as a linguistic category that enacts a placeholder or a structure of information (cf. Butler, 1997a: 10). The subject functions as a habitable site for individuals or persons. For Butler, the concept of subject is not interchangeable with that of ‘person’, ‘individual’, or ‘self’. It rather refers to a linguistic category that establishes the conditions of intelligibility of the existence, agency, and status that defines a person’s place in a particular social context.

In *Excitable Speech* (1997b) Butler starts with Austin’s claim that language acts, specifically considering the linguistic power to injure. Hate speech is the linkage between politics and rhetoric because their efficacy relies on its capacity to linguistically articulate the social domination that constitutes subjects. As an example of the process of subject constitutions, Butler studies hate speech as the site for the mechanical and predictable production and reproduction of power (cf. 1997b: 19) in which relations of subordination constitute a subordinated subject. For example, hate speech aimed toward homosexuals shows that linguistic agency constitutes homosexuals as vulnerable subjects. However, Butler’s perspective about the constitution of subjectivity stresses that it is a non-ended and non-fixed process. Rather, the process of subject constitution is open to permanent resignification. As a category within language, the kind of subjectivity is formed depending on the position we occupy in discourse: “To be constituted by language is to be produced within a given network of power/discourse which is open to resignification, redeployment, subversive citation from

within, and interruption and inadvertent convergences with other such networks” (Butler, 1995 [1994]: 135).

This understanding of the construction of subjectivity has been criticized by Dave Elder-Vass, for whom it refers only to a ‘linguistic subject’: it is a subject that occupies a place in a web of fictive meanings and chains of signification (cf. Elder-Vass, 2012: 187). In his *The Reality of Social Construction* (2012) Elder-Vass dedicates one chapter to discuss how Butler’s account of gender and subjectivity is incapable of explaining agency. Following Sheyla Benhabib’s criticisms of Butler in *Feminism and Postmodernism* (1995), Elder-Vass formulates an ‘agentic subject’ (cf. Elder-Vass, 2012: 184) in opposition to a ‘linguistic subject’. According to him, on Butler’s perspective subjects are able to make decisions only insofar as they are completely dictated by their contexts. Elder-Vass is not denying that we are totally dependent from our social and material context, but defends a degree of autonomy of the subject according to which it has the capacity of making decisions that are not entirely derived from linguistic forces (cf. Elder-Vass, 2012: 198).

Butler answers to these criticisms by arguing that agency lies in a permanent process of resignification present in the discursive forces carried out by the subject:

‘Agency’ is to be found precisely at such junctures where discourse is renewed. That an ‘I’ is founded through reciting the anonymous linguistic site of the ‘I’ (Benveniste) implies that citation is not performed by a subject, but is rather the invocation by which a subject comes into *linguistic being* [cursives are mine]. That this is a repeated process, an iterable procedure, is precisely the condition of agency within discourse. If a subject were constituted once and for all, there would be no possibility of a reiteration of those constituting conventions or norms. (Butler, 1995 [1994]: 135)

Hence, Butler’s notion of performative agency implies a vertical structure. The dyad power/discourse seems to work as a collective agency about shared meanings upon power, norms and institutions, which establishes a cooperative behavior within a community. This structure is vertical inasmuch as the individual agency derives its autonomy and its deciding capacity as a response to oppressive power regimes. As I show in FIGURE II the type of subject that this structure produces is a ‘reactive subject’.

Power/Discourse
Collective Agency



**Individual
Agency**
Reactive Subject

FIGURE II. BUTLER'S VERTICAL STRUCTURE OF PERFORMATIVE AGENCY

Given that the degree of autonomy of Butler's 'reactive subject' consists of its capacity for creating new possibilities for rethinking and resignifying discourse, subject's agency depends upon an already-made, but not totally completed, discourse. If we follow Butler, we may say that the possibility of 'reacting' against the power of linguistic conventions presupposes, not only that discourse is the horizon of agency, but also that it is the condition of possibility for any process of subjectivation. In fact, in considering the subject as a 'linguistic being' Butler is presupposing that without discourse there is no being. But, what about the mode of existence of discourse itself? If the subject is constituted by discourse, where does this discourse come from?

