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Anchoring, grounding and explanatory laws

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ABSTRACT



Brian Epstein has advanced a powerful and influential argument for the introduction of a novel relation of metaphysical determination called ‘anchoring’ and, correlatively, against identifying anchoring with metaphysical grounding (Epstein, B. 2015. *The Ant Trap: Rebuilding the Foundations of the Social Sciences*. Oxford University Press). The argument aims to establish this by showing that they have different modal properties: anchoring is a ‘universal tool’, in that it allows for an anchored kind to be instantiated at worlds where its anchors are absent, whereas grounding does not, as it is ‘world-bound’. In this paper, I provide a novel diagnosis of where the argument goes wrong. Contrary to extant responses in the literature, I argue that anchoring can be a form of grounding even if we grant all of Epstein’s key (if controversial) insights. Moreover, I show that Epstein’s reasoning has stronger dialectical force against the related but distinct view that social facts are grounded in rules. Even in this respect, however, I argue that there are good reasons to resist this negative conclusion.

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1. Introduction

Social metaphysics has become an increasingly active field of research in recent years.¹ One of the key questions it deals with concerns the way that particular social facts – facts about the instantiation of social properties and relations by particular items – are metaphysically explained. In this area, two competing explanatory frameworks have emerged, one appealing to grounding relations only, the other to a

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¹For a defence of social metaphysics as a branch of inquiry in its own right, see Mason and Ritchie (2020).

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combination of grounding and anchoring relations.² On a grounding-only model (see, e.g. Andler 2025, 2015; Griffith 2017; Schaffer 2019), particular social facts are explained by their determinants by means of being metaphysically grounded in them. By contrast, on the anchoring-grounding framework developed in Epstein (2015), an additional relation of metaphysical determination called ‘anchoring’ is deemed to be indispensable to model the way social reality depends on the more fundamental entities that generate it.

Epstein (2015, 2019a, 2109b) presents a powerful argument for the anchoring-grounding model, and against identifying anchoring with grounding. In a nutshell, the argument seeks to establish that anchoring is not grounding by showing that they have different modal properties: anchoring is a ‘universal tool’, or ‘exports’ (in Schaffer’s 2019 terms), whereas grounding does not, as it is ‘world-bound’. That anchoring ‘exports’ means that it allows facts about the instantiation of a kind to obtain at worlds where their anchors do not exist.³ This occurs in the case of ‘etic’ social kinds (Epstein 2019b, 237 ff.), which have universal application, in that they can be instantiated at contexts where their anchors are absent. Grounding, by contrast, is said to be ‘world-bound’, in that it only relates world-mate entities. Due to the fact that anchoring and grounding have different properties – they are subject to different modal constraints – they end up relating different entities, and so must be different relations.

In this paper, I provide a novel diagnosis of where the argument goes wrong, and draw some implications for the related issue of whether social facts are explained by rules. In a nutshell, I argue that anchoring can be a form of grounding even if it’s true that social facts can be modally disjoint from their anchors, and even if it’s true that grounding is ‘world-bound’, in some qualified sense. Then, I suggest that Epstein’s argument has stronger dialectical force against the related, but distinct view that social facts are grounded in rules. Even in this respect, however, I argue that there are good reasons to resist this negative conclusion.

The paper is structured as follows. In Section 2, I contrast the grounding-only view that forms the target of Epstein’s criticism with Epstein’s own model. In Section 3, I present an interpretation of Epstein’s modal argument for the anchoring-grounding distinction. In Sections 4 and 5,

²For some early influential treatments of grounding, see Audi (2012), Bennett (2011), Correia (2005), Fine (2001; 2012a; 2012b), Rosen (2010), Schaffer (2009) and the essays contained in Correia and Schnieder (2012). For skeptical doubts, see Wilson (2014).

³I am using ‘anchors’ to denote the ‘lower level’ relata of the anchoring relation.

I criticize replies whose strategy is to take issue with the argument's premises. In Section 6, I elaborate my own favorite diagnosis of the argument's problems, and draw some general lessons for social metaphysics more broadly.

2. Two models in social metaphysics

People, objects, events and entities of various other sorts, have social properties, and stand in social relations, which have great significance for our lives. People have citizenships, genders, legal rights, social statuses and roles. They are bishops, Queens, heads of department and party leaders. They can be popular and privileged, marginalized and oppressed. And so on.

Let us call 'particular social facts' – or 'social facts', for short – facts about the instantiation of social properties and relations by particular item(s). One of the key questions in social metaphysics concerns how social facts are metaphysically explained: what explains them, and what is the nature of the explanatory relation that ties them to their metaphysical determinants.

One type of social facts that has attracted special attention in recent years are facts that, on the face of it, appear to be explained by rules. Legal facts are a paradigmatic example of this. Consider, for instance, the fact that Esther has the right to vote in the US elections, or that Whitey Bulger is a first-degree murderer.⁴ It is uncontroversial that facts such as these are explained, at least in part, by other facts about the particular in question. Esther's right to vote is explained by the fact that she is an 18-year-old US citizen, and part of what makes Bulger a first-degree murderer is that he killed Bucky Barrett with deliberately premeditated malice aforethought.

