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Chapter 5

Systems of Genres and the Enactment of Social Intentions

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'A theory of language is part of a theory of action'.
(John Searle)

In this chapter I want to build upon what we already know about genres and connected sets of genres, what we know about intertextuality and systems of intertextually-linked documents, what we know about speech acts and writing as forms of social action, and what we know about individual micro-acts and social macro-structure. I want to do this to present a vision of how people create individual instances of meaning and value within structured discursive fields and thereby act within highly articulated social systems. The action is accomplished through performance of genres that have highly specific, systematically contextual requirements and well-defined consequences for further generically-shaped social acts.

That is, I wish to present a vision of systems of complex located literate activity constructed through typified actions – typified so that we are all to some extent aware of the form and force of these typified actions. As we become more informed and involved with these typified literate actions, we come to share a more precise set of functional meanings and consequential relations through the kinds of texts. By using these typified texts we are able to advance our own interests and shape our meanings in relation to complex social systems, and we are able to grant value and consequence to the statements of others.

From the viewpoint of the mythical outside observer, I want to present a system of a complex societal machine in which genres form important levers. From the viewpoint of the participant in society, which we all are, I want to identify how the genres in which we participate are the levers which we must recognize, use and construct close to type (but with focused variation) in order to create consequential social action. This machine, however, does not drive us and turn us into cogs. The machine itself only stays working in-so-far as we participate in it and make our lives through its genres precisely because the genres allow us to create highly consequential meanings in highly articulated and developed systems.

I will pursue this project through the example of the patent, choosing particulars from the latter half of the nineteenth century; this choice of materials is a consequence

of historical work I am currently doing on Edison's light. Despite major rewritings of the US patent law since then, the outlines of the patent system and the genre remain largely the same.[1] Further, although the legal system and regulatory network of government organizes, institutionalizes, regulates, and creates compelling exigencies for the production and use of explicit characteristic genres in perhaps a more determined and articulate way than in other domains of life, it gives insight into the way other less explicit socio-textual systems work.

What We All Know About Patents

As a textual form we all can recognize a patent, despite some minor adjustment of the form over time. A patent, usually a printed document, describes an invention, identifies its inventor and declares particular aspects of the invention as original (the claim); it further carries some official designation of the patent granting body, a patent number and a date from which the patent right begins. In late nineteenth-century United States, the patent typically opened with one or more technical drawings, signed by the inventor and two witnesses. The first page of text was headed by 'United States Patent Office', with subheadings identifying the inventor and the name of invention, followed by the formula 'Specification of Letters Patent xxxx, dated xxxx'. The text then opens in the form of a letter 'to all whom it may concern', followed by the boilerplate formulaic opening paragraph:

> Be it known that I, xxxx, of xxxx, have invented a new and improved xxxx; and I do hereby declare that the following is a full and exact description thereof, reference being had to the accompanying drawing and to the letters of reference marked thereon.

A general elaboration of the invention and its improvements over prior art is followed by a detailed description of the invention and its operation, typically introduced by a formula such as 'To enable those skilled in the art to fully understand and construct my invention, I will proceed to describe it'. The description is usually cross-indexed to the illustration through reference letters. The patent then ends with precise claims of novelty, prefaced by some such language as 'I claim as new, and desire to secure by Letters Patent. . .' The signature of the inventor and two witnesses again appears at the end.

One obvious feature of this genre in the nineteenth century is that the body of the text is in the first person in the form of a legal petitionary letter, although the patent, as indicated by the heading and opening formula, is presented as already granted. Indeed the patent adopts directly the specification from the application, which it only amends by adding the designations of official approval by the Patent Office. Currently the specification is written in the third person, without the markers of individual petition, but the practice remains of wholesale transport of the language of the application into the language of the grant. Then, as now, the reigning patent law identifies the specific elements to be put into the patent application, and thus

the elements that will appear in the final patent. Title LX, Sections 4888 and 4889 of the 1874 patent law read:

> Sec. 4888. Before any inventor or discoverer shall receive a patent for his (*sic*) invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, or use the same; and in case of a machine he shall explain the principle thereof, and the best mode in which he has contemplated applying the principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor and attested by two witnesses.
>
> Sec. 4889. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, and attested by two witnesses, which shall be filed in the Patent Office; and a copy of the drawing, to be furnished by the Patent Office, shall be attached to the patent as a part of the specification. (Scientific American 1881)

Thus the law suggests the content, organization and even some of the phrasing of the patent.

All of us can also give a brief description of the system the patent is part of. The patent is a legal document that has been approved by the patent office, under authorizing and regulating legislation from the US Congress in fulfillment of constitutional provisions. The patent application is reviewed by a patent examiner who takes action to approve or disapprove the patent according to particular criteria, established by the enabling law and interpreted through the courts. The patent grants economic ownership to the invention claimed therein for a specified number of years (17 in the late nineteenth century and today). Thus through legal means the patent realizes a policy of trading temporary monopoly privileges for the encouragement of new arts and the public dissemination of these arts with the end of general improvement of the national economy. The patent provides a mechanism for the inventor to turn a concept into economic value – it is the means by which you 'turn your ideas into money' as the ads for patent brokers say. It is part of the system of economic property, as Oliver Wendell Holmes points out in *The Common Law* (1881).

The account of patents I have just given and the analysis to follow is consistent with standard public beliefs about patents. Indeed genres rely on our being able to recognize them and to some degree understand the meanings they instantiate within the systems of which they are part. A textual form which is not recognized as being of a type, having a particular force, would have no status nor social value as a genre. A genre exists only in the recognitions and attributions of the users. The formal

features, let us say, of 14 lines, iambic pentameter, certain stanzaic patterns, and corresponding rhyme schemes, only gain generic force of the kind sonnet in-so-far as they are recognized and then attached to that tradition. The same text, of course, also may be attached to other kinds, superordinate or subordinate or independent of the kind sonnet, that may be recognized prior to or after or totally independently of the attribution of sonnetness (e.g., poem, rhymed stanzaic verse, lyric, Petrarchan, polemic, compliment).

Since what I say about patents will contain no scandal about patents, it will only elaborate further and lay out the consequences of what we already know in recognizing a particular text as a patent, and will thereby help us understand the force of genre and its place within structured human activities.

