

THE MEANING OF LEGAL STATUS WORDS

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1 By way of an introduction

The law knows a number of words that stand for a particular status to which legal consequences are attached, but which has, apart from these legal consequences, no clear standing. These words include – for Dutch law – ‘right holder’, ‘owner’, ‘mayor’, and ‘criminal suspect’. They differ - again for Dutch law - from other words such as ‘obligation’, which stands for a combination of a legal duty and a corresponding claim right, and ‘sanction’ which stands for a punishment or protective measure imposed by a judicial verdict.¹ The difference between legal status words and these last words is that in the latter case it is possible to specify their denotation by means of their application conditions, while that is not possible in case of legal status words. A criminal suspect *is* not a person against whom a reasonable suspicion exists of being an offender, or against whom criminal prosecution has been opened. Being a criminal suspect is rather a status which arises or perishes on particular grounds, to which a number of legal consequences are attached, and about which from a legal perspective not very much more can be said.

In Dutch law the status of being a criminal suspect is governed by article 27 of the Code of Criminal Procedure (Wetboek van Strafvordering). If somebody is a suspect, he is liable to have particular criminal proceedings executed against him. Article 27 specifies two different ways in which a person can be a criminal suspect, namely if there exists a reasonable suspicion that he is an offender, and if he is the object of criminal prosecution. However, being reasonably suspected of being an offender, and being the object of criminal prosecution are not two varieties on the stereotype of a suspect, but rather two disjoint ways of being a criminal suspect. So it would seem at first sight that the expression ‘criminal suspect’ is ambiguous and stands for two different things. However, if this were really the case, it would make sense to ask which legal consequences are attached to each of these ways of being a suspect. In Dutch law, this question does not make sense, however, because both ways of

¹ According to the ‘Wet overdracht tenuitvoerlegging strafvonnissen’.

being a suspect deal with the same legal status and therefore lead in principle to the same legal consequences. So, apparently, there is one status, which can be achieved in disjoint ways. This characteristics for legal status words as they are discussed in this paper.

Because the nature of legal status is on beforehand not obvious, it seems interesting to elucidate this nature by analysing the meaning of legal status words. In this article I will try to answer the question after the meaning of legal status words, but before doing so I will say a little about the legal relevance of this question. Lawyer's interests in semantic issues often stems from the desire to determine the scope of application of legal rules. For instance, if there are rules concerning the amount of rent that can be asked for housing, lawyers want to know what counts as 'housing' to determine in which cases the rules are applicable. They may translate this question into the question what the word 'housing' means in the rules at issue, because this meaning is taken to determine the scope of application of the rules concerning the amount of rent.

Although it is quite customary among lawyers to address the question after the scope of application of a rule as one concerning the meaning of the words used in the rule formulation, this common practice should raise some doubts. To see why, we must first distinguish between on the one hand categories of things in the world and on the other hand the words used to designate these categories. For instance, we have on the one hand the phenomenon (category) housing, and it is possible to raise questions about the proper demarcation of this phenomenon. What can still count as housing and what falls outside the boundaries of this category? This is, in philosophical terminology, an ontological question. It concerns the categories which exist in the world and their proper demarcation.

Philosophers have seriously disagreed over the issue whether categories exist independent of their instantiations. This issue about the ontological status of categories need not bother us here, and I only mention it to mark it off from the issue that should bother us, namely the demarcation of categories.² The point that I want to make here is that the demarcation of categories is an issue that belongs to the structure of reality, or maybe the operation of the

² To some extent, the ontological status of categories is relevant. If categories are mind-independent (realism), the question whether something belongs to a category has an objective in the sense of mind-independent answer: something is objectively an oak, or a case of housing. It may be argued that some categories, for instance natural kinds, exist independent of human categorisation, while other categories are mind dependent. See the papers in SS Schwartz (ed.), *Naming, Necessity and Natural Kinds* (Ithaca, Cornell University Press, 1977).

human mind (if categorisation is approached from the perspective of cognitive psychology³), and is not primarily a matter of word meaning. What counts as an oak or as housing is not primarily a matter of what the words ‘oak’ and ‘housing’ mean. It is therefore somewhat surprising that lawyers nevertheless often treat it as a matter of word meaning.

