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CONSTRUCTIVE ENGAGEMENT DIALOGUE

FICTION AS AN INSTITUTION

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ABSTRACT: *John Searle and I agree about many important aspects about individual speech acts within fiction. I hope to reduce the area of disagreement by explaining how much work an analysis of fiction as linguistic behavior can do to solve the problems of truth and reference in fiction. The elements of the analysis include a concept of suspending H. P. Grice's maxims of conversation, a view about criteria for the application of words and concepts, and the acceptance of institutions and institutional facts.*

Keywords: *fiction, conversational maxims, John Searle, H. P. Grice, criteria of application, truth in fiction, acceptance of institutions, institutional facts*

1. AREAS OF AGREEMENT

I hope the amount of disagreement between John Searle and me about referring to fictional characters is not as great as it may appear to be from our articles (Martinich 2008 and Searle 2008). We agree that true statements can be made about fiction, that fictional characters can really be referred to, that the problem of negative existential statements is “a genuine problem, quite apart from issues about works of fiction” (Searle 2008, 227), that non-fictional statements, and presumably other speech acts, can be made “in a work of fiction” (Searle 2008, 223; cf. Martinich 2001 and 2008, and Martinich and Stroll 2007, 38-41), and that “we have to distinguish between works of fiction on the one hand, and fictional discourse on the other” (Searle 2008: 223; Martinich and Stroll 2007, 38-41). Searle made all of these points before I did.

I will be discussing many of the same points I made in “Reference, Truth, and Fiction,” but in some different ways and, I hope, presenting them more clearly. For the most part, I will not formulate issues as one of us misinterpreting the other.

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2. SOME INTEGRATION OF FICTION AND NONFICTION

There are two other matters to discuss. One is that issues of reference concerning fiction should be placed within a general understanding of the nature of fiction.¹ I'm not sure how close we are here because Searle thinks that it is a mistake to "treat fictional discourse like other types of discourse" (Searle 2008, 224). My agreement depends on how different fictional discourse is supposed to be. I will be speaking in the next paragraph or two about fiction as a genre. I think that fictional discourse exists because there is an institution of fiction. I believe Searle thinks that what an author does, or intends to do, with individual sentences is more important and what he wants most to discuss. He thinks that authors of fiction typically pretend to make statements when they are not. For now I want to say that I'm not sure whether pretending and the level of the use of individual sentences can differentiate between fictional statements and certain figures of speech. (See section 9 below for more on pretending.) The sentence, 'Mickey is a mouse', could be used in fiction as a supposed statement or in nonfictional language as a metaphor. In each use, the speaker is pretending or making-as-if he is asserting something that that he is not. In neither case is the speaker committed to satisfying the normal criteria for truth. Similarly, the sentence 'Trump is the wickedest person ever to live', could be used in fiction, as a supposed fictional statement or as hyperbole in ordinary life.²

There is a difference between standard works of fiction and standard histories and reports of current events. Nonetheless, the lines are blurred between some histories and works of fiction, as indicated by the term 'historical fiction'. Historical fiction can be actually historical in various degrees. Daniel Defoe's *A Journal of the Plague Year* and Gore Vidal's *Burr* are very historical. And Thucydides' *History of the Peloponnesian Wars*, which contains numerous speeches that he made up, is substantially fictional. Nonetheless, his *History* is a great work of history because the speeches he invented were the views that he thought the actual participants had. Even if he had tried to reproduce actual speeches verbatim, he could have made mistakes. And history with mistakes, even known mistakes, is history. To consider this issue from the side of fiction, Leo Tolstoy's *War and Peace* provides a large dose of history. In between Thucydides and Tolstoy is *A History of Rome* by Livy, who says up front that many of the stories about the Romans are false. Nonetheless he tells them as if they were true without intending to be writing a work of fiction. An eminent colleague of mine refuses to recommend it to students because, he claims, "it's all false." Nonetheless, his *History* is history. Another border-bending book is Norman Mailer's *Armies of the Night: History as a Novel/ The Novel as History* (cf. Searle 1979, 58). Stylistically and with regard to content, there's no way to tell the two parts apart. A review of Michael Chabon's book, *Moonglow*, began, "Chabon's

¹ The other matter is treated in section 7.