Genre as Typified Utterance and Intention

Genre theory as elaborated by Carolyn Miller (1984), John Swales (1990) and myself (1988) has been concerned with the development of single types of texts through repeated use in situations perceived as similar. That is, over a period of time individuals perceive homologies in circumstances that encourage them to see these as occasions for similar kinds of utterances. These typified utterances, often developing standardized formal features, appear as ready solutions to similar appearing problems. Eventually the genres sediment into forms so expected that readers are surprised or even uncooperative if a standard perception of the situation is not met by an utterance of the expected form.

Moreover, the genres, in-so-far as they identify a repertoire of actions that may be taken in a set of circumstances, identify the possible intentions one may have. Thus they embody the range of social intentions toward which one may orient one's energies. The existence of a patent system and the existence of recognized forms of patent applications are preconditions for the intention to obtain a patent, and therefore to apply for one. The existence of a recognized patent system and typified forms of communication as actions within that system are also necessary for others (such as patent examiners, patent judges, competing inventors and manufacturers) to recognize your intentions in filing a written application and to respond appropriately. That is: the intention, the recognition of the intention, the achievement of that intention with the coparticipation of others, and the further actions of others respecting that achievement (that is treating the realized intention as real and consequential) all exist in the realm of social fact constructed by the maintenance of the patent system and the communicative forms (genres) by which it is enacted.

Patent History: The Nexus of System, Genre and Intentions

The mutual development of the patent genre, patent intentions, and the social system of patent grant can be seen historically. Patents in Renaissance England were simply a designation of a monopoly privilege granted by the Crown, for any benefit or favor

to the state embodied in the monarch. Thus a king might grant a patent for the importation of salt, or the colonization and exploitation of a newly discovered or conquered piece of the Americas. Thus earliest patents were realized textually through the traditional forms of petition to the Crown and royal grant.

Such Crown privileges were of course open to abuse arising from the conflation of the royal pleasure and the good of the state and its citizens. In England during the middle of the seventeenth century, in repugnance against the widespread abuses of James I and Charles I, all forms of state granted monopoly were outlawed by Parliament except for the single temporary monopoly granted to the inventor of a new good, under the belief that invention would advance the economic well-being of the country. A temporary monopoly was thought to encourage both invention and the sharing of knowledge to be exploited by all once the short monopoly period expired. Moreover, since invention created new value, a monopoly was not sequestering a previously open part of the economy, but was only granting temporary privilege for a value that would not have existed without the invention. Thus the association of invention with the idea of national economic well-being and with the granting of limited privileges developed together within a newly emerging belief in market economy. Copyright then emerged as a subset of patents as a way of protecting the interests of printers (only later of authors).

Once the idea of privilege dependent on specific value to the state emerged, it became necessary to create a mechanism whereby individuals might request this privilege and present their claim to it for evaluation. In England this led to a registration procedure followed by litigation in the courts when the patent was contested. This system remained in effect until 1852. In the Anglo-American colonies patents were granted on an individual basis by courts and local legislatures. The framers of the United States Constitution were concerned to regularize and limit this practice, so they made patents and copyrights a federal responsibility under Article 1, section 8 granting Congress the power 'to promote the progress of useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries'.

The first patent bill was signed by President Washington in April 1790, placing responsibility for approving patents on three cabinet members: Secretaries of State and War, and the Attorney General. They were charged with determining that the 'invention or discovery [be] sufficiently useful and important'. The application was to include a specification and drawing, and if possible a model. However, the form of the application was not further determined by the law.

Because of an 1836 fire in the patent office, we only have a limited number of reconstructed files of the earliest patents. The earliest application that is currently in the patent records dates from 1790, and consists of a petitionary letter from William Pollard addressed directly to Secretaries Jefferson and Howe and Attorney General Randolph. The letter gives a detailed account of Pollard's difficulties in obtaining a model of Awkwright's spinning machines and his failure to create a working model of it until he determined certain improvements which he wishes to patent. He also provides many financial details of the spinning industry in Britain to establish the value of the machine. The details of the machine and its operation appear to be only

present in a drawing that was attached, but is no longer in the patent record. Thus in this earliest extant application, the rhetorical emphasis was on the deserving character of the petitioner and the great economic value to befall the United States; the specific technical improvement is purely secondary and unargued. That is the presentation follows the legally designated criteria of usefulness and importance rather than novelty.

The actual patent, from the example of the one granted Francis Bailey in 1791, is a signed certificate with a seal of the United States and signed by both the President and the Attorney General. It looks much like a traditional diploma. The specifics of the invention are mentioned only in a single sentence which also identifies Bailey as the inventor and attests that 'the said Invention appears to be useful and important'. The rest of the document consists of reference to the law, the date of issuance, testimony of the act of approval and signing, certification of the document etc. The meeting of criteria and that of granting the privilege remain at the forefront of the document.

During the three years this law was in operation 55 patents were approved, but the burden of evaluating the applications was too much a drain on the time of the cabinet officers. In 1793 the law was revised to become simply a registration system with no evaluative procedures. The application, from the examples on file, turned to a description of the invented object, cross-referenced to a drawing. Models (not necessarily working) were also to be provided to the patent office. The grant consisted only of official testimony that the papers were filed and the fees paid. Since no check was made of prior art and the putative inventor had to make no case beyond presenting the object and paying fees, many lawsuits developed. Apparently within the litigation, two crucial issues emerged – the identity of the actual inventor and what exactly was being claimed as novel in the patent. Thus, in order to provide legal standing for these issues, by 1830 patent applications typically had two new elements – the formulaic opening identifying the putative inventor and a closing statement identifying the claim.[2]

In 1836 a new patent law was passed, reintroducing examination and establishing a patent office with examiners to carry out this task. This law establishes the system still in effect in the US, with some modifications from later law, most extensively in 1870 and 1952. The form of the patent in effect at Edison's time both was first specified in the 1836 legislation and was followed in practice. Moreover the procedures and criteria for examination (aimed at preventing excessive litigation) were established both by the law and the practices of the newly-formed patent office. These examination procedures and criteria focused the task of the application, which rhetorically was aimed at passing through procedures and criteria to gain approval.