Against this background, three issues have generated much discussion in the literature. First, what is the relation between social facts of this kind and the particular facts that explain them? Second, do social rules also partly explain social facts? And third, what is the nature of the relation that ties social rules to their metaphysical determinants?

Two main competing views have emerged in answering these questions. While both agree that the relation between social facts and the underlying particular facts is metaphysical grounding, they disagree on these other counts. One view holds that social facts are *partly* grounded in particular facts, that they are also partly grounded in *rules*, and that

⁴The latter example is discussed at length in Epstein (2015, ch. 7).

rules are in turn *grounded* in their metaphysical determinants. This view has been variably called ‘conjunctivism’ (Epstein 2015), to emphasize that social facts are grounded in two sorts of ingredients (particular facts as well as rules), and ‘grounding-only’ view (Schaffer 2019), to underscore that the only relation of metaphysical determination appealed to is grounding.

Going back to the example above, on this view the fact that Esther has the right to vote would be grounded in part by particular facts about Esther’s age and citizenship, and in part by the legal norm that (roughly) 18-year-old US citizens have the right to vote in the US elections.⁵ Similarly, the fact that Whitey Bulger is a first-degree murderer would be grounded by the fact that he killed Bucky Barrett with deliberately premeditated malice aforethought, together with the legal norm that someone who kills with premeditated malice aforethought is a first-degree murderer. Social rules and legal norms, in turn, are taken to be grounded in the more fundamental entities that metaphysically determine them. These might include, for instance, facts about collective acceptances in the case of social rules, and facts about lawmakers’ actions (speech acts, enactments, etc.), mental states (legal intentions, communicative intentions, etc.) and their products (statutes, judicial decisions, etc.) in the case of legal norms.

Epstein’s explanatory model, by contrast, divides the metaphysical labor among two irreducibly distinct determination relations: anchoring and grounding. First, a plurality of facts (or other entities) set up a social kind *K* by means of *anchoring* *K*’s instantiation conditions. That is, anchors determine how the kind is instantiated as a function of some underlying set of conditions. Then, particular facts about the satisfaction of these conditions *fully* ground facts about the instantiation of the kind (see Epstein 2015: ch. 6 and 7; 2019b, 231–235, 239).

Going back to the same example, law-making facts about constitutional provisions, statutory enactments and the like anchor the instantiation conditions for the right to vote in the US elections: they determine how this property is instantiated as a function of the satisfaction of some underlying conditions about age and citizenship. Then, facts about the satisfaction of these conditions fully ground facts about the possession of the right to vote.

⁵I use the terms ‘norm’ and ‘rule’ interchangeably to refer to general standards that connect legal or social properties with the underlying properties that explain them.

Epstein's model differs in key respects from the preceding model. First, it maintains that social facts are fully, rather than partially, grounded in the underlying particular facts. Second, and relatedly, it holds that social rules – which Epstein calls 'frame principles' – play no role in explaining social facts. Rather, they merely summarize general patterns of grounding connections between social properties and the underlying properties that explain them. Third, it claims that in order to adequately capture the metaphysical structure of social reality, we need to countenance a relation of metaphysical determination that is distinct from grounding (see Epstein 2015, ch. 6 and 7).⁶

3. The modal argument for the anchoring-grounding distinction

Epstein (2019b) offers various considerations against treating anchoring as a form of grounding.⁷ However, it is his modal argument that has attracted most attention, and that presents the most pressing challenge for the grounding-only model, as Epstein himself points out (2015, 123–124, 2019a: 771).⁸ The argument seeks to establish that anchoring is not grounding by showing that they have different modal properties. Anchoring permits a kind of 'modal dissonance' – as I shall put it – between facts and anchors, allowing them to exist at different scenarios. Grounding, by contrast, cannot vindicate this feature of social kinds because it is 'world-bound', i.e. it can only relate world-mate entities (see Epstein 2015, 118–120, 2019a, 771–772; 2019b, 238).

Let me formally state the argument as follows:

MODAL DISSONANCE	Possibly, some social facts obtain at worlds where their anchors do not exist.
WORLD-BOUND	Necessarily, if a set of facts Γ grounds a fact A , then the members of Γ and A all obtain at the same world.

⁶Versions of conjunctivism and Epstein's model that deal specifically with the metaphysics of legal facts are analyzed at length in Chilovi (2025). For applications of grounding theory to the metaphysics of law more generally, see also Chilovi (2020), Chilovi and Pavlakos (2019), Chilovi and Pavlakos (2022) and Chilovi and Wodak (2022).

⁷For instance, he submits that anchoring and grounding relate different sorts of things. Grounding is a generative relation between facts, with derivative facts arising from the more fundamental facts upon which they depend. Anchoring, by contrast, is a relation between facts (the anchors) and ways in which facts are grounded. But we shall not dwell on this.