Butler addresses these issues when she deals with some of her critics who consider her notion of performative gender as a kind of radical constructivism. She convincingly answers to the problem of the 'before' and 'outside' present in the circle of social construction by arguing that we do not need to presuppose an 'I' or a 'we' who stands before or outside the construction. The 'I' or the 'we' it emerges *within* the process of construction (cf. Butler, 1993: 7). She proposes a process-based theory, where what matters is not the 'before' of the 'after', but the 'during'. For Butler understands the discursive prohibitions of power, not as an as outside, before or after the production of subject, but as forces that become internalized *during* the process of subjectivation. Therefore, the relationship between power and subjects is a constitutive one, since power "encompasses both the juridical (prohibitive and regulatory) and the productive (inadvertently generative) functions" (Butler, 1999: 40) that constitute subjects. Butler refers to this relation as a paradox between the constitution of subjects and its agency:

“subjection is the paradoxical effect of a regime of power in which the very ‘conditions of existence’, requires the formation and maintenance of the subject in subordination” (Butler, 1999: 27). The paradox indicates that our capacity to act has been formed in accordance with forces of subordinations and prohibitions; our ‘reactive agency’ is paradoxical as it is the effect of its subordination to power; it requires oppressive relations to come into existence.

The power of linguistic discursive conventions appears as the first candidate that may answer the question about the mode of existence of discourse. However, if we concede that in the beginning there was (oppressive) power, then Butler needs to clarify whether she is proposing a metaphysics of oppressive power that makes possible all process of subjectivation, or presupposing a basic notion of the subject whose main characteristic is to be trapped in a net of power of linguistic discourse conventions —a subject whose primary mode of existence constrains it from being an autonomous agent. When she argues that “there is no opposition to power which is not itself part of the very workings of power, that agency is implicated in what it opposes, that ‘emancipation’ will never be the transcendence of power as such” (Butler, 1995 [1994]: 137), she is assuming, among other things, that our sense of agency comes about from our subordination to power. But, is subordination the condition of possibility for agency?

Without ignoring the political implications of this question, I would like to propose that, if Butler wants to argue for the autonomy and agency of the subject, she needs, not only a ‘reactive subject’ that ‘reacts’ against power, but also, an ‘actionary subject’ endowed with a degree of autonomy able to be used beyond power relations. Otherwise, her account of agency would be so minimal, that it would be doomed to collapse against power networks. As it is, Butler’s account of power becomes the condition of possibility for agency, while at the same time constituting itself as its condition of impossibility. She would perhaps counter argue that agency does not come from a moment or space prior to the discursive conventions that constitute the subject. Rather, she may claim that agency appears ‘during’ the very process by which the subject is constituted, and that such a process cannot be separated from the subject’s oppression and subordination. Agency would come about only by reworking the conventions by which the subject was constituted (cf. Butler, 1995 [1994]: 136). I believe such a reply would not be totally convincing because the question is not about the origin or the ‘before’ of the process of subjective construction. Rather, what matters are the conditions of possibility upon which the whole the process is itself grounded.

So how is it possible that Butler's 'linguistic subject' may resignify a discourse? What are the conditions under which the 'reactive subject', 'linguistic subject' or 'agentic subject' becomes possible? I am not thinking about a kind of agency that "can be theoretically secured prior to any reference to power" (Butler, 1995 [1994]: 137). Rather, I am pointing to the fact that, if we want to secure agency theoretically, we have to do it in reference to the conditions that make it possible. Those conditions refer, not to a power as it exists outside the subject, but rather to a power that the agent has with respect to itself. It would be a kind of power that defines its capacity for doing things in the world with a degree of autonomy and by following its intentions and interests. It is not a type of power that results from a process in which the subject internalizes the social norms—as Butler describes it in *The Psychic Life of Power* (1997a).

I am not talking about a subject that becomes a 'linguistic being' as it is part of discourse. Rather, I think that we should offer a characterization of human beings that allows us to react against power by resignifying discourses and by acting without being trapped within discourse. Certainly, the notion of 'subject' cannot be simply exchanged for that of 'person', 'individual' or 'self'. But for that notion of 'subject' to work as a linguistic category, we need to presuppose a type of being able to establish a creative relationship with the world and a self-creative relationship with itself. Our performative relationship with the world is possible because we are performative beings, whose existence is not given before or after the process of construction of social reality. Thus, the existence of this performative being is an ontological presupposition that works as the condition of possibility for any process of subjectivation.