Patent Applications and Grants as Speech Acts

The two related and evolving genres we have been considering (the patent application and the patent grant, or letters patent) may be seen as classic speech acts as described by Austin and Searle. These documents have recognized a stable illocutionary force

within the legal system as directives (requesting or applying is an attempt to direct another's behaviour) and declarations (announcing or declaring a thing is so, makes it so – that is why the early patents looked like diplomas or marriage certificates); moreover, they are surrounded by rules of proper utterance. The movement towards formalization of language and textual appearance as well as of the rules surrounding their adequacy only reinforce the recognition that they are aimed at achieving certain acts, are surrounded with particular conditions which must be fulfilled for their perfection or achievement, and that they attempt to meet those criteria by making explicit and easily locatable precisely how they attempt to meet each of the conditions or criteria of perfection.

Indeed speech acts of the most familiar sort are frequently carried out by the most formulaic of utterances: 'I bet you'; 'With this ring I thee wed'; 'I hereby declare this bridge to be open'. Although many of the rules surrounding such acts as betting are left informal and implicit, except to the linguistic analyst, many other speech acts are surrounded by formal regulations: making contracts, changing names, requesting a rebate for electric batteries.

Searle derives these rules from an analysis of the conditions that must surround the utterance of the speech act for the act to be successful. Austin initially called these felicity conditions. The contextual conditions identify such things as timing of the utterance; authority of the utterer; relationship between speaker and hearer; psychological state of speaker and hearer towards the act, the utterance and each other; the speaker and hearer's perception of the situation of utterance; the conventions of language through which the utterance is enacted, and the kinds of particulars (propositions and predications) included, guide the creation of a successful utterance.

Thus one's success in having one's assertion of a sentence accepted as a scientific truth depends on who one is, who hears, the hearer's perception of the speaker and utterance, the channel of communication, the relationship of the utterance to certain other accepted scientific claims of others, the relationship of the statement to material events that are represented (and that can be affirmed on challenge) to have occurred in the utterer's laboratory and that others have experienced and will experience in their labs, and so on. These conditions of success can be transformed into a set of constitutive, regulatory and advisory rules for making successful scientific assertions (also perceived as scientific method, values and practice).

Concerning patents, we can most simply see that if one's application for a patent meets all the conditions for a patent, then one's application for a patent will be a success, and a patent should be granted, as the illocutionary force will be complete, and the patent examiner will be compelled to approve the application. If not you can take the examiner to the appeals board or court. The appeals board or court can then enforce that the illocutionary force of a perfected application will be met by the perlocutionary effect of the issuance of a grant – unless the 'course of justice is perverted', which only the courts themselves can determine. That is, the courts and surrounding legal bodies and procedures are engaged in interpretive actions; the identification and certification of all conditions of success or felicity conditions require interpretation – but patents are one instance in which there are procedures and institutions to match illocutionary force to perlocutionary effect – thus bringing

the interpretive procedures to the surface and making participants accountable for their interpretations. This makes patent and other similar legal procedures different from most speech acts. In many instances illocutionary forces are not even linked to an anticipated perlocutionary effect (asserting you are happy does not direct how your listener might respond); in any event, perlocutionary effect is usually up to the free choice of the hearer (as a call for help may be ignored).

Difficulties with Speech Act Theory

Before we continue with our analysis of the conditions which a patent application must meet for its success, we must first deal with several related difficulties concerning speech act theory and its application to long, complex written documents.

The first difficulty is the importance of local circumstances in the identification, interpretation and realization of speech acts. For example, what I take the force of the statement 'We have coffee, milk and juice' to be depends very much on who I am, who I am speaking to, what my relationship is with them, whether I am about to go shopping or I have expressed thirst or I am sitting at a dinner table. Simply to put such equivocal cases in the category of indirect speech acts is inadequate for several reasons: first, unless we are total strangers to a situation, we always use our knowledge of local circumstances to confirm or extend or modify our view of the explicit statement; second, most statements are not fully explicit or universally univocal in their illocutionary intent; third, there are many subtle distinctions among acts and the way acts are taken that only emerge out of the interpretation of situation; and fourth, there are many kinds of acts that are only conceivable within highly defined circumstances, such as undermining the credibility of a scientific argument by mentioning a piece of apparatus used in producing the result, thereby invoking a disciplinary understanding of the inappropriateness of that apparatus to the experimental problem. Although speech acts may potentially be reduced to a few abstract categories with certain abstract guidelines, they are thereby stripped of the locally significant aspects of their meanings – just those aspects which go into constructing the local event as distinctive from others and which provide individuals with the subtle tools necessary to successfully respond to and negotiate events as they unfold in local circumstances.

Austin's awareness of the importance of local circumstances in the interpretation and enactment of speech acts, both locutionary and illocutionary, led him to withdraw from absolute formalizations in the closing two lectures of *How to Do Things with Words* (1962), to qualify his conclusions as only abstractions, and to caution us to examine local circumstances. In Lecture 11 in particular he examines a number of examples where local factors are essential for interpretation, and winds up making such statements as 'Reference depends on knowledge at the time of utterance' (p. 144) and 'The truth or falsity of a statement depends not merely on the meanings of words but on what act you were performing in what circumstances' (p. 145).

Searle, however, in *Speech Acts* (1969) and subsequent works (1979, 1984; Searle *et al.* 1980), took on the project of pursuing the formalizations to obtain an abstract

calculus of meaning which incorporated reference and illocution in a logically contained interpretive scheme. Local circumstances are only included as conditions that must be met for the successful completion of a speech act. For example, a person conducting a marriage ceremony must be legally qualified to do so, and the event must be carried out in a legally appropriate place and time, between people legally qualified to marry, if the events are to count as a legal marriage. In so doing, Searle helped identify some features of speech acts as they often emerge in institutionally structured settings, and we will call on that analysis later. However, this analysis of general rules and conditions for speech acts is accomplished at the expense of suppressing analysis of the particularity of institutional settings within which individual acts arise and of obscuring the interpretation of acts in less well defined settings.

The second difficulty is the polysemousness of speech acts. Any speech act may be uttered and interpreted with a variety or multiplicity of intentions and frameworks for attributing meaning. Any utterance may serve different functions for different utterers and different auditors, and these multiplicities of functions and meanings may be operating simultaneously. Moreover, the conditions of success for the utterance may become multiple, depending on the functions and meanings attributed to the utterance. In stating at a dinner party that I like vanilla ice cream, I may be placing an order, expressing delight in anticipation, revealing personal character, defending my food against the predatory habits of a dessert-loving child, making small talk, or all of the above simultaneously. The host, my child, my neighbours who served me chocolate last week, and other guests I have just met that evening, may each interpret the remark in a variety of ways, as they may evaluate the effect and effectiveness variously according to how they understand the situation and act.