⁸The argument from the nature of *relata* (see the previous footnote) can be resisted by adopting a cross-category notion of grounding (Schaffer 2009) or by modeling grounding relations between facts about attitudes and rules.

∴ NO GROUND Possibly, some social facts are not grounded in their anchors

∴ DIFFERENT RELATA Anchoring and grounding relate different entities

∴ DIFFERENT RELATIONS Anchoring and grounding are different relations

First of all, notice that in order for the argument to be valid, the first premise must be interpreted not merely as saying that it is possible for some social facts to obtain at worlds where their *actual* anchors do not obtain. Since this is compatible with social facts having other world-mate anchors, it would allow such anchors to be their grounds even if grounding were world-bound. Thus, the premise should be taken to imply that some social facts can obtain at worlds where *none* of their anchors – either actual or merely possible – exist. Add to this the idea, captured by WORLD-BOUND, that grounding only relates world-mate entities (Epstein 2019b, 238), and it seems to follow (together with plausible assumptions about the metaphysics of relations) that anchoring and grounding are distinct relations.

The argument as stated here differs (at least terminologically) in subtle ways from other formulations given in the literature, for reasons I'll now explain.

The core idea encoded by MODAL DISSONANCE is expressed in different ways by different authors. Schaffer (2019, 762) conveys it with the contention that anchoring *exports* across possibilities.⁹ Epstein expresses it with the thought that the anchors set up a *universal tool* that can be instantiated in contexts where the anchors themselves are absent. This is captured by a principle he calls 'Universality', which says that '[g]iven a social fact of the form x is K whose grounding conditions are anchored by actual facts $A_1 \dots A_n$, [t]he fact x is K can obtain in other worlds even where $A_1 \dots A_n$ fails to obtain. In other words, the actual anchors set up a 'universal tool' that can be instantiated across contexts of obtaining' (Epstein 2019a, 772).

Notice that it isn't clear from this statement whether it is meant that all, or just some, social kinds are universal tools. Here, I'll focus on the

⁹A clarification on my use of 'exportation'. As used by Schaffer (who introduced it), the term mostly applies to anchoring, to signify a modal property of that relation. However, the term can also be derivatively applied to kinds, to indicate their 'universality' (to use Epstein's term), or to social facts, to mean that they can obtain at contexts where their anchors are absent.

existential claim, as captured by MODAL DISSONANCE, for two main reasons.¹⁰ First, the weaker claim that *some* social kinds are ‘universal’ – that some cases of ‘exportation’ occur – is already sufficient to spell trouble for the grounding-only view I wish to defend. If it is true that some social kinds are ‘universal’ in the above sense, this would be enough to require the existence of a relation of metaphysical determination capable of ‘exporting’, regardless of whether all social kinds behave in this way.

Second, and relatedly, the stronger view is unnecessarily controversial for current purposes, as it is vulnerable to objections that are independent of the discussion that interests us here. For one thing, the stronger version would include facts that do not even *prima facie* appear to be rule-governed, and for which it is accordingly doubtful that there are any anchors playing any explanatory role (since presumably there are no associated frame principles to be anchored in the first place). As an example of this, think of social kinds of a functional type, such that facts about their instantiation hold in virtue of a particular entity playing a certain functional role. For the sake of illustration, suppose for instance that money is a functional kind (‘money is what money does’, as the slogan goes (see, e.g., Guala 2016)) instantiated by any object used as a store of value, medium of exchange, and unit of accounting. If the kind money works like this, then presumably it is not anchored in any facts, since to be money *just is* to play the functional role, and so there is no explanatory role for anchors to play. But then, it would make little sense to say that facts about the instantiation of the kind money can obtain at contexts where their anchors do not exist.¹¹

Moreover, even with respect to kinds that do have anchors, it would be implausible to regard all of them as ‘universal’. As Hawley (2019) has emphasized, drawing on the ‘emic’/‘etic’ distinction in anthropology, some social kinds are local (‘emic’) in ways that preclude them from being instantiated in contexts where their anchors do not exist. In fact, Epstein (2019b) agreed on this point, suggesting that he would likely

¹⁰Why does the argument rely on facts and anchors being *modally*, rather than temporally or spatially, disjoint? Wouldn't an analogous argument that involved social facts obtaining at times or locations different from their anchors be more plausible? While Epstein (2015) does raise the temporal version of the argument as an additional challenge, the problem is that a more plausible claim involving the separation between fact and anchor would need to be compensated by a less plausible claim concerning grounding. In particular, while WORLD-BOUND seems a plausible principle, it seems less plausible that grounding should only obtain between co-temporal or co-located entities.