² If the pretending theory of fiction is true and an author of fiction intends to use 'Trump is the wickedest person ever to live' as hyperbole in the narrative, the author is pretending to be speaking hyperbolically. Is he making a literal statement?

new book is described on the title page as ‘a novel’, in an author’s note as a ‘memoir’ and in the acknowledgments as a ‘pack of lies’” (Scott 2016, 26). The movement of serious speech and fictional speech across each other’s borders is easier than moving between the US and Mexico. Because the elements of fiction and nonfiction are so well integrated in both historical and fictional discourse, I doubt that authors generally have alternating mental states of pretending and nonpretending, and that there even is a pretending state of consciousness, in the same category as intending, desiring, believing, knowing, or judging. (Again, see section 9 below.)

Searle’s example of the first sentence of Tolstoy’s *Anna Karenina*—“All happy families are happy in the same way. All unhappy families are unhappy in their own ways”—shows that genuine, nonfictional statements are sometimes made in fiction (Searle 1979, 74; cf., Martinich 2001, 97, and 2008, 206). Conversely, fiction or brief fictional stories are often integrated into nonfictional talk. Politicians, teachers, and of course raconteurs spike their talks with brief fictions and fables for the purposes of persuasion, intelligibility or entertainment. The audience rarely has trouble recognizing which parts of the talk are fiction.³ In a discourse on how to get a stubborn nation to cooperate, a senator once included a brief, short story⁴ about how a farmer helped a person from the city to get a stubborn donkey to move off the road: “The farmer picked up a 2” by 4”, and ...” When the city dweller said, “But the donkey hasn’t moved,” the farmer said, “That was just to get his attention.” Short story finished. Tactical point of the serious discussion made convincingly. Skillfully done, the talk is not pretentious or otherwise defective. What is supposed to be communicated, however, is not always as unambiguous as the donkey-story. I have known some people who, when asked a question, say, “Let me tell you a little story” their implied answer is as precise as an answer of the oracle at Delphi. Nonfiction and fiction are integrated with respect to other speech acts too. Questions and directives can occur also, “Will our hero win his true love or not? To find out, read the next chapter” (cf. Cao 1973, 66). In *A Passage to India*, C. S. Forster addresses his audience as, “dear reader,” as did some Victorian novelists.

3. FICTION AND THE SUSPENSION OF THE MAXIMS OF QUALITY

How then do the discourse of fiction and the discourse of nonfiction differ? This needs to be explained within a more general description of discourse because fiction is an extension of nonfictional discourse, not a defective form of it. Nonfictional discourse is regulated by what H. P. Grice called ‘conversational maxims’ (Grice 1989, 22-40). Conflating maxims with regulations may be misleading at best. ‘Maxims’ may convey just the right idea because they are informal standards that the hearer expects the speaker to meet in default situations. For example, with respect to how much or little a speaker should say before giving the hearer a turn at speaking,

³ To speak generally about how fiction and nonfiction are discriminated, audiences and interpreters use inference to the best explanation or interpretation of what is salient in the context (Atlas and Levinson 1981, 2).

⁴ I will be receptive to being criticized here for conflating short stories with anecdotes.

Grice's maxims of quantity could be paraphrased something like this: "Say as much as is necessary, but not more than is necessary because the hearer expects you to provide her with what she needs to understand and possibly to continue the conversation. But not more than that." The maxims, which prescribe what to say and how to say it, also describe how competent and cooperative speakers speak, *ceteris paribus*. The 'ceteris paribus' condition here as elsewhere in the description of discourse is important because the maxims can often go unfulfilled, and not always to the detriment of the speaker and hearer.