In a more subtle example, when an intimate friend tells me a dream, is it a personal revelation, a request for an interpretation, an invitation for commiseration, a step in the coconstruction of a communal imagination, a reproach, or an invitation for me to tell my own dreams? The person telling the dream may have no single or clear intent, nor may inform us of what kind of response would be invited. Perhaps no particular force is attributable to the dream telling until after the conversation has unfolded, and even then the two parties to the conversation are likely to walk away with rather different perceptions of what has happened.

The nature of the speech act, or the series of speech acts, is manifold and indeterminate. This indeterminacy, multiplicity and interpretive complexity may present substantial difficulties in our most spontaneous and close relations, difficulties which we sometimes only resolve by providing some simple, determinate and benign after-the-fact explanation that excludes some of the more troublesome interpretations triggered by the situational indeterminacy and multiplicity. Although such reductions to primary interpretations of actions and intentions may be fostered in highly institutionalized settings with highly typified actions, as we will examine below, that still does not fully exclude multiple secondary intentions and uses packed into or pulled out of the utterances. Thus formalizations of speech acts can at best characterize a dominant appearance in a multiple act, and only in those circumstances where that dominant appearance is well-marked and supported in institutionalized circumstances.

Speech Acts are not Generally a Langue

These first two difficulties point to the power of the concept of a speech act even as they point to limitations in trying to specify the exact meaning of any particular speech act by using a generalized understanding of speech acts. The difficulties examined serve to illuminate the richness of the activity embodied by utterances within circumstances. Events are alive with new forms of life growing in the unfolding of both typified and novel utterances. Every utterance itself exists at the intersection of the typified and novel, as perceived by the participants coming to terms with each new moment. In Saussurean terms, speech acts exist precisely where *langue* and *parole* meet, at the alive utterance. Any attempt to reduce speech acts to a speech system removes the activity from the act and reduces complex, interpretive, intelligent, motivated human behaviour to a static set of signs, no longer responsive to human needs and creativity. When speech acts are reduced to a system of *langue*, the typifications - employed as resources by humans attempting to relate through signs - are taken as the definition and rules of the utterance. The typified speech acts then become superordinate to the activity, rather than the speech acts being embedded parts of the overall activity. A less distorting understanding of speech acts requires constant attention to events unfolding in particular circumstances with local definition and interpretation of successful activity. Perceivable regularities in speech acts, whether perceived and acted upon by the participants or the late-comer analyst, need to be seen as historically evolved resources of typified interpretation, in relation to other social regularities and institutions that help identify the nature of each social moment as enacted by the participants.

As analysts of speech activity, our task is simplified and stabilized when we look to behaviours in highly regularized or institutional settings that help enforce recognizable and socially agreed upon characters to particular moments. Since the institutions and social understandings set the stage and define the game, it is much easier to see what is going on, and we can make plausible connections among various moments or acts if participants see and treat those moments or acts as similar. We should not, however, confuse a reasonably stable set of linguistic practices evolved within a particular strand of socio-historical circumstances with an absolute understanding of speech acts.

Below, we will examine a highly developed set of typified practices, which even surpass Searlian rigour in their compulsivity, but that does not mean the rigour extends beyond any particular set of typifications. Law, on the face of it, is a rigorous practice, but it is a different rigorous practice in medieval France and the nineteenth-century United States. And twentieth-century plain language philosophy is, at least some would claim, also a rigorously typified practice, but again a different one. Each, nonetheless, evolves with novel utterances and moves, as do less tightly typified systems with wider ranges of freedom for novelty and multiplicity, such as contemporary literary theory, which nonetheless operates under its own set of recognizable understandings and interventions. Finally, in each of these cases, no matter how rigorous the typifications that guide the enactment any single moment may be, the dynamics of the moment grant new meaning and life to the

typifications, and we must look to the dynamics of the moment to understand what is happening.

Long, Complex Written Documents as Speech Acts

The final difficulty with speech act theory, particularly for this study, is its application to long, complex written documents. Speech acts as envisioned by Austin and Searle are short utterances carrying out single acts. For the sake of analytic clarity Searle explicitly excludes from consideration any but the most simple utterance (1969: 22).

Written texts characteristically contain more than one sentence. A text contains potentially many acts. Moreover, it is unclear whether middle sentences of extended discourses embody speech acts of specific illocutionary force in the way isolated sentence utterances do. At best we can imagine in a highly compulsive, closed text with a compliant reader that the text attempts to push the reader down a certain path of reaction through a series of related acts. Nonetheless, what the sum of the various acts of a text amounts to is unclear.

However, if the text is distinctly identifiable as of a single genre, it can gain a unified force, for it is now labelled as of a single kind instantiating a recognizable social action. That is, the text effects a law (a declaration), or makes application (a directive), or contractually binds you (a commissive), or presents a scientific claim (an assertive), or conveys outrage at a governmental action (an expressive).[3] The various smaller speech acts within the larger document contribute to the macro-speech act of the text, and each of the subacts must carry its weight. In fact the expectations of generic form are such that any missing or weakly instantiated feature of the genre may weaken the generic force. Particularly if the genre is responsive to formal regulation, a defect in any of the subactions may be reason for the failure of the work of the genre. A patent application without a representation of the object, or a declaration of originality, or a specification of claim is not a valid application and will not achieve the purpose of gaining approval. Thus a defective specification will never appear as an officially approved patent, distributed in reprints by the patent office. We will examine in a moment how perfection of each of a patent's sections may also be related to the satisfaction of specific conditions of success.

In a contract many acts are fulfilled, but the overall effect is to bind parties to mutual obligations and rights, including all the stipulations that are part thereof. The stipulations are meaningless - both in the sense of being non-binding and in the sense of being purposeless and unmotivated and perhaps unintelligible - without the perfection of the overall contractual act. Seductions, sales, all other events that end with a bottom line, a mutual agreement and focused conjoint action among parties would have the effect of a macro-action and give to the entire proceedings the shape of the single act. Indeed the minor actions that go into it would be hard to understand, hard to attribute intention to, hard to see as effective acts, without the frame within the macro-act.