¹¹Notice that the property of being money is different from the property of being a particular currency, such as a US dollar. The latter might be anchored in facts that set up a rule for it, even if the former is a functional kind.

prefer the weaker interpretation of the principle of universality, in line with MODAL DISSONANCE.¹²

4. Modal dissonance

A straightforward way of resisting the argument is to reject either of its premises. Starting with MODAL DISSONANCE, this premise is true only if there are true instances of the phenomenon it represents, i.e. only if there are cases of social facts that are modally disjoint from their anchors. Epstein provides some putative such cases (see, e.g. 2019b, 237). Suppose that Genghis Khan qualifies as a war criminal at the actual world, as some of his actions – such as ordering the killing of civilians in Nishapur in 1221 – satisfy the conditions for being a war criminal enshrined in the Geneva Conventions of 1949. Now consider a possible world w that is just like the actual world, except that it ends in 1500. Would Khan still be a war criminal there? That is, would Khan still have been a war criminal if the Geneva Conventions had not been enacted, yet he had acted in the same way in which he in fact did. Epstein submits that he would. The Geneva Conventions, according to him, are a universal tool: they apply to possible situations regardless of whether they exist there (2019a, 771). So the fact that Khan is a war criminal obtains at w even though the Geneva Conventions aren't enacted there, thereby giving us a pair of fact and anchors that are modally disjoint.

One obvious route to rejecting MODAL DISSONANCE is to take issue with the example, and there are different ways to do so. First, one could appeal to a strong version of natural law theory, and maintain that the laws of war – the legal rules that regulate war conflicts, including the conditions under which one is a war criminal – are necessary moral principles that do not depend on social facts about law-making enactments and the like. (Rather, one might say, what legal enactments do is to *report* the existence of independently obtaining rules). If this is the case, then although the fact that Genghis Khan is a war criminal does obtain at w , it is not modally disjoint from its anchors, simply because it is not anchored in any social facts to begin with.

This reply may be fine, as far as it goes. The main problem with it is that presumably, even if one believes this to be the correct account of the kind war criminality, not all kinds are like this. For instance, there will be other legal properties and relations that are anchored in the sort of contingent

¹²He gives the example of the kind insider trader as a possible case of an emic kind.

social practices that Epstein appeals to. And if any of these enjoys the sort of universal applicability that is at stake here, the reply from natural law will fail to work in connection with it.

A second reply might be to draw a distinction between an ordinary and a technical notion of war criminality, similarly to the distinction one can draw between different notions of murder. In the ordinary, non-technical sense, to be a murderer is to intentionally kill somebody else, and one can be a murderer regardless of the existence of any law or society, since having this property does not depend on anything social. This contrasts with the many technical notions of murder defined by law, which, one could say, cannot be instantiated in the absence of the social practices that determine them.

In parallel fashion, there might be two notions of war criminality that need to be untangled. On the ordinary, nontechnical notion, to be a war criminal is to commit certain atrocities in the context of a war, regardless of whether formal tools for counting someone as a war criminal are present. One can be a war criminal in *this* sense at worlds where no enactment of the Geneva Conventions takes place, but this is irrelevant, since this property is not anchored in any social facts.¹³ By contrast, on the technical notion that is tied to the enactment of the Conventions, one could not be a war criminal at all in such worlds, precisely because that would require an underlying social practice that is missing. So either Khan is a war criminal, but that fact isn't anchored in the Conventions; or the property is anchored in the Conventions, but Khan doesn't have it at the relevant worlds. Either way, there is no modal disjointness between fact and anchors. What happens when intuitions of universality are elicited, one could add, is that the former notion is being thought of, whereas it is the latter that should be at work in order for the argument to work properly.

This reply raises the question whether being a war criminal in the sense that is anchored in the enactment of the Conventions does require it in worlds where the property is instantiated. One might take it to be obvious that being a war criminal in this sense modally depends on the existence of the underlying social practice setting up the kind. For, one

¹³This response resembles what Schaffer (2019) calls the 'definition' reply. On this reply, at the actual world the term 'war criminal' is stipulated to apply to every possible case where the relevant atrocities occur, so the stipulative definition does 'export'. But this is unproblematic, since social rules play no role in the metaphysical explanation of the relevant fact, and so they need not export. Otherwise said, the fact in question is not a (rule-based) social fact, and so social rules need not play any role in explaining it.

might ask, how could someone be a war criminal *in the sense of the Geneva Conventions* if the Conventions hadn't been enacted?

Notice, however, that Epstein *can* accommodate one way for this to be true. He contends that Khan would be a war criminal even at a world where no Conventions (and the like) are enacted. But he'll agree of course that if the Conventions hadn't been enacted *in the actual world*, then neither Khan nor anyone else would have been a war criminal, no matter what they had done. In other words, he will allow that if the actual world had been different, the social facts would have been different (both at the actual world and at other possible worlds), while still maintaining that given how the world actually is, someone can be a war criminal in counterfactual scenarios with different social histories.¹⁴ Because of this, our modal intuitions can be accommodated by his own framework, and therefore fail to offer conclusive evidence in favor of either view.