The practical use of semantic questions in the law seems to be at first sight to establish the scope of application of legal rules, but at closer inspection this function of semantic questions turns out to be only marginally important. This holds to an even larger extent for legal status words, because of the doubts which exist whether their meanings can be identified with their application conditions. If one wants to determine whether a rule about owners is applicable in a particular case, knowledge of the meaning of ‘owner’ seems to be a dubitable asset. It seems more important to know how one becomes an owner or loses ownership than to know what ‘owner’ means. Therefore one should not expect from a general theory about the meaning of legal status words that it helps determine whether a rule applies to a particular case. However, one can expect from such a theory that it helps determine which knots must be cut if there is doubt about the applicability of a legal status word in a hard case.

Another, and even more important, use of a theory about the meaning of legal status words is that it contributes to our insight into the structure of legal systems. Indeed, the law consists to a large extent of relations between categories, in the form of definitions and rules that specify when particular words that refer to these categories apply. These relations are ultimately of crucial importance for the scope of application of mandatory rules. If we want to know how the law operates and coheres, we must know about these relations. Having a theory about the meaning of legal status words is a substantive part of this knowledge.

2 Tû-tû

In a paper going by the mysteriously sounding name of Tû-tû⁴, the Danish legal philosopher Alf Ross addressed the question what the meaning is of words like ‘ownership’. In this connection he drew a parallel with the use of the word tû-tû by the South Pacific Noît-cif tribe. If a member of that tribe did something wrong, such as killing a totem animal, or eat from the chief’s food, he would become ‘tû-tû’. As a consequence, this person was excluded from tribal ceremonies and had to be subjected to a purification ceremony to take the tû-tû state away. According to Ross, this state of being tû-tû does not really exist, and the word ‘tû-

³ See, for instance, the article ‘Concepts and Induction’ by EE Smith, in MI Posner, *Foundations of Cognitive Science* (Cambridge, MIT Press 1991) 501-526.

4. A Ross. ‘Tû-Tû’ (1957) 70 *Harvard Law Review*, 812-825.

tû' is meaningless. It only functions as a kind of placeholder between the different ways in which a person may become tû-tû and the consequences that are attached to being in this state.

Ross used this anthropological example to make a point about the meanings of legal terms, like 'right', 'duty' and 'owner'. In his opinion, these words are just as meaningless as the word 'tû-tû', and their role is confined to that of intermediary in legal argument chains. Let us take the word 'owner' as an example. The law knows several ways to obtain ownership, such as creation of a good, inheritance, or transfer of the right. Moreover, the law attaches many legal consequences to being an owner, such as the duty for everybody except the owner not to destroy the owned good, and the competence of the owner to transfer the ownership, or to create a more limited right (e.g. mortgage) with respect to the owned object.

In theory, the legal consequences of being an owner might be attached directly to all the different ways in which ownership can be acquired. For instance, one might have the rule that if one has inherited a good, all other persons have the duty not to destroy this good. In this way it is possible to do without ownership altogether, because all the legal consequences that are traditionally attached to the existence of this right are then attached to all different ways of what would traditionally be ways of acquiring ownership. If there are three ways to become owner of a good and if there are four legal consequences attached to ownership, twelve rules are required to bring about the necessary connections. See figure 1.

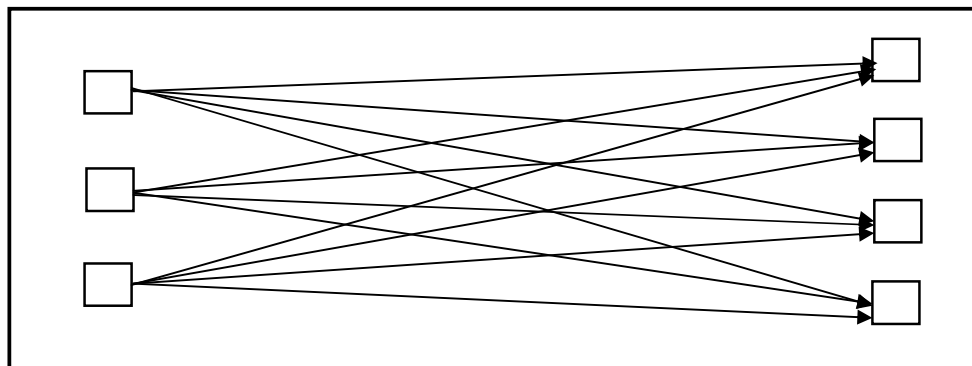


Figure 1

It is more economical, however, to work with an intermediate category – the category of ownership – that forms the intermediary between the rules that specify under which circumstances particular legal consequences obtain, and the rules that specify which legal consequences obtain if the conditions of the former rules are satisfied. If there are three ways