Contrary to Butler's argument, I do not believe that to be grounded is to be buried, to refuse alterity, to reject contestation, or to eliminate the risk of self-transformation (cf. Butler, 1995 [1994]: 131-132). Rather, I think that even the claim that foundations are contingent and indispensable is grounded in a particular way of conceiving our capacity of creating, acting and contesting foundations. I am not saying that there is only one unique foundation. I am only arguing that to consider the notion of a performative being as ground implies establishing it as the condition of possibility for any kind of self-transformation and contestation.

How can we give an account of the existence of such a performative being if the possibility of preforming and creating is always trapped by power? At this point I found interesting Searle's approach to the type of power that social institutions have. He argues that

what is common to all -or nearly all- social institutions is that “they are enabling structures that increase human power in many different ways” (Searle, 2010: 105). Against the perspective according to which institutional facts are essentially constraining, Searle underlines that the function of institutions is not essentially a restrictive, as it may also increase our powers:

Let us constantly remind ourselves that the whole point of the creation of institutional reality is not to invest objects or people with some special status valuable in itself but to create and regulate power relationships between people. Human social reality is not just about people and objects, it is about people’s activities and about the power relations that not only govern but constitute those activities. (Searle, 2010: 106)

Indeed, when Searle asks why people accept institutions and institutional facts, he claims that it is because they help us to increase our power. I consider that this perspective may be useful for understanding a sense of agency that does not appeal to a ‘reactive subject’ whose agency is the result of oppressive power. Searle’s perspective may be useful for providing an account of a performative being that creates institutions with a degree of autonomy that goes beyond oppressive power.

Butler’s linguistic account of subjectivation presupposes an ontological thesis about the existence, not of subjects, but rather of a notion of a performative being that acts within the world by creating a social world. Hence, the paradox signaled by Butler does not lie in her conception of power as “the condition for and instrument of [the subject’s] agency, is at the same time the effect of subordination, understood as the deprivation of agency” (Butler, 1997a: 15). Rather, the paradox lies in the presupposition of an ontological thesis about a specific notion of the human being. Such a being is the condition of possibility for the whole process of subjectivation, but, in turn, it does not establish an immutable notion of subjectivation. I would claim that this argument does not even imply a paradox. It is simply an ontological presupposition that we need to accept in order to hold the idea that we can construct our social reality, and hence, ourselves.

4. What is a performative being?

While Searle gives an account of the construction of social institutions by appealing to language (our most basic institution), Butler offers an argument about the construction of gender and subjectivity by appealing to the power of linguistic conventions. The question that we must pose to both of them relates to the conditions of possibility of the constitutive and productive power of language. I consider that a social ontology cannot be reduced to language, because for having and for use Butler and Searle are committing with an ontological presupposition, but not about language, but rather about our capacity for creating through language.

Indeed, I have attempted to show that Butler's and Searle's philosophical perspectives lie upon a non-acknowledged presupposition about performativity as the constitutive feature of human beings. The condition of possibility for language's constitutive and productive power is a performative being. But how should we characterize a 'performative being'? In order to offer a characterization of performativity that would not become a reductionist account of human beings, I propose to describe performativity as an *emergent* property.

4.1 Performativity as an emergent property

Since the publication of Roy Bhaskar's 1975 *A Realist Theory of Science*, realist philosophers have used emergence theories in order to give an account of processes that occur at different degrees of reality without reducing them to a basic level or to former conditions. As one of the main strategies to critique reductionist approaches,

the value of the concept of *emergence* lies in its potential to explain how does an entity can have a causal power impact on the world in its own right: a causal impact that is not just the sum of its parts would have if they were not organized into this kind of whole. (Elder-Vass, 2012: 5)

The concept of *emergence* is used as a predicate that "express the idea that a thing [entity or a whole] can have properties or capabilities that are not possessed by its parts" (Elder-Vass, 2012: 4). Hence, an emergent property arises from the relationships established by the parts composing a whole. I propose to understand performativity, not as an aggregative product that can be completely explained in terms of a cognitive, physiological or social processes, but rather as an emergent property.