More importantly, notice that this strategy suffers from the same problem that affected the first reply we considered. That is, even if it succeeds in showing that there is no modal dissonance between facts and anchors in Khan's case, it would still offer no guarantee that no such cases exist. First, the idea that one could vindicate intuitions of exportation in every case by appealing to an ambiguity between anchored and unanchored notions seems dubious. And second, this reply gives us no reason to think that no cases of exportation exist, and leaves open that this phenomenon, of which Khan's case is perhaps only an especially controversial instance, could be exemplified in other cases.

5. World-Bound

Suppose that the preceding replies fail, and MODAL DISSONANCE is true. What then are the prospects of denying WORLD-BOUND? WORLD-BOUND says that it is necessary that if some facts ground another, then these facts must all obtain at the same world. We can therefore think of it as a modal extension of the principle that grounding is a factive notion. Where factivity says that Γ grounds $[p]$ at the actual world @ only if Γ and $[p]$ all obtain at @, WORLD-BOUND extends this to all possible worlds.

¹⁴This reasoning rests on a distinction, familiar from two-dimensional semantics, between worlds considered as actual and worlds considered as counterfactual (see Epstein 2015, 119). Two remarks about this. First, this is the sense in which social facts are frame-dependent: one needs to fix a frame, in order to fix the social facts – shift the frame, and the social facts will change. Second, reference to the actual world is not really needed to make this point. The key is rather that frames are contingent, and so can be shifted. One way to think about this is to imagine that we select a 'pinned' world, which need not be the actual world, and that we construct social reality in modal space relative to *its* frame. Thanks to Brian Epstein for discussion about this.

WORLD-BOUND has so far received little treatment (or endorsement) in the literature, so there is an especially open path for the proponent of the grounding-only model to deny it. If this principle is false, it would leave open that [Khan is a war criminal] obtains at a world w in virtue of the Geneva Conventions that exist at $@$, by means of being grounded in them.¹⁵

Still, carving out a social exception to a general principle of grounding theory may seem suspiciously *ad hoc*. So it would be better if there were independently plausible counterexamples to it. Consider the following. At $@$, [it is possible that p] obtains. Why, you may ask? A natural answer is that [it is possible that p] obtains at $@$ because [p] obtains at w , one of the worlds where p is the case. Just as existential generalizations of the form $[\exists xFx]$ are grounded in their instances,¹⁶ one might think that possibility facts at a world are grounded in facts that obtain at worlds where those possibilities are realized. Indeed, if [it is possible that p] = [there is some world w such that p obtains at w], it is natural to be guided by the analogy and regard possibility facts as existential generalizations fully grounded in their instances, viz. each world w_i where p is the case.¹⁷

So it may be doubtful that the unrestricted version of WORLD-BOUND holds. Given the nature of the counterexample, however, one could think that exceptions to WORLD-BOUND will be found only when dealing with modal facts. The proponent of the modal argument could therefore try to fall back on a restricted principle, along the following lines:

WORLD-BOUND* Necessarily, for any non-modal facts Γ , [p], if Γ ground [p],
then all the facts Γ and [p] obtain at the same world w .

This restricted version of the principle is immune from the preceding counterexample, since this involves a modal fact being grounded cross-worldly. Once WORLD-BOUND* is substituted in the original argument

¹⁵[p] denotes the fact that p .

¹⁶See, e.g., Fine (2012a) and Rosen (2010).

¹⁷It is unclear whether the viability of the counterexample presupposes a possibilist modal metaphysics countenancing merely possible worlds and objects. One could argue that it does, for if actualism were true (if everything were actual), there wouldn't be any cross-world relations, and WORLD-BOUND would trivially hold. On the other hand, talk of possible worlds might be understood merely as a convenient way of framing the relevant issues that should, at the end of the day, be dispensed with. Here, I remain non-committal with regard to the difficult question of which of these two different interpretations ought to be preferred. That said, notice that if the counterexample did presuppose a possibilist modal metaphysics, this would be entirely legitimate in the current dialectic, as my opponent would need to presuppose it too. Since their argument is that anchoring, but not grounding, can hold across different worlds, they would also need to have a possibilist metaphysics in the background if talk of cross-world relations were to be understood as metaphysically charged.

in place of WORLD-BOUND, the key question becomes whether the facts that concern us here are modal facts, since the new modal argument would succeed only if they are not.

This raises the interesting question of what counts as a modal fact. In order to have a proposal on the table, let me put forward the following working definition, in an exploratory spirit:

MODAL FACT [p] is a modal fact at w iff it obtains at w , and it is partly about worlds other than w (rather than w itself). (Correlatively, [p] is a non-modal fact at w iff it obtains at w , and it is wholly about w .)

One important consequence of this definition is that modality becomes a world-relative affair: a fact can be a modal fact at a world, but not at another. This, of course, is compatible with some facts being modal at all worlds (for instance, [it is possible/necessary that p] will be a modal fact at every world simply because it is not wholly about any particular world).