to acquire ownership and four legal consequences are attached to ownership, a legal system that uses the category of ownership, needs seven rules to regulate this subject (see figure 2).

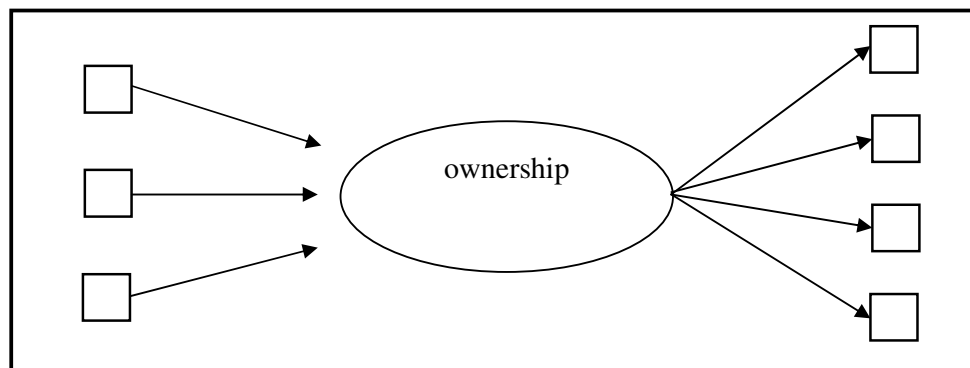


Figure 2

According to Alf Ross, legal status words such as ‘right’ and ‘ownership’ lack semantic reference, just as the word *tû- tû*. Their meanings are empty; they are nothing more than intermediaries in arguments from the conditions that specify when these words are applicable to the consequences of their applicability.

In this paper I will address two questions. The first one is whether legal status words have semantic reference. I will argue that the answer to this question should be affirmative: legal status words have meanings in the sense of semantic reference. The argument for this thesis requires a discussion about the nature of social reality and the place of the law within this social reality. In this discussion I will take side with the so-called ‘institutional approach’ to the law.⁵

The second question is whether a *tû-tû* style, or inferential, analysis can help to specify the meanings of legal status words. The answer to this second question will be shaded. On the one hand, an inferential analysis cannot give the *meanings* of legal status words, or – as a matter of fact – of any words. On the other hand, the availability of an inferential analysis is a big step towards *understanding the meaning* of a legal status word. The distinction between the

5. This approach is described in, amongst others, N MacCormick and O Weinberger, *An Institutional Theory of Law* (Dordrecht, Reidel, 1986), E Lagerspetz, *The Opposite Mirrors* (Dordrecht, Kluwer Academic Publishers, 1995), M la Torre, *Norme, Istituzioni, Valore: per una teoria istituzionalistica del diritto* (Rome, Laterza, 1999), DWP Ruiter, *Institutional legal Facts and Legal Institutions* (Dordrecht, Kluwer Academic Publishers, 1993 and 2001), and N MacCormick, *Institutions of Law* (Oxford, Oxford University Press, 2007).

meaning of words and understanding their meaning is in my opinion crucial for the evaluation of the role of semantics in legal theory.

3 Social, institutional and legal facts

Ross' view that legal status words lack semantic reference is hardly substantiated in his paper. The only arguments Ross presents for his position are a reference to work of Lundstedt⁶ who shares Ross' opinion, and a parallel with the use of the word *tû-tû*, which he assumes to be meaningless. It may be granted that words like 'right', 'duty', and 'ownership' lack physical reference, but, as I will briefly argue, legal status words refer to institutional entities, which are a subspecies of social entities which exist in social reality.