The ways in which the maxims go unfulfilled fit into categories (Grice 1989, 30-1). Sometimes a speaker violates one or more maxims by quietly or non-openly not fulfilling them. Sometimes a speaker flouts one or more, by openly or blatantly not fulfilling them. These two ways of not fulfilling a maxim are connected roughly by the contrast between non-openness and openness. A third way in which a speaker does not fulfill a maxim is by opting out of it. Someone who is asked to give a brief but complete explanation of G. F. W. Hegel's *Phenomenology of Mind* may say, "I can't do both." Opting out of a maxim is something that can be initiated by a speaker on a case by case basis. Reasons for opting out include the difficulty of fulfilling all of the maxims, being committed to confidentiality, and being ignorant. Connected with opting out of a maxim is suspending a maxim (Martinich and Stroll 2007, 12-14). There are set situations in which one or more of the maxims does not apply. During filibusters in the United States Senate, the conversational maxims concerning relevance, manner, and quantity are suspended, and possibly some or all of those of quality. Other senates have more restrictive rules on filibustering. In the Texas Senate, a senator may speak as long as she wishes as long as she does not leave the floor, does not rest her weight on any independent structure such as a chair or post, and does not stray off the topic.

In storytelling, the maxims of quality for constative or assertive speech acts are roughly, "Say what is true," and "Have adequate evidence for what you say." The way they are normally applied in nonfictional talk is suspended. A new way of applying, appropriate to fiction, is activated. Before I explain this further, I want to mention that the suspension of the ordinary application of the maxims of quality does not mean that the author does not sometimes fulfill the other maxims in the ordinary way in fiction. Narratives, fictional, like nonfiction ones, would be irritating, hard to understand, or confusing if the other maxims were not generally fulfilled.

4. TRUTH IN FICTION

Because the ordinary application of the maxims of quality is suspended, authors of fiction are immunized against criticism when they do not observe those maxims in the ordinary way. But this does not mean that authors of fiction are not subject to different criteria of truth and evidence. They are. Truth and falsity are not abandoned. That Sherlock Holmes is a fictional detective is true in virtue of something that is true in the Sherlock Holmes stories. It's not simply that certain grammatically declarative sentences occur in the stories, if for no other reason than that there are unreliable

narrators in fiction. Also, other authors of fiction sometimes have lapses of truth in their fiction. Arthur Conan Doyle sometimes wrote that Dr. Watson had been wounded in the shoulder during his military service and sometimes in the leg. Some people have criticized Daniel Defoe for inconsistencies in his narrative about Robinson Crusoe. Postmodernist authors try to be clever by not fulfilling some of the legitimate expectations of their readers. So Gilbert Sorrentino in *Odd Number* has a character dead in the first chapter of the novel and at a later time near the end of the novel, alive, maybe (Martinich and Stroll 2007, 23-9).

Authors of fiction by and large do not have to have evidence for what they say in their works because of their role in creating them.⁵ However, on many issues they can legitimately be asked, “How do you know?” because so many works of fiction are about actual places and people, about which the authors or their assistants did extensive research. For many statements in a work of fiction, it would not be satisfactory for the author to say simply, “I don’t have to know.” And their pronouncements about their fictions are not infallible. Conan Doyle would be speaking falsely if he said, “Sherlock Holmes was never a detective; he was an abysmally ignorant shoe salesman” (cf. Searle 2008, 224, 225). Many of the characters of well-wrought novels have a psychology that can be discussed. In these cases, an author could be asked, “How did you know that So-and-so would do such-and-such.” Again, “I don’t have to know,” would not be satisfactory.