A key, if elusive, aspect of the definition is that it relies on the notion of aboutness. On a conception of facts as true propositions (understood as representational entities), for a fact to be partly about a world other than w is just for some of its constituents to be about a world other than w , on whichever account of the aboutness of a proposition turns out to be correct.¹⁸ On a conception of facts as worldly states of affairs, by contrast, it's less clear what this could mean. One might perhaps say that a fact is partly about a world other than w if some of its constituents is not a part of w . Where the constituent is an object, that would require that it does not exist in w ; where it is a property, it would mean that it is not instantiated at w .

Now, this whole notion might admittedly seem mysterious. But let me notice two points regarding this, one general in character and another concerning the dialectic of this paper. First, note that the underlying phenomenon – that there appear to be facts that obtain at a world yet are about things that don't exist there – is something to be reckoned with, no matter what one thinks about this matter. So in order to make progress, we should at least have a proposal on the table to work with, even if it turns out not to be the one that we should embrace at the end. Second, let me be clear about the dialectical significance of this point. As we'll see at the end of this section, I do not actually think that

¹⁸A topic that cannot be explored here, though see Yablo (2014).

the reply strategy explored here is successful, as I'll eventually argue for a different solution. Thus, if there is no intelligible or tenable way of cashing out the idea of some fact being about a world other than that at which it obtains, then so be it. Nevertheless, I still believe that this strategy should be given a fair hearing. This will then allow us to see that a different strategy is better suited to deal with Epstein's argument.

The central question that arises if something along the lines of WORLD-BOUND*, coupled with MODAL FACT, is correct, is what we should say about social facts. Is [Khan is a war criminal] a modal fact on the view just presented? When we consider it as obtaining at the actual world, it doesn't seem to be one, since both Khan and the property of being a war criminal are 'actual things'. When we consider it as obtaining at w , however, things become less clear. By assumption, Khan exists at w , so there is no doubt here. Yet what about the property of being a war criminal, whose satisfaction conditions reside in the actual world, and not in w ?

If the property of being a war criminal is the monadic property it appears to be, then facts involving it would be nonmodal. However, given our definition of what it is for a fact to be modal, Schaffer's (2019) relationalism gives us a recipe to count facts such as this one as modal. He holds that social features such as being a war criminal are not really monadic properties, but rather relations to rules or anchors. The predicate 'is a war criminal', for instance, denotes the relational property of being a war criminal relative to some relevant set of rules, the apparent property of having the right to vote in the US elections is really the property of having the right to vote in the US elections relative to voting norm n , and so on.¹⁹

Applying Schaffer's insight across the board leads to relationalism, i.e. the view that social facts are relational facts. According to relationalism, strictly speaking, there are no such facts as [Esther has the right to vote in the US elections], [Zoe and Andrea are legally married], or [Whitey Bulger is a first-degree murderer]. Instead, what we have is [Esther has the right to vote in the US elections relative to US law], [Whitey Bulger is a first-degree murderer relative to the Massachusetts General Law], and the like.

If this view about the nature of social properties is correct, then social facts can be modal, depending on the context. When [Khan is a war criminal relative to the Geneva Conventions] obtains at w , for instance, it is a

¹⁹In the case of relations, for any apparently n -place relation we might consider, the view says that it is in fact an $n+1$ -place relation, with the extra slot occupied by the norm that regulates it.

modal fact, since it is partly about the Geneva Conventions which exist at @, but not at *w*. Crucially, it can therefore be grounded by the Conventions existing at @ without violating WORLD-BOUND*.²⁰ To sum up, this strategy would block the modal argument by rejecting WORLD-BOUND, making room for the possibility of cross-world grounding when modal facts are involved, and by holding that the problematic cases of social facts are indeed modal facts.

As both Schaffer (2019) and Epstein (2019a) have pointed out, however, viewing social properties as relational and social facts as modal is a revisionary stance, and it counts against it that it conflicts with our pre-theoretical views on these matters. In the absence of independent reasons in its support (apart from the need to defend the grounding-only view from the modal argument), its adoption may seem objectionably *ad hoc*. Moreover, as we've seen, this reply needs to rely on a conception of what it means for a fact to be about a world other than the one where it holds, and it is all but clear whether this can be worked out.

Perhaps, these are costs that the grounding-only view can bear. But, as I shall now argue, incurring them is not necessary. For there is another way of resisting the argument, which requires no revision of our ordinary conception of social properties and facts. If so, then such revisions will be unnecessary, and therefore not quite worth the price.

6. Anchoring, grounding and explanatory laws

6.1. A novel diagnosis

The modal argument aims to show that anchoring and grounding are different relations by establishing that they have different properties: anchoring exports whereas grounding does not, as it is world-bound. The problem, however, is that it fails to show that anchoring holds across worlds. It *is* true that in cases of modal dissonance, facts and anchors obtain at different possible worlds. And, given WORLD-BOUND, this *does* imply that social facts are not grounded in their anchors. The problem, however, is that anchoring does not hold between them either.