Many written genres seem to resolve themselves into single acts. A patent application, a tax form, a mail order for a pair of shoes, or a final examination in English Lit 202 once it has completed its work to gain the patent grant or shoes, to satisfy the IRS, to demonstrate one's competence in the subject, can be filed away purely for the record unless someone wants to call the perfection of the document or consequent actions into question. The text becomes dead or a black box and exists only in its consequences. Much of scientific writing is of this character as articles only have a short shelf life (or citation life) and then gather only dust; they live through their consequences or lack thereof, unless someone wants to open up the black box of dusty research. This indeed is a central premise of Latour's *Science in Action* (1988).

Other texts, however, to have force must constantly be reread, for they have multiple forces that are created only by the reader's interaction with the texts. When we read a novel or a book of philosophy many things are done to us. It is clearly reductionist to characterize these multiple effects under a single macro-act, such as being entertained or enlightened. We recall the poem or work of philosophy not just as having a single overall force (as scientific citations sometimes become symbols for single concepts), but as a collection of moments and gestures as well as an overall structure of arguments or feelings or imaginative moves. These texts live not in any sense of unified consequences, but in their multiplicity of effects on the readers' minds, arising from the complex of actions realized through the text. If you were to leave such texts in a file or on a dusty library shelf they would not do their work; nor would they if we were to reduce them to simple slogans which we were to carry around in our heads. At the risk of oversimplifying, we may say that such genres exist more for the process of their interaction with the reader or the details that go into the act, rather than for the overall act itself or the after-the-fact consequences. Plays may stir up passions that lead to confessions, poems can aid in romance, theories can bring about new forms of government, and medical textbooks may provide information that will save lives; nonetheless, the *Wakefield Mystery Plays*, Donne's *Poems*, *The Communist Manifesto* and *Diseases of the Liver* remain as complexes of prompts for cognitive and affective activity – and when successful have multiple and complex effects on our beliefs, understanding and perception.

Yet even though multiplicity of action remains in these texts, attribution of genre still helps to limit the domain and focus the character of the multiplicities offered by, or to be read out of, the text – that is, genre recognition usually limits interpretive flexibility. Genres that must be constantly reread to have continuing force, although they encompass all the traditional literary genres (which was the first concern of genre theorists) as well as many theoretical and informational genres, present special problems that extend beyond the scope of this chapter and I will exclude them from further consideration here. I do wish to point out, however, that this distinction between reducible and non-reducible genres may provide a fundamental puzzle for genre theory to address. It is also interesting to note that, at first pass, such non-reducible genres seem to fall primarily into Searle's classes of assertives and expressives. Nonetheless, many assertive and expressive texts can be reduced to a dominant primary force when enacted within defining typifications.

Directive to Declarative: Transforming Application to Patent

To return now to the consideration of patent applications and grants as documents having single recognizable overriding illocutionary force, let us examine some of the conditions that must be met by a successful application and how the various parts or features of the text may be related to that success.

To obtain a patent you must have an idea for an object or process. This object or process must be useful. It must be novel. You must have invented it. Thus all these items must be asserted in the specification. As we have seen in Edison's time, the text of the patent opens with an identification of the inventor and the assertion of invention which is new and useful. A description of the invention follows, supported by an illustration. The object need not be working or in manufacture or profitable in the marketplace. Indeed patents are obtained early in the process before working prototypes, investments in manufacture, or marketing efforts; in the US system the patent is usually a precondition for substantial investment and publicity – a kind of insurance policy that you own the idea, will get the rewards from the investment, and do not have to worry about others finding out and competing with you in the market. However, since you do not yet have the patent, the patent requiring approval, you must cast the application in the form of a petitionary letter, closing with some petitionary language like 'I claim as new and wish to secure by letters patent. . .' This petitionary format would be further framed by a cover letter, a standard form of which is given in the *Scientific American Reference Book* of 1881:

> To the Commissioner of Patents:
>
> Your Petitioner, a resident of xxxx, xxxx, prays that letters-patent be granted to him (*sic*) for the invention set forth in the annexed specification.
>
> signed

These petitionary features clearly identify that the person intends the document as a request, that the petitioner intends the receiver to understand this as a request, that the petitioner desires the receiver do what is requested, that the text is communicated to the receiver who is capable of interpreting the text, that the petitioner believes that the person receiving the request (the Commissioner of Patents) is able to grant such a request, that the request is for something that the receiver would not already have done in the normal course of affairs, and all the similar social and psychological conditions that must be met for a request to be granted, of the sort that Searle spells out for the act of promising (1969: 57–61, 66). Within the particular regulated and typified context of the legal system, a request can become not only recognizable, but compulsorily must be taken as such by certain people structurally employed to receive requests.

The nature of the request, however, is special, a product of the particular system of which these texts are part. The request is that the receiver declare that your representation of an object or process be considered a patent. That is, the petitioner must assert that his or her idea meets the criteria of a patent so that the receiver will then declare the representation to be a patent protecting the idea. Therefore we must look into the propositions or representations embodied in the patent.

Reference and Predication Acts in the Patent Application

Searle points out that every speech act has a propositional content, and that proposition consists of acts of reference and acts of predication. This observation, which attempts to recover general truth criteria for statements within a situational and action oriented analysis of language, may well be faulted in its attempt to hold all discourse accountable to the language practices of a small group of contemporary philosophers, rather than to consider the complexity of representation making and use in the infinite variety of circumstances and interpretive procedures through which it is enacted. Nonetheless, the observation is useful when applied and given a specific interpretation in relation to a regularized discourse such as patents which is embedded within a set of referential practices, enforced both by inspection and by application of those representations to the world. That is, particular inspection procedures invoked at various points in the process hold the text accountable to certain kinds of states of affairs outside the text and then certain new states of affairs in the world beyond the text are established by application of textual definitions. Moreover, the referential accountability is held tighter when the text concerns itself with only a limited set of states of affairs, when the text is expressed so as to conform with general assumptions about the way things are outside the text, and when the inspection of states of affairs produces certain representations that can be directly correlated with the textual representations. To apply this most simply with respect to patents, patents describe certain things in specialized ways, and the truth of these descriptions is tested and contestable through well defined procedures. Thus within the patent system there is a complex apparatus supporting the Searlean propositional act, giving it a specific interpretation, consequentiality and procedural mechanism for validation enforced through bureaucratic institutional rules, practices and procedures.