5. ACCEPTANCE AND INSTITUTIONAL FACTS

The beginning of wisdom in identifying the source of truth in standard works of fiction may be recognizing that readers place their trust in the author or narrator.⁶ When a storyteller tells a story, the default mode of interpretation is that what the storyteller says is true because of the reader’s trust. So, when George Orwell wrote in *1984*, “It was a bright cold day in April,” the reader understands that it was a bright cold day in April. I’m reluctant to say that the sentences of the storyteller or narrator are performative in the way that J. L. Austin originally used it in part because ‘performative’ has been used in so many different ways over the last five decades and because not every grammatically declarative sentence in a work of fiction is true (Martinich 2001, 108-9; cf. Searle 1989 and Martinich 2002). Instead, what the storyteller or narrator says is true is what is accepted usually by all readers, but sometimes only by the discerning ones.⁷ Both the persons accepting and those proffering are essential. The true statements in a standard work of fiction are those that are presented by the storyteller or narrator and accepted by the readers as factual

⁵ However, they often do have the evidence. Some novelists do extensive research in preparation for their story even when the genre is not historical fiction.

⁶ Searle could explain the truth of grammatical declarative sentences by his theory of performatives (Searle 1989 and 2010, 12-13). I think this theory is not the one he originally presented (Searle 1969) and I prefer the original (see Martinich 2002).

⁷ Searle includes the concept of acceptance within his theory of collective intentionality. For the purposes of this article, I use only acceptance (Searle 1995, 104-12).

(cf. Searle 1995, 94 and 104-12). But there are exceptions such as unreliable narrators and mistakes by the author, for example, some contradictions in Daniel Defoe's *Robinson Crusoe* and Arthur Conan Doyle's stories about Sherlock Holmes. Even Homer nods.

The first sentence of *1984* continues: "and the clocks were striking thirteen." Real clocks do not strike thirteen. There's no physical impossibility to their doing so; and it would make some sense for clocks to strike thirteen or more times in societies that use military time. Readers could lose trust in the author but usually do not for good reason. The report of the clock's striking thirteen could be the author's way of signaling that the society is out of kilter, possibly a sinister one.

So the reader accepts at least two facts about the world being described in *1984*; it is April and a clock was striking thirteen. These are institutional facts, not natural facts (cf. Searle 1995, 31-57, 79-112; Martinich 2008, 212-13; and Smith 2003, 15-24). The clock can be referred to because of the institutional fact that the clock was striking thirteen. The clock is a constituent of the institutional fact; and institutional facts are artificial things. The existence of the clock in *1984* does not have a standalone existence in the way a clock in London might. It is as if a reader accepts the fact that the clock was striking thirteen because the reader is participating in a fiction; and acceptance of this fact allows one to detach the phrase, 'The clock', use it in any of the grammatical places that a noun phrase can occupy in sentences, and perform various speech acts: 'The clock in *1984* is the only clock I know of that struck thirteen' or 'I wonder whether the clock was supposed to be Big Ben, reconfigured'. If a philosopher thinks that the sentences about the clock just mentioned have the consequence that one must identify its mode of existence as either a Meinongian or abstract object, I think they do not appreciate the clock's dependence on the work of fiction and the institution of fiction, and, more simply, do not understand that most of the institution is linguistic behavior. I'm tempted to say fiction is 'just talk', but that phrase is pejorative; and much that is almost all just talk is significant.

The following analogy is imperfect, but of some value. There could be no monarch of England if there were no government of England. Some human being is always the monarch; but the human being as such is not the monarch because as a matter of English law, the monarch never dies. So the monarch of England is not a standalone object. Another example: For good citizens of Taiwan, there is a president of Taiwan; they accept the institution of the nation of Taiwan. For good citizens of the People's Republic of China, there is no president of Taiwan; they do not accept the institution of the nation of Taiwan. In either case, the president of Taiwan is not a standalone object. He or she exists within the institution for those who accept the institution. Of course, the president of Taiwan, the monarch of England, and fictional characters can be talked about as if they were standalone objects. At this level, the 'as-if' may be described as possible because these institutions allow speech acts to have 'the monarch of England' and 'the president of Taiwan' occupy the places of noun phrases in sentences, just as 'the clock', used to refer to a clock in *1984*.