The first step in this argument is to distinguish between physical reality, which is usually taken to exist independently of what people think about it⁷, and social reality. Next to the presumably mind-independent physical reality there exists also a social reality. There are facts that belong to this social reality, such as the fact that money can be used to make payments, the fact that there is animosity between the pupils of two neighbouring schools, or the fact that the chairman of the university department makes a lot of effort to increase the ties between the members of his department. In these facts figure some entities which only exist in social reality. Money is an example of such an entity, just as animosity and a university department.

Social facts can obtain in at least two ways. One way is that sufficiently many members of a social group believe that these facts obtain, and also believe that most of the other members believe the same, namely that these facts obtain and that the other members believe the same.⁸ For instance, there exists animosity between the pupils of two schools if most of these pupils

6. AV Lundstedt, *Die Unwissenschaftlichkeit der Rechtswissenschaft. Band. I: Die falschen Vorstellungen von objektivem Recht und subjektiven Rechten* (Berlin, Rothschild, 1932).

⁷ In general, the assumption that physical reality exists independent of human perception or what humans think or believe about it, marks off ontological realists from ontological idealists. See M Devitt, *Realism and Truth*, 2nd ed. (Blackwell, Oxford, 1991) 13-16, and JR. Searle, *The construction of social reality*, The Free Press, New York 1995, 149-155.

Since my own ontological views tend towards some form of idealism (see JC Hage, *Studies in Legal Logic* (Springer, Dordrecht, 2005) 176-184), I write about the mind-independence of the physical world *as if* I adopted realism for this part of reality.

⁸ This analysis of existence in social reality is explored in R Tuomela, *The Philosophy of Social Practices* (Cambridge, Cambridge University Press, 2002) chapter 5. In general there exists an extensive literature on the existence of social reality, which cannot be explored here. The present brief discussion should suffice to establish that legal status words have semantic reference.

experience and believe there is animosity and that the other pupils experience and believe the same. I will call facts that exist in social reality because they are believed or experienced by most (relevant) members of a social group *basic social facts*.

The other way in which a fact can exist in social reality is as an *institutional fact*. A fact exists as an institutional fact if (and only if) there exists a rule in social reality that attaches the existence of this fact to the existence of other facts.⁹ These other facts may, but need not, be social facts themselves. For instance the fact that John is punishable is an institutional fact. It is attached to the fact that John is a thief by the rule that makes thieves punishable. Another example would be the existence of money and the possibility to use money for making payments. The existence of money and its use is presently regulated by the law, which is a phenomenon that exists in social reality itself.

A fact can both exist as a basic and as an institutional social fact. It is even so that social facts that exist as institutional facts will normally also be basic social facts. If this is not the case, that is if an institutional fact is broadly not recognised, the question whether this fact obtains has no easy answer. A well-known example of such a situation from the law is that a statutory rule is broadly not recognised as valid, for instance because it is experienced as unjust. This rule is valid to the extent that it was validly made, and invalid because it is broadly not recognised as a valid legal rule. One aspect or interpretation of the discussion between legal positivists and natural law theorists seems to hinge on this discrepancy. For the rest of this paper I will ignore the concurrence between basic and institutional social facts, because it is not directly relevant for the issue at stake, namely the meaning of legal status words.

It is possible to mark off the part of social reality that exists because of rules as *institutional reality*. The law and the facts that belong to it are part of social reality and most - but not all - of the law belongs to institutional reality. The part of social reality that specifically belongs to the law consists of what I will call *legal facts* and *legal entities*.. Organisations like the United Nations and the Strasbourg Court for Human Rights, for instance, are legal entities which thank their existence to treaty provisions by means of which they were instituted.

⁹ This theme is explored in N MacCormick, 'Law as Institutional Fact', in MacCormick and Weinberger, *An Institutional Theory of Law*, 49-76.

Both the existence and the consequences of legal facts are regulated by legal rules.¹⁰ I will use the legal fact that Jones owns the farm Blackacre as an example. There are rules that specify under which circumstances somebody becomes the owner of a piece of real property. For instance, Jones may have inherited Blackacre from his mother and has thus become the owner. This is made possible by a rule of law stating that one can become the owner of real property through inheritance. Obviously there are more rules that specify how to become an owner, and these rules make it possible to become the owner (of real property) in many different ways. Let us call the rules specifying how some legal status, such as ownership, is obtained the *entrance rules* for this status.