On one level, the act of reference of the application is to the commissioner declaring a patent and the predication is that the commissioner will do it. That would be the standard propositional content of a request. However, the commissioner's declaration is based on an evaluation (to be performed by a patent examiner) of the object or process represented in the specification and the claims predicated of that object or process. Thus the key propositions refer to the item for which patent status is sought. Because there is an examination process done by the receiver that extends beyond the representation created by the petitioner, we must consider the propositional acts in two stages - as represented and as received, and what conditions must be met in each instance for success of the patent application.

The patent refers to the self, the act of invention and the object or process which represents the invention. Thus the patent opens with the identification of the applicant, a representation of the act of invention, and details of the object. The largest part of the patent is given over to the representation of the object in the form of illustrations, description of the parts of the object in relation to the illustrations, and a description of its operation, use, and/or construction. From the point of view of the writer, these representations rely on the writer indeed believing that these represent himself or herself, his or her actions in inventing, and most importantly the object or process he or she has conceived. The inventor need not have brought this idea

to working perfection, so the reference is to an imaginative construction that the inventor is in the process of bringing into physical realization. These representations share information about the idea seeking patent status not only with the patent examiner for the purposes of evaluation, but (after the patent is granted) with others, allowing them to use the idea after the period of protection.

The propositional act, however, also consists of predications as well as of reference. It is not enough to represent yourself as having invented or conceived of the object, but you must also claim that the object is new, it is useful, and it instantiates some particular forms of useful novelty. Thus the patent of the 1870s typically had some such language near the beginning as appears in patent number 98, 469:

> This invention relates to certain improvements in chandeliers designed for use in public and private apartments.
>
> The object of this invention is to obtain a chandelier, which will cause the light emitted from its jets to be more generally diffused throughout the apartment than hitherto, and at the same time...and the means by which this object is accomplished, are -
>
> First, by the use of two or more burner-rings specially arranged in relation to a series of reflectors...

Then the patent closes with a specification of the claim:

> I do not claim, broadly, or irrespective of the ring or hoop j, the double reflector...
>
> I do claim as new, and desire to secure by Letters Patent -
>
> 1 The burner rings B C, two or more, having different diameters, and placed one above the other...

From Speaker's Sincere Statement to Examiner's Approval

The inventor in making a patent application represents himself or herself, therefore, as having of a certain date the idea for a particular kind of device or process, that he or she believes this idea is workable and useful, and that it is an improvement of a substantial kind and therefore is an invention; and that moreover the novel improvement can be characterized within specific claims. The applicant may always be in bad faith concerning any of these representations, but in forwarding the application the inventor must present himself or herself as sincere in these representations. It is up to the patent examiner to evaluate these representations as accurate and inaccurate, and therefore give public, legal approval to the validity of these representations, turning the individual's belief about his or her ideas into a form of public certification and knowledge.

The procedures for evaluation, whereby illocutionary force (embodying intent to obtain a patent) is converted to a state of belief on the examiner's part that will legally compel the desired perlocutionary effect (of actual issuance of that patent),

however, are quite specific and limited and only attend to certain aspects of the representations of the application. The inventor's representation of name and geographical location are accepted on the oath of the inventor. The date of filing is a matter of record of receipt and a matter again of oath of signing. There is no procedure for determining whether the idea is workable, beyond obvious violations of physical laws (so that perpetual motion machines are not patented); the workability is left to the future of the product development. Indeed, if the idea is unworkable the patent will be of no financial value and will be abandoned, making the patent monopoly moot and insignificant.

This is an important point. The patent is a monopoly only of a potential. The reference is only to an idea, a projection of a future product. The patent is of no meaning or value if that potential does not become realized or is not realizable. The patent examiner has no way of knowing and no obligation to determine the future prospects of this idea. Similarly the question of the usefulness of the patent is left unexamined, because that is left to the marketplace. Since the patent monopoly will be moot if no one wishes to use or purchase the patent, there is no reason to examine the usefulness – nor is there any prior-to-the-fact way of determining it.

Since we are not dealing with actual already-produced objects the representation is only of an idea. The idea itself is embodied in the patent description, so that there is no further examination of whether there is an idea here or whether this is the idea the inventor had. This situation provides a loophole that left open the possibility of submitting defective or incomplete representations of the object to stymie competitors, because the examiner would have no way of knowing the completeness of the idea. This is also the loophole that tempted the possibility of emendation and reissue of corrected patents, under the notion that the inventor actually had the correct or full idea, but the representation on paper was not fully clear or accurate. The only usual rejection or evaluation of patents on the description of the idea is on the grounds of lack of clarity or specificity, that is, that it remains vague as to what the patent-seeking idea is.

The forms of examination in patent office practice are actually only intertextual. The patent descriptions and claims are compared to the file of existing patents and to other representations of the current state of the art, such as textbooks and encyclopedias. Thus only the novelty of the claim is examined, leaving agnostic even the question of whether this novelty is an improvement (for improvement is equivalent to the usefulness of the novelty). The most sensitive item for novelty is the claim – specifically how broad it can be given the object or process described in the application and given the history of prior claims. This claim, however, in terms of ownership is precisely the most crucial matter, for it will define the extent of the rights that the inventor will own as a result of the issuance of the patent.

Intentions and Intersubjectivity

The intentions to obtain a patent monopoly require the fulfillment of the genre of application through meeting in appropriate textual form (primarily of a

representational kind) the success conditions of that speech act of request for a status. That is, the inventor has to represent the idea as patentable. The actual grant of the patent requires the intention of the examiner to fulfil his or her duty by applying appropriate examination procedures to determine the success of these representations of the idea as meeting the criteria of patentability. Only certain aspects of the representation come under systematic scrutiny, however, and even that is a kind of scrutiny that is contrary to the kind of scrutiny by which the patent is conceived (except of course that the inventor and surrogates – patent agent and/or attorney – try to anticipate the examination procedure by patent searches and clever formulation of claims). That is, the inventor tries to solve problems and claim turf. The examiner is not concerned about the solution of problems, but examines whether turf is already occupied, and tries to limit turf claimed to those specific novelties instantiated in the idea representation.

What the inventor and examiner do agree on is that what is sought is patent status with its monopoly privileges. If and when the patent is approved, they both have collaborated in the creation of the patent and they both agree on the kind of thing, or status that has been achieved. They have created new value, a new property to be owned – and that property is a licence to attempt to make money from a particular technology. Intentions meet over this status which is created by the speech act of declaration.