First, we must understand human beings as a kind of being composed of material and non-material parts, namely, of cognitive and physiological components. On the one hand, our material parts include muscles, the nervous system, the circulatory system, the axial and the appendicular skeleton, for example. Their chemical composition, as well as their interrelations, provides us with physical and locomotor capabilities such as resistance, flexibility, force, coordination, and balance. On the other hand, our non-material parts can be grouped under the notion of cognitive capabilities. These include consciousness, self-consciousness, understanding, volition, memory, perception, and imagination, for example. Such physical and cognitive features can be named capabilities, not only because each of them has causal powers, but also because they allowed us ‘to do something’.

From an emergentist perspective, performativity can be understood as a *causal power*. It is thus the result of the relationship between the cognitive and physical parts that compose us as a whole. Following Christian Smith’s approach in *What is a Person?*, in FIGURE III I represent how the emergence of performativity occurs on a higher level. It is the result of specific relationships occurring on a lower level between cognitive and physical components. This is a *relational* or a *synchronic* emergence, in opposition to a temporal emergence or first appearance of a phenomenon, as it explains “a relationship between the properties of a whole and its parts at a particular moment in time” (Elder-Vass, 2010: 5).

The relevance of *synchronic emergence* is that it helps us to understand how the causal powers of different parts or mechanisms (for example, the causal powers of our consciousness for producing thoughts or the causal power of our nervous system for reacting to exterior stimulus for muscular contraction) produce synchronically a new causal power. This causal power emerges on a higher level that cannot be completely explained in terms of the elements of the lower levels out of which the higher order is formed (cf. Bhaskar, 1998: 108).