Let me discuss two nonstandard cases of existence in fiction. First, in Henry James's *Turn of the Screw*, the governess exists, as do her two charges. It is not clear whether the ghost of Peter Quint exists (hereafter: Peter Quint). On one interpretation, he exists and is the cause of the governess's trauma. On another interpretation Peter Quint does not exist, and the governess as the reader discovers was paranoid. In short, the issue of existence applies as much within fiction as it does between fiction and nonfiction. If Henry James actually intended Peter Quint to be accepted as existing or if he actually intended Peter Quint not to exist, then there is a determinate truth value to the statement expressed by 'Peter Quint existed'. But if, as is possible, James did not have one intention or the other, then there is no determinate truth to the statement. Second, decades ago, there was a television series in which some characters who had appeared in many episodes were revealed in the last episode not to have existed. In that last episode, the main character awoke in bed next to his wife. He sat up and said, "I've just had the most bizarre dream." All the preceding events of the series were supposedly dream events and hence most of the people who seemed to be real were not. A good joke. The two main fictional characters of the series existed, but most of the fictional characters did not exist.

One difference between institutional objects like the monarch of England and the purely fictional people⁸ of short stories and novels is that the latter are not 'personated'—the term is from Thomas Hobbes—by any actual human being. Of course they can be and often are. Larry McMurtry's novel, *Horseman, Pass By*, was made into a film *Hud*, in which—I quote here from a theater marquee—"Paul Newman is Hud." And some characters personated in the past by human beings are now more often encountered by reading a book, for example, the characters of Greek theater. Fictional characters that are personated are very much like political authorities: "Mickey Rooney is Puck" and "Donald Trump is president of the United States."

A fictional object that exists only in its non-personated form is not personated by any real object. Once it is understood to be part of institutional facts, there need be no further inquiry into its ontology. There is just the talk. Because of the kinds of occurrences the name 'Sherlock Holmes' has in the Sherlock Holmes stories, that name can be used in other fictions and in non-fiction. The significant component of fiction is the linguistic behavior of the people who accept that institution. I have segued from truth to existence. I want to approach those two topics again from a different direction.

6. CRITERIA FOR TRUTH AND EXISTENCE

The criteria for truth in fiction are different from the criteria for truth in nonfiction. Criteria for truth in fictional discourse are analogous to criteria that apply to ordinary words in nonfictional discourse and the concepts they denote. The sentences 'Infant

⁸ Purely fictional people are those who do not have an existence in reality also.

Lee is small' and 'Infant Lee is not small' are syntactically or formally contradictory,⁹ but they needn't have contradictory truth values. Both are true when the former involves comparison to all human beings and the latter involves comparison only to infants and Lee, who, supine, is thirty inches long. The mutual understanding of other predicates depends on the use of appropriate criteria, e.g., 'flat', 'round', 'red', 'strong', 'fast', 'hard', 'just', and 'mendacious'. The appropriate criteria are generally determined by the interests of the speakers and hearers.

There are varying criteria for 'exists' too (cf. Martinich 2008, 218-20). Ordinary objects in the real world exist if they have a location in space and time.¹⁰ Arithmetical and geometrical objects have to satisfy different criteria. Existence in fiction has to satisfy its own criterion. Roughly speaking, an object exists in fiction if in a speech act the author uses a proper name or definite description and intends the audience to believe that the name or description is supposed to denote something, and the readers accept the author's use of the proper name or description (cf. Searle 1995). Consider how characters emerge from the use of proper names and descriptions in storytelling a bit more. Here's the beginning of a short story by Edgar Allan Poe:

The Gold-Bug

Many years ago, I contracted an intimacy with a Mr. William Legrand. He was of an ancient Huguenot family, and had once been wealthy; but a series of misfortunes had reduced him to want. To avoid the mortification consequent upon his disasters, he left New Orleans, the city of his forefathers, and took up his residence at Sullivan's Island, near Charleston, South Carolina.