Multiple Participation in the Creation of the Patents

Thus we have a clarification of the curious multivocality of the patent text which we discussed earlier; that is, that the patent consists of text written by the applicant before the grant as though the patent were already granted and text by the patent office validating this before-the-fact text as an after-the-fact accomplishment. There is a collaboration and most obvious heteroglossia in the text. And there is a conflation of two contiguous speech acts of directive and declarative into a new act of assertive. That is, when we read patents as made available in the archives, we read them as informational – that x patent exists, that y idea counts as an invention, and that it was invented by person z at time t.

This creation of the status of invention (and inventor, as the person to own the patent and receive the benefit of the patent) has a curious historical effect in that it reinforces the folk belief that inventions are discrete acts occurring at discrete times by discrete people. The history and sociology of technology have been trying to disabuse us from this belief in heroic isolated individuals and isolated eureka moments creating true and unanticipated novelty. Most detailed examinations of cases and experiences of people involved in the creation of novelties indicate a much murkier, more fluid and interactive situation among multiple actors and multiple ideas. Nonetheless, the legal framework, because it must assign ownership of discrete ideas to discrete individuals based on priority, requires that these discrete items be declared as a result of the patent process. Having created and assigned discrete ownership of discrete property, the law then prepares the individual to take that value

into other discourse circulation systems within which property provides an important counter or playing chip, such as the financial or industrial worlds. Thus, having a patent, Edison or any other inventor can begin to negotiate with investors to back the development of a product or with corporations to produce or licence or purchase the patent.[4]

Indeed much of the work of legal procedures is to declare that some murky real world event has a certain technical legal status, so that it can then have standing in the technical symbolic procedures of law and regulation. The legal proceedings when finished will then be consequential for other spheres of endeavour in which one participates. Thus court proceedings serve to define a sequence of events leading up to an exchange of physical violence as a case of third-degree assault committed by *a* upon *b*, so as to distribute legal blame, legal punishment and financial liability, with consequences for one's residence and one's financial standing. Similarly, zoning laws define different classes of land and zoning boards become sites of contention over how a particular parcel should be labelled and therefore how it can be used. Since law and government are primarily realms of symbolic exchange following special communicative and adjudicative rules, all events that come under the purview of law and regulation must be translated into that realm and assigned values, rights and statuses – the legal consequences of which in turn become translated back into other kinds of activities.

Legal Systems and Systems of Genres

Of course, legal activity entails far more than a single document or even just a small cluster of documents. Every court ruling requires cartons of documents and statements. Every law requires volumes of proceedings, negotiations, letters, studies. Every patent requires a thick file of correspondence, forms, documents, appeals and possibly court judgments with all the documents and texts that are part of that. These documents are all in well defined genres which are closely related to each other. Each letter to the Commissioner of Patents is responded to by a potentially limited range of responses in well defined generic forms. Each court proceeding is constituted out of a limited range of utterance types that must be in appropriate form at the appropriate time. When you have a serious legal matter you must hire a lawyer not so much to tell your story as to know the sequence and timing of various utterances, to help you navigate the welter of genres – to file the right papers at the right time, to object at a particular moment, to know when you are wasting your breath – that is to know the legal moves or manoeuvres. In turn, the moves of others, whether examiners, judges, legislators or opponents in a court case can be met with only a limited number of appropriate moves by yourself. Moreover, each of these moves or acts or generic utterances has identifiable conditions of success, so an objection or application or appeal can be ruled on (accepted or rejected) by the appropriate official.

What we have, in essence, is a complex web of interrelated genres where each participant makes a recognizable act or move in some recognizable genre, which

then may be followed by a certain range of appropriate generic responses by others. The sequence of generic responses results at particular junctures in certain laws, rulings, declarations, etc. that offer stabilized meanings that can then be used to assign values, punishments, obligations, etc. with impact on extra-legal life. Unless these rulings, laws, etc. are challenged in some legally appropriate way, the judgments will stand.

The challenge to the judgment, if it comes, is likely to come in a form that questions whether some aspect of the performance of the speech act of the judgment does not meet a condition of success. Thus a law may be challenged as unconstitutional, for one of the conditions of success is that all laws of the land must be in conformity with the supreme law of the land. A deed may be challenged if clear title to the land has not been ascertained through the records of ownership. A patent may be challenged on the grounds that the claim is improperly formed, that the representation of the inventor is inaccurate, that the presumptive novelty was not novel, but rather essentially instantiated in earlier patents, that fraud was involved in the original application, etc. That is, the challenge attempts to undo the speech act which has resulted in the declaration.

Patent litigation is a highly specialized discourse domain with specific moves and specific rules governing the success of those moves. The maintenance of a valuable patent (remembering that low value patents are of interest to few and certainly not to the court) requires navigating one's way through all the challenging discourses to maintain the integrity of the patent declaration. In the wake of the extensive litigation over patents, not only have the court procedures become typified, but new rules have been adopted to clarify procedures and rule out certain forms of inappropriate challenges, thereby focusing the discourse even further.

In late twentieth-century United States, the speech/symbolic acts that constitute participation in the legal system (and particularly the subculture of patent law) are highly regularized and regulated, but these acts are also recreated every time they are re-enacted within our current understandings. Lawyers never stop looking for new angles, new strategies, new interventions that transform the acceptable moves to unexpected outcomes, that cut out opposing moves by the other side and open pathways to more favourable lines of actions. Thus the participations that constitute legal practice continue to evolve. Yet every potential lawyer, in order to play the game, must learn the forms of currently available moves through extensive education and apprenticeship activities. The United States has a legal system that is relatively stable, but not ossified because it only exists in its constantly recreated strategically motivated instantiations. This is, of course, what Giddens's (1984) concept of structuration is all about.

Systems of Genre

To understand the implications of this picture of legal participation through generic forms for the theory of genre, I would like to introduce the notion of *systems of genre*. These are interrelated genres that interact with each other in specific settings.

Only a limited range of genres may appropriately follow upon another in particular settings, because the success conditions of the actions of each require various states of affairs to exist. That is, a patent may not be issued unless there is an application. An infringement complaint cannot be filed unless there is a valid patent. An affidavit about the events in a laboratory on a certain date will not be sworn unless a challenge to the patent is filed. The intervention of each of the follow-up genres with its attendant macro-speech act, if successful, will have consequences for other genres and speech acts to follow.