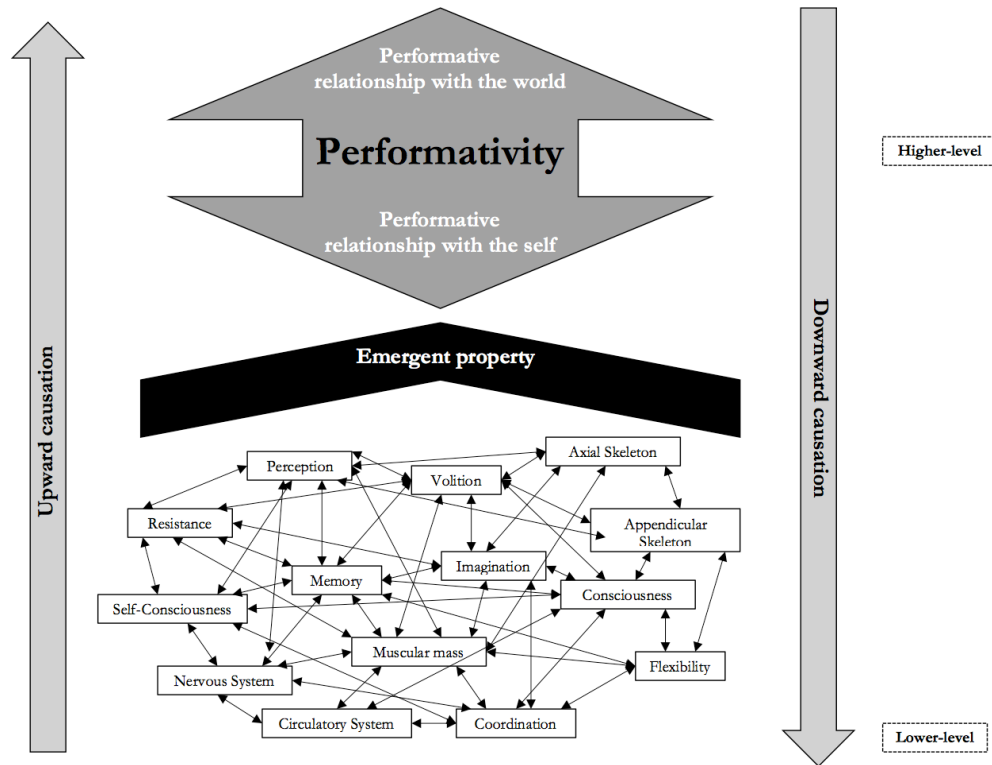


FIGURE III. A MODEL OF UPWARD AND DOWNWARD SYNCHRONIC EMERGENCE OF PERFORMATIVITY³

The emergence of performativity is the result of the relationship between our cognitive and physical mechanisms at a particular moment. We cannot explain performativity by appealing only to human's mental states or to the physical-chemical reactions of our body, neither only to political or social processes, because they presuppose it. We cannot explain performativity by reducing it to our thoughts, because our thoughts are not performative in themselves: "mind just is a complex or set of powers, as far as we know, historically emergent from and present only in association with (certain complex forms of) matter" (Bhaskar, 1998: 108). In fact, some mental states have a corporeal origin. For example, emotional states are produced when our body is hit or by hormonal overproduction. This means that a mental state emerges from causes that can be both neuronal and physiological. This is why, from an emergentist perspective, the human's mental states are emergent properties that have causal effect on our behavior (cf. Elder-Vass, 2010: 89-93). As an emergent property, mental states

³ This Figure has been adapted from Smith's "Figure 3. Personhood emergent from lower-level interactive capacities" (2010: 74).

cannot be reduced to an isolated physicochemical cause. They need to be related to sense perception. Hence, our mental states must establish a relationship with our nervous system in order, not only to receive information from the outside world, but also to send information to the muscles for stating an utterance or making a particular movement.

The same happens with physical descriptions, as human behavior cannot be entirely explained in terms of the properties of our biological parts. Neurons, genes and hits on our body do not sufficiently explain our creative capacity or our performative relationship with the world. As Bhaskar claims, behaviors that “make psychology possible cannot be seen or touched, tasted, smelled or heard” (Bhaskar, 1998: 111). So, in order for behaviors to be empirically studied, they need to be connected with non-psychological mechanisms. In this sense, performativity does not refer to the first moment of appearance of the human’s creative capacity. It may be the result of the continuous relationship between different parts that have emerged temporarily. However, it cannot be explained by appealing to the properties or causal powers that each part possesses. Indeed, human performativity is not determined by a single law of causal power, but “it is multiply determined or co-determined by a variety of interacting powers” (Elder-Vass, 2010: 68) which interact in a variety of levels within the hierarchy of emergence.

I am suggesting that performativity is a human disposition that describes our capacity for creating. To know a human disposition is not only to know about a constitutive structure of human beings, but also to know how humans can or will relate to the world. The point I wish to highlight is that, for understanding performativity as an emergent property that refers to our creative capacity we can appeal to a process of emergence in which higher-level effects are the result of lower-level effects, produced in our ‘em-brained bodies’ or ‘embodied souls’⁴. Smith uses the notion of ‘embodied souls’ to refer to the *topoi* where the human’s capacities emerge, precisely, as emergent properties. For Smith, humans “are always unified beings of existent duality. They are all the time both material body and immaterial ‘soul’ existent in singular unity” (cf. Smith: 63). In this sense, there is an ‘upward-causation’ that refers to the process by which our cognitive and physical components relate to each other, thus creating performativity.

⁴ A development of this topic goes beyond the scope of a thesis such as this one. However, the developments I propose here aim at opening up a field of research that may be explored through further work on the elements that contribute to the emergence of performativity.

However, we cannot fall into a reductionist or internalist understanding of human performativity. As an emergent property, performativity emerges from the human brain inasmuch as the human body comes into contact with social environment (cf. Smith: 42). Our capacity to generate ideas, behaviors, material artifacts, meanings, etc., refers to our always-open capacity toward originality and causation. This capacity develops only as we relate ourselves to the exterior world. We are *socially embained bodies*.

As performative beings, we are able to establish a performative relationship with the world, but also with ourselves. For this reason, as FIGURE IV shows, along with an ‘upward causation’ there is a ‘downward causation’⁵ that establishes how “by virtue of the emergent characteristics and capacities proper to [a higher] level, [performativity] sometimes possess the ability to act causally back down upon entities operating at lower levels” (Smith, 2010: 40). This means that in acting in the world and in doing and creating things, thoughts, institutions, etc., we are creating ourselves by fashioning our way of thinking, acting, walking, dressing or talking. For example, in assigning or imposing functions to artifacts, natural phenomena, persons or institutions, we are creating ruled-governed behaviors and commitments that offer deontic reasons for action and that constitute us as criminals or victims, husbands or wives (cf. Searle, 2008: 451-452).