²⁰More generally, Schaffer (2019, 763) holds that 'the grounds for a grounded output must be present at the time, place, and world when the grounded output is intrinsic. But when the grounded output involves an extrinsic, relational property, involving a relation to the goings-on at another time, place, and/or world, part of its grounds will be found at that other time, place, and/or world'.

Recall that Epstein's model comprises two separate building blocks. First, anchors set up frame principles (social rules), stating grounding conditions of instantiation for social kinds (Epstein 2015, ch. 6; 2019b, 231–235, 239). Second, facts about the satisfaction of these conditions fully ground facts about the instantiation of the kind (i.e. social facts). Now crucially, when the two building blocks are modally disjoint – when a social property is instantiated at worlds where the anchors that set up its frame principle do not obtain – what we are left with is not a cross-world relation, but rather *two intra-world relations holding at different worlds*.

Consider the example of Genghis Khan for a case in point. [Khan is a war criminal] is grounded *at w* in [Khan ordered the slaughter of Nishapur], while the conditions for war criminality (the laws of war) are anchored *at @* in social facts about enactments and the like. The key is that even here, there is no cross-world relation between [Khan is a war criminal] and the enactment of the Conventions, such that anchoring, but not grounding, could be it.

Now, you might think that if social facts are not metaphysically determined by their anchors, MODAL DISSONANCE is just false. But this not so. For MODAL DISSONANCE is still true in the plain sense that some social facts obtain at worlds where their anchors – that is, the anchors of the associated social rules (the rules that set out instantiation conditions for the constituent properties of the social facts in question) – do not obtain. What we should reject, then, is not MODAL DISSONANCE, but rather the step from NO GROUND to DIFFERENT RELATA.

Notice that, unlike the replies to MODAL DISSONANCE we considered earlier, the point I'm making here is a structural one. It is not merely that some putative cases of MODAL DISSONANCE turn out, on close reflection, to be compatible with standard grounding theory. Rather, it is that given how the cases and the underlying framework are meant to work, they should not be expected to generate instances of cross-world metaphysical determination at all. This affords the current reply a substantial advantage over the piecemeal strategy that rejected MODAL DISSONANCE. Moreover, it also requires no revision of our ordinary concept of a social fact, unlike the reply that took issue with WORLD-BOUND.

Let me conclude this section by noticing that there's another general reason why we should not expect anchoring and grounding to be distinct due to having different modal profiles. Both anchoring and grounding are characterized as relations of constitutive (noncausal) determination. Now, I take it to be an open and interesting question whether these sorts of

relations can hold between entities drawn from different possible worlds. But no matter what the correct answer to that question is, it is unclear why the answer with respect to grounding should be any different from the one concerning anchoring. After all, why shouldn't any reason to be skeptical (favorable) to either relation holding across worlds not also be a reason for the other being the same way? What would explain this modal asymmetry between two relations that are otherwise so similar?

6.2. Objections

A possible reply might be to grant that anchoring, just like grounding, is an intra-world relation, yet to insist that Epstein-cases manifest the presence of *some* cross-world relation. So far, we haven't said anything about the relation – if any – that holds between social facts and *rules* (frame principles). But remember that Epstein-cases are ones where social facts and rules appear to be modally disjoint (we'll come back later to the question of whether they really are). So if there were a relation between *them*, it would genuinely need to hold cross-worldly.

Some (e.g. Schaffer 2019) have taken Epstein's (2015) framework to be committed to a 'framing' relation holding between rules ('frame' principles, indeed) and facts. On this interpretation, the job of social rules is to *frame* either the social facts, or the grounding facts involving social facts and their grounds. In this spirit, one might say that while anchoring may not be distinct from grounding, framing is.

It is unclear whether Epstein's framework includes a framing relation between facts and rules. (For one thing, he spends no time describing it, in contrast with the attention he devotes to anchoring.) But whether or not it does is irrelevant. For even if there is a framing relation between facts and rules, it is clear that it cannot, by the lights of his own model, be a relation of metaphysical determination.

Remember that one of the key features of Epstein's model is that social rules are not meant to be explanatory, as they merely provide general statements or summaries of grounding conditions of instantiation for social kinds. This means that whether or not there is a relation between facts and rules, it won't be a determination relation distinct from grounding, simply because it won't be a determination relation to begin with.

A different way of trying to rescue Epstein's argument might be to substitute social rules for social facts in MODAL DISSONANCE, and thereby claim that frame principles and the facts that anchor *them* are modally

disjoint. Since we're assuming that the anchoring relation does hold between frame principles and their metaphysical determinants, this might then give us a genuine, and potentially problematic, case of cross-world determination.