In domains structured more loosely than the law, the sequencing and consequences of actions may be harder to discern, nor may the illocutionary force–perlocutionary effect link be compulsive, therefore allowing a wider array of consequent actions. Nonetheless, the nature of activities may be such as to establish a limited set of genres and acts that may appropriately follow in each situation. So handouts in college classes describing written assignments are typically followed by questions and answers about the constraints of assignments, advisable procedures and the appropriateness of various ideas for projected papers. Then if all goes according to plan student papers, following the generic constraints established by the handout, are handed in. Then teacher marginalia is returned, concluding in some evaluation encapsulated in a grade. We usually hope that settles the matter, but students will then turn up at our offices with certain genres of arguments and hard luck stories, some of which we might be susceptible to, but others which we rule as ineligible. Or job ads are followed by letters of application, which are in turn followed by phone calls setting up interviews, and so on.

In each case to achieve our ends we must successfully hold up our ends of the generic exchanges. That is we must successfully identify the generic utterance appropriate for our needs at each point and successfully fulfil the conditions that will constitute the perfected act. If we can't write the job letter, or fill out the necessary forms, or appear intelligent and cooperative at the interview; if we can't make a well-defined assignment, or answer student questions satisfactorily, or produce grades that we can then justify upon challenge, we get into various kinds of trouble.

This notion of systems of genres extends the concept of genre set first presented in Devitt's analysis of tax accountants' work (1991). The genre set represents the full range of kinds of texts tax accountants must produce in the course of their work. These generic texts have highly patterned relationships with the texts of others. Tax accountants produce only a limited number of kinds of documents which are related, but distinct. An opinion letter to a client is distinct from a response letter to a client and distinct from a letter to the taxing authorities, even though they all have the same subject matter and are framed within the tax code and the specifics of the client's tax situation. By extension we may say that for each status that exists in the world – teacher, police officer, hod carrier, philosopher – there are only a limited number of genres in which each needs to perform to carry out the full range of that status.

The genre set represents, however, only the work of one side of a multiple person interaction. That is, the tax accountants' letters usually refer to the tax code, the rulings of the tax department in this case, the client's information and interests, and these references are usually presented in highly anticipatable ways appropriate to

the genre of the letter, but the genre set is only the tax accountant's participations, as intertextually linked to the participations of the other parties. The system of genres would be the full set of genres that instantiate the participation of all the parties – that is the full file of letters from and to the client, from and to the government, from and to the accountant. This would be the full interaction, the full event, the set of social relations as it has been enacted. It embodies the full history of speech events as intertextual occurrences, but attending to the way that all the intertext is instantiated in generic form establishing the current act in relation to prior acts.

Generic Rhetoric

By identifying the current text to be produced as a speech act in generic form, and thus requiring the fulfillment of certain attendant felicity conditions or conditions of success, we give a new kind of precision to rhetorical aims and means as we step outside the traditional rhetorical realms of political and forensic oratory. Moreover, in considering generic speech acts in structured relation to prior generic speech acts that have been successfully performed (or that we wish to treat as successful, or the success of which we wish to challenge, or the failure of which we wish to capitalize upon, etc.) we give a new precision to the notion of rhetorical situation. By considering the ways in which generic utterances open up pathways to certain consequent speech acts and close off other pathways, we give a new precision to the concept of *kairos*, or timeliness. By gaining a grasp of how entire discursive systems operate through generic turns, we can locate ourselves, our potential speech acts and the criteria our utterances should seek to meet; we can start to understand what we can achieve rhetorically at any moment, and what we cannot, and how. By identifying how representations realized within speech acts are interactive with and accountable to other representations within the generic system and states of affairs that extend beyond discourse but drawn into the discourse at various junctures in the system of generic activity, we can see how our discursive activity is bound to the symbolic and non-symbolic environment.

Through an understanding of the genres available to us at any time we can understand the roles and relationships open to us. An understanding of generic decorum will let us know whether it is ours to ask or answer, to argue or clarify, to declare or request. We can find system in speech acts without reducing them to a system and without excluding evolution, novelty, and the multiplicity of human life. We can follow Austin's cautions not to believe too much our simplifying, investigatory abstractions and to look to local circumstances for the meaning of acts. We can avoid Searle's attempt to bind the particulars of action to general principles from which the particularities have been abstracted out and in which the acts have been turned to a logical calculus, while still learning from Searle how rigorous systems of action may be realized.

This understanding of the way genres structure social relations could be highly conservative in that decorum would urge repeating only the familiar, reproducing old dramas, prompting only replayings of the old songs at the familiar moments.

It can also give us the understanding to lead old hopes and expectations down familiar-seeming garden paths, but that lead to new places. Only by uncovering the pathways that guide our lives in certain directions can we begin to identify the possibilities for new turns and the consequences of taking those turns. When we are put on the spot, we must act, and in acting we must act generically if others are to understand our act and accept it as valid. Without a shared sense of genre others would not know what kind of thing we were doing. And life is mysterious enough already.

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Notes

1 For outlines of the history and operations of the patent system in Britain and the US see Gomme (1946), Fox (1977), Vaughan (1956), Bugbee (1967), Jones (1971), Davenport (1979), Federico (1982), and MacLeod (1988). See also various articles by Federico in the *Journal of the Patent Office Society*, and the special issue of *Technology and Culture* devoted to patents (**32**(4), October 1991). A comprehensive bibliography on patents appears in Weil and Snapper (1989).

2 A further feature of the patent system at that time, the reissuance of patents to correct defects, created other opportunities to redefine the object being patented and the scope of the claim. Abuse arising from this opportunity to readjust patents on the basis of later knowledge about competition, workability of ideas, further developments of the product and marketplace considerations, led to the removal of the reissue option in the middle of the nineteenth century.

3 These represent the five general kinds of speech acts Searle recognizes (1979: Ch. 1). For discussions of speech acts within the law see Kuzon (1986) and Bowers (1989).

4 One can even suggest that in creating property (as all property is created by legal identification) our legal system serves to create the primary value of our society which allows the continuation of the life of society built on those values. In a Durkheimian sense we can see this as a sacred and sacralizing activity.

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