There are also many rules that specify how ownership is lost. For instance, Jones will lose his ownership if he transfers it to a railway company, or if he passes away. If ownership resides in chattel, it may also end because the object of ownership, for instance a car, is destroyed. Let us call the rules specifying how some legal status is lost the *exit rules* of this status.

Finally there are rules that attach legal consequences to ownership. For instance, the owner of real property will be able to take legal measures against trespassers, have the competence to mortgage his property or to transfer it. Moreover, the owner may have the duty to make access to his land safe for innocent by-passers and have to pay the taxes attached to the ownership of real property. Let us call the rules specifying the legal consequences of some legal status the *consequential rules* of this status.

¹⁰ Because the law is not completely institutionalised, this regulation is not exhaustive. This means that there can be legal facts which only obtain as basic social facts, and not as institutional legal facts. For the purposes of the present paper, however, the institutional legal facts are the most relevant.

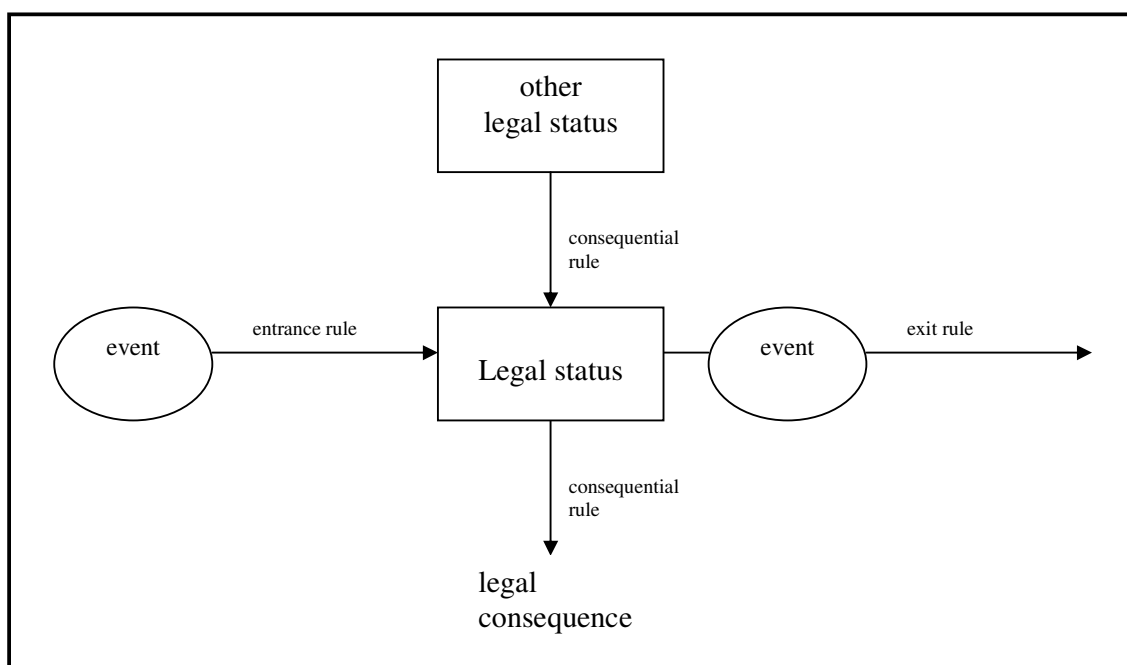


Figure 3

Notice that the consequential rules of one status may function as entrance rules for another status. For instance, the tax law of a country may use the status of ‘real estate owner’. A real estate owner has special duties with regard to bookkeeping and making tax declarations. If somebody becomes the owner (a legal status) of a piece of real estate, she thereby automatically (because of a consequential rule of being an owner) becomes a real estate owner in the sense of tax law. When she loses the ownership, she also loses the status of real estate owner. (See figure 3.)

The entrance, exit and consequential rules connected to some legal status such as ownership together specify what, from the legal point of view, is relevant in connection with this status. In the following sections I will address the issue what the relevance of these rules is for the meaning of legal status words. More in particular I will discuss by way of example to what extent the meaning of ‘ownership’ or the verb ‘owns’ is governed by the entrance, exit and consequential rules for ownership.