The name 'William Legrand' is backed up by the information provided to the reader by the descriptive content that can be constructed from "was of an ancient Huguenot family," "had once been wealthy," and so on. The primary descriptive content for the narrator is less; but even from "contracted an intimacy with a Mr. William Legrand," we know something. Neither the descriptions nor their descriptive content gives the meaning of the proper names, either individually or disjunctively, but they are necessary for someone to use those names.¹¹

Presumably, the reader has accepted the opening sentences of Poe's narrative and my few sentences about it. So we can see bits of three of the practices of the institution of fiction, storytelling, acceptance of the storytelling by a reader, and theorizing about storytelling. The third is the least important. The first and second are correlative. Storytelling cannot exist without acceptance, and acceptance cannot occur without a story to be accepted. Storytelling is generally held to be more important

⁹ I will omit a discussion of whether they are also semantically contradictory.

¹⁰ Most events are vague objects for which there are no determinate boundaries; but they can be roughly placed and given temporal beginning and ending points.

¹¹ To assert a negative existential sentence is tantamount to denying that there is anything that fits the proper name or description and also satisfies the criterion appropriate for that use of 'exist' (cf. Atlas 1988). This is consistent with another criterion of 'exist' being satisfied regarding that proper name or description in a different kind of discourse.

either because some part of the storytelling has to precede the acceptance of it, or it is harder to tell a story than to understand one, as evidenced by the greater number of people who accept stories than create them.

I think my view is in the spirit, of Searle's view about institutional facts: "all institutional facts are created by the same logical operation: the creation of a reality by representing it as existing" (Searle 2010, 93).

7. FICTION AS AN INSTITUTION

If fiction was not an institution, I don't think that the criterion for existence that I have been discussing would exist. This is the second important matter I mentioned above. Searle says that fiction is not an institution "in the sense that money, property, government and marriage are institutions" (Searle 2008, 223 and 226; cf. Searle 1995, 87-8). I agree in that the institutions that he mentions are formal ones and more consequential than fiction. Searle also says that institutions require "deontic powers, powers such as those of rights, duties, obligations, requirements, and authorizations" (Searle 2010, 91). I think that fiction has these. Some of those are the author's right to complete his story and the right not to be interrupted. ('Story' is here and will be short for 'fictional story'.) The audience has the right to a good story. The author has the duty to try to tell a story that is some combination of being amusing, entertaining, exciting, frightening, illuminating, imaginative, insightful, inspiring and so on. The audience has the duty not to interrupt the author. Children are already attuned to their rights and the duties of the author or storyteller by the age of five. A parent with the surname M who pretends to tell a story like this: "Mr. and Mrs. M have two children and they live in Austin; and they have a story told to them every night. The End," is going to hear protests from the children. It's not just a bad story; it's not a story. The parent has not satisfied his or her story-telling duty. Perhaps more importantly what M said is not a story because it was not accepted by its audience, the children. Not all sequences of sentences produced by a person who intends them to be a story have to be accepted by some group or community. In some youth organizations, stories that are told around a campfire at night are an important part of the trip. Often these stories, which so far as I know are always fictional, are supposed to be frightening. To tell a story of love and unrelieved sweetness would be to violate an obligation of the campfire storyteller.

Someone might object that the so-called rights of storytellers not to be interrupted and the duty of their audiences to pay attention are rights and duties of speakers and audiences in general, and so do not identify a separate institution. However, the rights and duties of storytellers and their audiences are different. In nonfictional contexts, the speaker is supposed to satisfy the normal conversational maxims of quality. But a storyteller does not have to satisfy them in the same way since the ordinary criteria for satisfying the maxims are suspended. For a hearer to interrupt a storyteller for not speaking the literal truth about the real world is to violate the author's right to tell his story according to the modified application of the maxims.