4.2 The general structure of performativity

As I already mentioned, I understand ‘performativity’ as an emergent property that refers to a basic creative capacity pertaining to human beings. This capacity “endow[s] [us] with the ability to bring about changes in material or mental phenomena, to produce or influence objects and events in the world” (Smith, 2010: 42). As human beings, we are endowed with a causal power that can be individually or collectively exercised. Through that causal power we are able to bring about changes in the world and in ourselves. Such changes may only affect ourselves as individuals, or the whole collective in which we live. Indeed, performativity refers to two nuclei of performative agency, both of which are mutually constitutive: individual actions are always affected by social causes, and collective actions are always affected by individual causes.

⁵ Christian Smith explains this synchronic process by indicating how “The physical human brain, for example, gives rise through emergence to capacities for higher-level affective and mood experiences, including, for instance, depression. And extended depression, we have come to learn, has the causal capacity to influence the physical operations of the brain” (Smith, 2010: 40).

Performing an individual action within the world is, at the same time, a self-creating activity that fashions a state of affairs that did not exist before. As I remarked when I mentioned Searle's notion of collective intentionality, I do not want to fall into a discussion as to whether collective agency comes before individual agency. Rather, I propose to understand performativity as a constitutive structure of human beings, which operates through two nuclei of performative agency. Each of them can be isolated, but they are not totally independent from one another. In order to give an account of each of these nuclei, I will explain how they operate and what they create.

Following a hermeneutical approach, we, as individual beings, live in particular traditions, all of which have their own beliefs and practices. As individuals who have an individual nucleus of performative agency, the decisions and actions that we make are affected by the tradition in which we have been socialized, without being fully determined by them. In fact, the material conditions of our bodies also affect our decisions and actions. Hence, our individual agency is situated, not only in a tradition but also in an embodied body that may exercise its agency consciously or unconsciously. For example, some homophobic behaviors may be unconsciously executed by people who were educated within social contexts that assumed homosexuality as an illness, a problem or an abnormality. Moreover, our performative constitution allows us to critically revise or evaluate the beliefs and practices that we have inherited from our tradition. In addition, it also allows us to create new practices or beliefs with a degree of autonomy that becomes possible, not because we are always reacting against power, but rather because it is part of our constitutive structure. Our actions in the world are not only reactions against power, they are actions *prima facie* executed by an individual whose beliefs, desires, intentions and perceptions are permanently affected by its social environment.

However, there are some cases in which our individual agency is affected by some material features that we cannot creatively manipulate. For example, people who are born with genetic disabilities, such as blindness, establish a performative relationship with the world and with themselves which is different from the one established by those who are not blind. They certainly cannot create themselves as non-blind. However, they develop other senses, such as listening, which allow them to create their own ways of relating to the world. In fact, we may say that the world of the blind person is different from the world of the

non-blind. Although we share the same world, the way in which they inhabit it is different. Their decisions and actions are affected by what they perceive under the condition of blindness. In these cases, a physiological feature affects individual agency; but in spite of this fact, there is an exercise of a creative capacity that takes place through a series of actions and behaviors by which the blind apprehends the world.

Through the exercise of our individual agency, we can create a kind of reality called *dependently subjective reality* (Smith: 83), as its existence depends upon human mental and material conditions. It refers to a belief held by an individual feeling, thought, etc.; and they exert causal influence on its life, but they are not socially recognized or institutionalized. A man who after a car accident suffers from Posttraumatic Stress Disorder may have some flashbacks or hallucinations that recall his trauma. Such an experience might lead towards the formation of a belief relating to the fact that driving a car would necessarily result in an accident. This is a real belief that depends upon a mental state of a person, but it has not been institutionalized; in fact, with the correct treatment, this belief might disappear.