4 Criteria theories of meaning

In connection with ‘descriptive’ words such as ‘table’, ‘love’, ‘runs’ and ‘owns’ it is customary to distinguish between their extension (tables, cases of love, running persons or animals, and pairs of owners and what is owned) and their intensions, the criteria for their application, or – which is not necessarily the same – the means by which the members of the

extension are identified.¹¹ Depending on whether primacy is attributed to the intension or the extension of the word, one can distinguish between respectively criteria theories of meaning and theories of direct reference.

The most familiar form of a criteria theory of meaning is the theory that the meaning of a sentence is given by its truth conditions, and that the meanings of descriptive words are given with their conditions of applicability.¹² In this connection it is possible to distinguish between sober and componential conditions. Sober conditions use the words of which the meaning is specified in the specification of their meanings. Examples are “The sentence ‘It is raining’ means that (is true if and only if) it is raining” and “The word ‘dog’ stands for (is applicable to) dogs”.¹³ Sober analyses have the advantage that they give the exact meanings of words and sentences. Their obvious disadvantage is that they are of little use to somebody who does not know the meaning of the word or sentence at issue, and that they give no indication how meaning helps the speaker of a language use words and sentences correctly.

In a componential analysis of meaning, there are usually several conditions which do not use the words of which the meanings are specified. Examples would be “The sentence ‘It is raining’ means that (is true if and only if) there are drops of water falling down from the sky, caused by condensation in the clouds”, and “The word ‘dog’ stands for (is applicable to) four-legged domesticated animals that bark”. Associated with componential analyses is the idea of meaning rules. These rules, which govern the meanings of words and, indirectly, of sentences, specify the criteria for the use of words and the truth conditions of sentences. A componential analysis of meaning has the advantage that it is useful to instruct the meanings of words and sentences and to make understandable how somebody who knows the meaning of a word or sentence is capable to use this word or sentence correctly.

An important thing to notice about componential analyses is that they make word meanings perform two functions at the same time. On the one hand these meanings bring

¹¹ See, for instance, T Crane, ‘Meaning’, in T Honderich (ed.), *The Oxford Companion to Philosophy* (Oxford, Oxford University Press, 1995) 541-542 and B Hale and C Wright (eds.), *A Companion to the Philosophy of Language* (Oxford, Blackwell, 1997) 663/4.

¹² Cf. D Wiggins, ‘Meaning and truth conditions: from Frege’s grand design to Davidson’s’, in Hale and Wright (eds.), *A Companion to the Philosophy of Language*, 3-28.

¹³ The program of sober analyses has become associated with the work of Donald Davidson, starting with his paper ‘Truth and Meaning’ in D Davidson, *Inquiries into Truth and Interpretation* (Oxford, Clarendon Press, 1984) 17-36.

about a coupling between a word and the ‘things’ denoted by it, and on the other hand they demarcate the boundaries of this category of things. In schema:

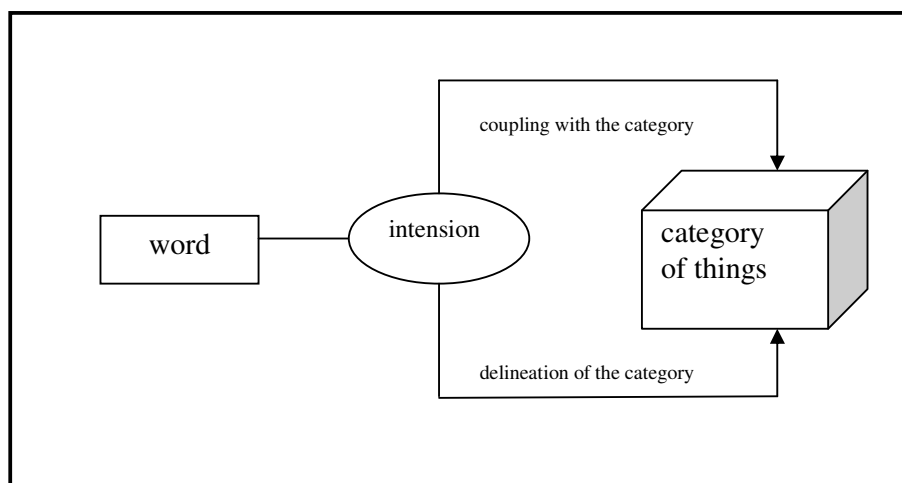


Figure 4

The above examples of componential analyses of meaning may not be convincing. Although this may be caused by a lack of imagination of the author, I take it that something more seriously is at stake. In my opinion a componential analysis only makes sense in case of words and sentences with artificially assigned meanings, based on stipulative definitions, such as ‘laser’ or – in the legal sphere – ‘obligation’. Although a speaker of a language normally can recognize instances of a word’s denotation, he does not know precise criteria by means of which these instances can be identified, let alone that he knows the precise criteria that give the word’s meaning. Most people know how to recognize normal dogs under normal circumstances, but they do not know any criteria specifying the meaning of the word ‘dog’ and not even criteria by means of which they usually recognize dogs.¹⁴ Apparently it is possible to know the meaning of a word or sentence without knowing the componential conditions of applicability of the word, or the sentences componential truth conditions, which goes to show that these meanings cannot be identified with componential criteria. The view that there are meaning rules specifying the conditions for the correct use of descriptive words appears therefore to be wrong.

¹⁴ This issue is discussed more extensively in JC Hage, *Feiten en betekenis*, Ph-D-thesis, Leiden 1987, chapter IV (in Dutch).

5 Theories of direct reference

Theories of direct reference were primarily developed to account for the way in which proper names¹⁵ and definite descriptions¹⁶ are used to refer to individuals and how descriptive words denote natural kinds.¹⁷ They can, however, also be used to account for the meanings of descriptive words that do not denote natural kinds, such as ‘computer’, ‘car’, and ‘mountain’. The general idea behind this use is that such words directly, that is without an intermediate role for intensions, denote a kind of entities and that their meaning is given with this denotation. This means that the word meaning only performs one of the two functions mentioned before; it only couples the word with the category of things, without also delineating this category. Although a speaker may associate certain characteristics with such a words, and use these characteristics to identify instances of the word’s denotation, these characteristics are not an intension that delineates the category and in that sense contributes to the ‘meaning’ of the word. So, for instance, the meaning of the word ‘dog’ is that it refers to dogs, and that is all that is to be said about the meaning of this word. In particular the meaning of ‘dog’ does not determine what dogs are.

Although intensions play no role in direct reference theories of meaning, this does not mean that associated characteristics have no role at all in connection with word meaning. Somebody who knows that the word ‘dog’ stands for dogs, but is not able to use the word correctly in the presence or absence of dogs (saying that there is no dog when there is one, and vice versa) does not know the meaning of ‘dog’ properly. To state it differently, it is not well possible to know what ‘dog’ means without knowing at least to some extent what dogs are. More generally, knowing the meaning of a descriptive word according to a direct reference theory of meaning involves having some knowledge about the word’s denotation. So, although the meaning of a descriptive word is exhaustively given by the word’s denotation, without intervening role of associated characteristics in the form of an intention, *knowledge* of the meaning requires some knowledge of these associated characteristics, because knowledge of a word’s meaning involves knowledge about the word’s denotation.¹⁸

¹⁵ SA Kripke. ‘Naming and necessity’, in D Davidson and G Harman (eds.), *Semantics of natural language*, 2nd ed. (Dordrecht, Reidel, 1972) 253-355.

¹⁶ KS Donnellan. ‘Reference and Definite Descriptions’ (1966) LXXV *The Philosophical Review*, 281-304.

¹⁷ H Putnam, ‘The Meaning of “Meaning” ’ in H Putnam, *Mind, Language and Reality; Philosophical Papers*, vol. 2 (Cambridge, Cambridge University Press, 1975) 215-271.