Another important right that storytellers have is copyright. Authors of fiction, like others, can have power over publication of their works. Also, both authors of fiction and nonfiction have a duty not to libel persons. However, the criteria for libeling someone are different for authors of fiction from those of authors of nonfiction. This is not surprising since works of fiction typically have different characteristics from nonfictional works. However, surprisingly, at least until recently, a storyteller could be convicted of libeling an actual person P in Canada merely by writing negatively about someone—a purely fictional character—whom people believed to be about P. The name of the purely fictional character would not have to have a similar sounding name or live in the same place (cf. Madott 1983, Wilson 1983, and <https://itsartlaw.com/2014/03/09/libel-by-fiction/>; accessed 28 December 2016).

8. A SOLUTION TO THE PROBLEM OF REFERENCE AND FICTION

We now have more than enough distinctions to resolve the central problem about reference and fiction, which can be illustrated by a set of apparently inconsistent propositions:

- (1) Everything referred to must exist. (The Axiom of Existence.)
- (2) Sherlock Holmes does not exist.
- (3) Sherlock Holmes exists in fiction.
- (4) Speakers, using ‘Sherlock Holmes’ to talk about a character in Conan Doyle’s short stories, refer to Sherlock Holmes.

Proposition (3) seems to entail

- (5) Sherlock Holmes exists,

And (5) is inconsistent with (2). An unproductive way of resolving the inconsistency is to take the predicate of (3) as a fused expression, ‘exists-in-fiction’. While it allows one to say that (5) does not follow from

- (3’) Sherlock Holmes exists-in-fiction,

one still owes us an explanation of what ‘exists-in-fiction’ means. If part of its meaning is the normal sense of ‘exist’, then (3’) will entail (5). And the problem recurs.

The solution I propose is to concede that (2) and (5) are formally contradictory. But formal contradiction is not a sufficient condition for the actual contradiction of two statements of discourse.¹² Charles Dickens was not contradicting himself when he wrote, “It was the best of times. It was the worst of times.” Any sensible reader

¹² Formal logic can define contradiction in terms of the form of propositions because they use simplifying assumptions about language.

knows that he meant that in some ways it was the best of times and in other ways it was the worst of times. A person who replies to the question whether it is raining or not by saying, "It is and it isn't," is reasonably taken to mean that according to one criterion of raining, it is, and according to another criterion it isn't. On the third day of my first visit to Seattle, Washington, the third day of my wearing a raincoat and carrying an umbrella, I asked a man in a business suit why he and other people were not wearing raincoats. He said, "It's not raining." As regards (2) and (5), the criteria for existence relative to (2) is different from the criterion for existence relative to (5). The same person can assert (2) and (5) and shift criteria without being inconsistent or confusing her audience. In order to make clear that the fictional criterion applies to (5), a speaker may well assert (3). A feature of this solution is that it is compatible with Searle's position (Searle 1969, 77-9).

The Paradox of Reference and Existence is not the only problem that has arisen with respect to reference in fiction. For example, philosophers commonly claim that when the name of a real-life person occurs in fiction, say, Napoleon, the character named 'Napoleon' cannot be identical with the real Napoleon. One reason I think this is false is that the following sentence is not deviant:

In the novel, *Freedom on the March*, Napoleon was a humanitarian, but in real life was a tyrant.

'Napoleon' is the subject of the clause about the Napoleon of fiction and of the clause about the real-life Napoleon. Also consider that in *War and Peace*, Tolstoy might have written a sentence of the form, "Napoleon VP₁ and he VP₂," where VP₁ is true of the real Napoleon and VP₂ is true of Napoleon only in the novel. Then if asked about that hybrid 'real-fictional' statement, he could have cited historical evidence for the first conjunct and said he wanted to advance the plot for the second conjunct (cf. Searle 2008, 227). The same Napoleon would have been referred to.