The influence of our social environment upon our beliefs, desires and intentions illustrates the other nucleus of performative agency, namely, the collective one. Institutions such as language are invested with collective agency inasmuch as there is an agreement or acceptance over the functions they carry out and about the way in which it must be *feliculously* used. Collective agency implies sharing a common meaning upon a system of signs and symbols, which in the case of language has a high degree of institutionalization. We may find other institutions such as marriage, money, football, whose level of institutionalization relates to how widely they are shared by the members of a community. As forms of collective agency, the normativity that comes with institutions allows collective agency to operate, not only because it establishes the correct use of institutions, but particularly because norms have a productive character that make possible fields of action for individual performative agency.

This is why collective agency results in creating institutional realities whose level of objectivation depends upon the degree of acceptability of such institutions within a community. However, collective agency not only creates institutional realities, it also acts through them: it produces new patterns of behavior, which become shared by a group of individuals as a common meaning. Thus, the kind of reality that collective agency creates is a *dependently objective reality*; a reality that despite depending upon the intentionality of a group of

agents, it is epistemologically objective (cf. Searle, 1995: 13). Users ascribe to objects or activities some features whose objectivity depends upon a social context around which its members have an agreement. This agreement has different degrees of institutionalization, but its relevance lies in the fact that it allows collective agency to take place as it provides reasons to action.

In FIGURE IV I illustrate the two nuclei of performative agency, as well as the type of realities that each of them creates. While the individual nucleus of performative agency creates *dependent subjective realities*, the collective one creates *dependent objective realities*. However, as I already explained, the individual and the collective nucleus of performative agency are mutually constitutive. This is why the structure of performativity is horizontal. Collective agency produces particular type of subjects that enables or disables individual agency, like the case of Herculine Barbin. But, in turn, individual agency produces *dependent subjective realities* which may become widely accepted and institutionalized, to the extent that they could turn into *dependent objective reality*.

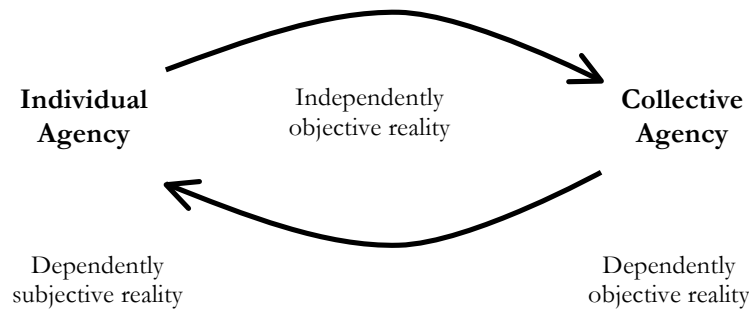


FIGURE IV. TWO NUCLEI OF PERFORMATIVE AGENCY

In the middle of both types of performative agency I locate an *independent objective reality*, namely, a reality whose existence is independent from our actions, beliefs, desires, intentions and perceptions. It lies at the core of our performative agency inasmuch as our creative capacities are not exercised *ex nihilo*. There is a reality existing independent from us, and it is the material ground where our performative agency takes place, but also the physical characteristics that are part of our bodies. It may include what Searle calls as ‘brute facts’, which exist independently from human opinion, intervention, action and agreement. However, I consider that despite having an independent existence, we never apprehend them as

independent because they can only be thought by means of our linguistic categories. They are always epistemologically subjective inasmuch as we *apprehend* them in relation to the horizon of understanding of our culture. As I mentioned, when we call a fact ‘brute fact’, we are already creating a non-brute relationship with that mentioned fact through our *already-made* socio-linguistic categories. Language does not refer to a brute body totally independent from us. As performative beings our existence is always situated in a horizon of understanding in which brute bodies are *already-made* bodies.

As the structure of performative agency shows, there is an intrinsic characteristic in human beings that allows us to create both the social world and ourselves. Hence, human performativity can be investigated in the intersection between the questions ‘who are we?’ and ‘what can we do?’ However, following the spirit of post-foundationalism, that characteristic cannot be understood in a reductionist or essentialist sense, which could establish a zero point, a fundamental capacity or an origin of humanness. As I already suggested, performativity refers to a constitutive structure of human beings, which is expressed in our creative capacity.