¹⁸ By making this distinction between a word’s meaning and knowing what a word means, I deviate from Michael Dummett’s ideas about the meaning of words, According to the ‘full-blooded’ theories advocated by

This is still quite vague, because there may be much to know about a word's denotation, and it is unclear which part of this knowledge is necessary to know the meaning of the word. For instance, what should one know about dogs in order to know what 'dog' means? Presumably sufficient to recognize normal dogs under normal circumstances, but as this repeated use of the word 'normal' indicates, even this standard leaves much to be specified. Different people may use different techniques to recognize dogs. Blind people, for instance, cannot use the visual appearance of dogs as means to identify them, while deaf people cannot hear dogs barking. This is problematic for a componential analysis of meaning, because the latter kind of theory would be committed to the existence of an unique answer to the question which technique of recognizing dogs would coincide with the meaning of 'dog'. In a direct reference theory of meaning, however, the existence of one meaning (that is: denotation) can go together with the existence of different techniques for identifying members of this denotation. So even if different people have completely different techniques of identifying the members of a word's denotation, this is well compatible with this word's having an unique meaning in the form of the relation to its denotation. The different techniques merely represent different ways to recognize the items for which the word stands. Presumably the question what one needs to know about a word's denotation in order to know the word's meaning does not have a precise answer.

6 The meaning of 'owns'

If one expects from the meaning of a word that it provides us with the conditions for this word's applicability, the meaning of the legal status word 'owns' or 'ownership' is given with the entry rules for this status, or – to state it in ordinary language – by the rules that tell us how ownership can be obtained. It seems, however, strange to identify the ways in which one can become owner with the meaning of 'owns' or 'ownership'. Apparently a sober analysis is more in place; 'ownership' stands for ownership, and 'owns' stands for a relation between a person and some object (in a broad sense) namely that this person owns that

Dummett, theories of meaning should specify what is necessary to know how to apply a word. On this view, what I call 'meaning' and 'knowledge of meaning' are both incorporated in a full-blooded theory of meaning. Cf. M Dummett, 'What is a Theory of meaning (I)', in M Dummett, *The Seas of Language* (Oxford, Clarendon Press, 1993) 1-33.

J Skorupski, 'Meaning, use, verification', in Hale and Wright (eds.), *A Companion to the Philosophy of Language*, 29-59, provides background information about these so-called 'verificationist theories of meaning'.

object. The answer to the question whether inferential analysis can help to specify the meanings of legal status words in general and the meaning of the word ‘owns’ in particular is in this sense negative. An inferential analysis can, however, be useful to specify those characteristics of ownership that need to be known by somebody who *knows what ownership involves*.

The rules that deal with ownership, entry rules, exit rules and consequential rules, are rules of positive law. In theory, every legal system may have different rules concerning ownership and in practice two legal systems will seldom or never have exactly the same sets of entry, exit and consequential rules about ownership. In this sense, ownership involves one thing in one legal system, and another thing in another legal system. However, if some legal system had the rule that one can acquire ownership of a thing by punching the present owner on the nose, that one loses ownership of everything one owns if one is punched on the nose, or if one wins the national lottery, and that the only consequence of owning something is that one has to mention this fact everyday to one’s mother, we would probably say that the word ‘owns’ in this system is used for something different than what we use it for.

To state it more generally, although the rules that deal with ownership may vary from one legal system to another, the differences between different systems may not be too large, or too important, because otherwise the word ‘owns’ stands for different things in different systems. In this respect, the different versions of ownership can be compared to different species that belong to one genus. Just as one can raise the question how different horses can be in order to count still as horses, one can ask how different several versions of ownership can be in order to count still as different versions of the same legal institution. The important point in connection with the subject of this paper is that the relevant characteristics of the different versions of ownership are too a large extent given with the entry, consequential and exit rules connected to this institution.¹⁹

¹⁹ Arguably there are other factors relevant for the way in which ownership functions in a society. It may, for instance, be very important whether means of production are privately owned, and whether the owners of real property have important political functions in a society. It may seem that these factors do not determine what ownership *is*, but how ownership *functions* in a society. Whether this distinction between what something is, and how it functions is a sharp one may, however, be doubted.

7 Conclusion

The meanings of legal status words are that they stand for specific legal statuses and nothing else. These statuses are not non-existent, as Alf Ross suggested; they are real phenomena in (the institutionalised part of) social reality.

An inferential analysis that is concerned with the entry, consequential and exit rules for a legal status is important for understanding the nature of the thus analysed legal status. Some degree of such an understanding is necessary to know what a status is, and therefore also for *knowing* the meaning of the corresponding status word. An inferential analysis does not provide us with the meaning of a legal status word, however.