9. FICTION AND PRETENDING

Instead of pretending, I explain the possibility of fiction as the result of an informal institution, in which the suspension of the maxims of quality for constatives is salient. In "Reference, Truth, and Fiction", I criticized the use of pretending to illuminate fictional discourse. Instead of repeating the criticisms given there, I will briefly indicate some of the problems with using an unanalyzed concept of pretending (Martinich 2008, 208-10; a more extended critique is Martinich and Stroll 2007, 47-67; cf. Searle 1979, 71-74, and 2008, 225-7). The concept takes various forms; and works of fiction belong in at least two categories of pretending. Moreover, it's not clear what characterizes each form:

Overt pretending (nonmalevolent): example, mimes pretending to be locked in a small room or threading a needle. These actions are stylized. No one is fooled by a mime's behavior.

Comment: Some novels and short stories are so extravagant that no reasonable person could be fooled by them. Does this constitute overt pretending? Some are so extremely realistic as to require an announcement of their character ‘A Novel’ on the title page, or ‘A Short Story’, in the table of contents of a magazine. Are these instances of covert pretending? See below. (It was not always so. In the late nineteenth and early twentieth centuries, some magazines omitted mentioning that a piece was a short story, and some readers were sometimes mistaken about what they were reading. Were these cases of overt pretending?)

Covert pretending (malevolent): examples, lying, misrepresentation, and illegal impersonations. (Female impersonators are by-and-large not committing a crime, whether the impersonation is covert or overt.)

Covert pretending (nonmalevolent): example, thanking someone for the gift of a fruitcake, for which one is not thankful.

Comment: Daniel Defoe’s *Robinson Crusoe* and *A Journal of the Plague Year* involved significant covertness. The title page of *Crusoe* represented the novel as written by “Himself” and the “Editor” attested to it. Defoe did not want his authorship known, probably because he had a bad reputation and did not want it to reduce sales. Was Defoe’s intention non-malevolent? It was a self-interested one. Does the concept of pretending apply? *Robinson Crusoe* has never been called a hoax so far as I know, as Clifford Irving’s spurious autobiography of Howard Hughes was. *A Journal of the Plague Year* has not been so lucky. Nicholson Baker implies that it was a hoax. But Baker does not say that *Crusoe* was one, presumably because he never thought it was reportage (Baker 2009). The judgment of pretense often depends on a mistaken belief.

Absorbed pretending: examples, children ‘playing army’ or ‘zombies’, and method actors are absorbed by or disappear into their role.

Comment: This is unlike almost all fiction. But for all I know, some storytellers do the same. If these cases exist, pretending would be present, but it would not be essential to the storytelling.

It seems to me that to say that storytellers pretend to X, whatever X is, is to give a name to an aspect of fiction and not to illuminate it.

In the example in which parent M was talking to M’s children at bedtime, M was described as “pretending to tell a story.” I have it on good authority that M did not have any intention to pretend to do anything. M was tired and hoping to get off with ‘uttering’ a few sentences; and M was not particularly interested in whether they might be used to make real-world true or false statements. On another night, M might have uttered those very same sentences with the intention of seeing whether M’s children were paying attention, or to see what reaction the children would have. There would have been no additional intention on the part of M to pretend to be doing anything. And yet all of these situations could be described as cases of pretending to

tell a story. Pretending in these cases seems to depend on a kind of judgment or evaluation of the action, not a particular kind of intention or state of mind. I say ‘in these cases’ because it’s not clear whether there is any true account of pretending in general.

10. CONCLUDING COMMENTS

I have tried to show how I “take seriously the consequences” of taking “speech as a form of behavior” (Searle 2008, 220). The salient element of spoken and written works of fiction is the talk appropriate to creating and sustaining them. One consequence is that it is not necessary for proper names such as ‘Sherlock Holmes’ to have a correlate in Meinongian space or some land of abstract entities. Sherlock Holmes and other purely fictional characters exist, in the way they do, within the institution of fiction, where they live and breathe and have their being. My guess is that a society of uncompromising logical positivists would not recognize any purely fictional truths—truths that are true solely in virtue of the way they appear in fiction—because they would not accept the institution of fiction. But that is not our society.

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