5. Conclusion: Being in performing

The foregoing argument has attempted to explain that we have a performative relationship with the world and with ourselves because we are performative beings. As I have been claiming, performativity refers to a constitutive structure of human beings; to a mode of existence that is revealed in our creative and self-creative capacity, that is, in the creative relations that we produce with the world and with ourselves. Now, are there any non-performative relationships that we establish with the world and with ourselves? Such a question appears as contradictory insofar as the concept of ‘relation’ already implies performativity, or at least a ‘degree’ of performativity, which varies depending upon the activity that we are carrying out and its conditions of realization (the nucleus of performative agency, our intentions, our degree of consciousness or unconsciousness, etc.).

I have moved between linguistic and discursive definitions of performativity in order to illustrate its existential character. Our performative existence is realized through our creative capacity for producing causal effects on the world and on ourselves. This kind of casually effective capacity for producing creative effects operates autonomously inasmuch as it is different from the powers of our biological components and our social context. Power,

linguistic conventions and social institutions can certainly influence our casually effective capacity of creating, but they are not totally determinate by them. We may be defined as a set of cognitive and physical, material and non-material components structured in a particular way. However, even if we are organized by particular relations established between our cognitive and physical components, their interrelations are not always predictable. Our capacity for exercising agency is proper to human performativity and we must understand it by providing human beings with a degree of freedom and autonomy from social institutions.

I opened this article by referring to *Trois Stoppages Étalon*, one of the first *ready-mades* of the 20th century. I consider that such a work illustrates performativity, not as a characteristic of an artwork, but rather as a constitutive structure of the one who realizes it. What is performative in Duchamp's experiment is himself. In fact, alongside Duchamp there are other good examples of the *homo performans* such as Jean Arp with the *Collage with Squares Arranged according to the Laws of Chance* (1916-1917), Braque and Picasso with the *papier collé* technique and Kurt Schwitters' *collages* made of rubbish, discarded waste or found materials. Arp, Braque, Picasso and Schwitters lived their performative existence in a radical way, as they created an artistic reality that broke with the institution of art at that time. They create their own methods, their own materials and, of course, their own art.

Perhaps the relationship that exists between the concept of performativity and art might be useful here in order to analyze the connection between social drama and aesthetic drama. In studying ritual as a performative social process, anthropologist Victor Turner identifies performance as the basic structure of social life inasmuch as in

the presentation of the self in everyday life (as Erving Goffman entitled one of his books) [takes place] through the performance of roles, through performance that breaks roles, and through declaring to a given public that one has undergone a transformation of state and status, been saved or damned, elevated or released. (Turner: 81)

This type of performance implies staging our creative and self-creative capacity in a social environment, so that we may create a cluster of significations and actions that will define our collective and individual agency.

Defending performativity as a constitutive structure of human beings, expressed in our creative and self-creative capacity, implies accepting that as performative beings our mode of existence might be comparable with a work of art as “it is a knot of living significations” (Merleau-Ponty, 2012 [1965]: 153). Indeed, collective and individual significations are created and recreated through our actions, interactions and relations within the world that we inhabit. Hence, the relationship between our performative existence and aesthetics implies to open an inquiry on what Christoph Menke (2013) has called the *aesthetic nature of humans*. As Menke remarks, “the vitality of human doing, discerned in the aesthetic perspective, defies the model of purposeful action: human doing, as living doing, is not the realization of a purpose but the expression of a force” (Menke, 2013: 90). Menke calls this force an ‘aesthetic force’. As such, it can be studied in terms of a creative capacity. So, does human performativity reveal an aesthetic nature of humans? Should we understand human life as an aesthetic process?

Nowadays performance is understood “as the art that is opened, unfinished, decentered liminal; it is a paradigm of forces” (Schechner: 8). Hence, as an existential concept, performativity denotes a mode of existence characterized by creation, relation, movement and processual qualities. It is linked with the creation of a continuum of actions and/or behaviors that establish a particular relationship between the performer and what is been performed. I propose to understand performativity as an invitation to analyze our existence, not as an “I think” but rather as an “I can” (cf. Merleau-Ponty, 2012 [1965]: 139). As *homo performans*, humans exercise its creative capacity by intervening in the world for achieving its purposes. As humans, we live our being in performing.

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