On a natural interpretation of the relevant cases, however, this does not seem to be the case. Let us go back to Khan's case for the sake of illustration. At the actual world, facts about the sayings, doings and mental states of officials constitutively determine the rules on war criminality. These rules exist at the actual world, just like the facts upon which they depend. And even if the property of being a war criminal can be instantiated at worlds other than those where the anchors are present, this doesn't mean that the rules exist there too.

Generalizing from this, we can say that while it is clear that anchors generate rules at the world where they obtain, it is far from clear that such rules should exist in other worlds as well, such that their existence there would depend on other-worldly anchors. At least, this would not be vindicated by the mere fact that some social kinds can be instantiated at contexts where their anchors do not obtain – by the fact that 'contexts of anchoring' and 'contexts of obtaining' can diverge (Epstein 2019a, 771). So something more needs to be said to establish that social rules exist at worlds other than those where they are anchored.

But suppose that anchors do set up rules existing at worlds different from their own. Does this preclude rules from being grounded in them? As we've seen, if one is guided by WORLD-BOUND* on this matter, it will depend on whether any of the relata are modal facts. On Epstein's view, social rules take the form of modally necessary grounding statements, such that (in schematic form) necessarily, if anything satisfies certain conditions, then the fact that it does fully grounds the fact that it has a given social property. On this view, rules could then be grounded in otherworldly anchors without violating WORLD-BOUND*.

As a final note on this issue, there might be an additional way to accept that social rules can exist at worlds where their anchors do not without running into trouble, which relies on a distinction between existence *in* and *at* a world. In analogy with the distinction between the truth of a proposition *in* a world and *at* a world,²¹ one could draw a parallel one for the existence of facts. The idea would be that although the relevant social rules, which are anchored (and exist) in the actual world, exist *at* possible worlds where their anchors are absent, they do not exist *in*

²¹On the distinction between truth in and truth at, see Adams (1981) and Fine (1985).

such worlds. Then, we could reinterpret the world-bound requirement on grounding as merely requiring the co-existence of ground and grounded *in* the same possible world, and thereby allow them to be modally disjoint in the innocent sense of existing *at* different worlds.

This strategy raises the obvious question of what the in/at distinction amounts to in the case of existence. If the distinction between a proposition being true in/at a world is drawn precisely in terms of whether the proposition *exists* there or not, how could an analogous line be drawn in the case of existence? What would it take for a fact to obtain at a world without obtaining in it? If rules are propositions (see Griffiths), and if the existence of a rule in/at a world is understood in terms of its being true in/at it, the answer will be straightforward. If that is not the case, on the other hand, the question will be a hard one. While I cannot explore it here, it is clear that much needs to be said on whether and how this proposal might be fleshed out.

6.3 No explanatory laws?

Let us take stock. So far, I have argued that the modal argument for the anchoring-grounding distinction is wanting, for either Epstein-cases are such that anchoring and grounding, though unfolding in different worlds, both relate world-mate entities, or else the cases do exhibit the presence of a cross-relation, but in ways that are unproblematic.

At this point, we should pause to notice that the argument's core insights might be more effective when used in an argument against conjunctivism – the view that social facts are grounded in rules – than they are when deployed against the grounding-only view.

So consider a slight modification of the argument where the first premise states a modal dissonance between social facts and *rules*, rather than anchors. If grounding cannot hold across worlds, and if there are social facts that are modally disjoint from the associated rules, this *would* preclude such social facts from being grounded in those rules. If compelling, this reasoning would lend support to a broadly Humean conception of social rules, according to which they are not metaphysically explanatory, in that they do not govern their instances (the social facts involving the properties they are about).²²

²²In analogy with Hume's view of the laws of nature. However, I say 'broadly' Humean because, on the view considered here, while rules do not explain their instances, they are not explained by their instances either, as they are explained by underlying social facts, viz. their anchors.

How worried should one be about this line of thought? For a start, keep in mind that the troublesome scenario is not one in which there is a possible world w_1 where a social fact F and the associated rule R obtain, and a different possible world w_2 hosting R 's anchors, for in such a case F and R would be worldmates. Rather, the case is one where a social fact F obtains at a possible world w_1 , whereas the associated rule and anchors obtain at a different world w_2 .

To block the threat for conjunctivism, we can avail ourselves of some of the conceptual tools and moves explored earlier in the paper. In particular, notice that in a scenario such as this, if either social facts or social rules are modal – that is, if either relationalism is true or social rules are modalized principles – WORLD-BOUND* would allow facts to be grounded in rules even when the two aren't worldmates. This would then allow us to accommodate Epstein's main insight – that some social properties enjoy a special kind of modal freedom, in that they can be instantiated at contexts that are modally separate from those where the associated rules or anchors exist/obtain – without having to give up on the idea that the rules are partly responsible for explaining them.

This reveals that a key consideration bearing on whether conjunctivism is correct concerns the modal status of social rules. Getting a deeper understanding of rules' modal status (a widely underexplored topic)²³ therefore turns out to be critical to an adequate account of the metaphysical structure of social reality, and of the role of laws within it.

7. Conclusion

In this paper, I have taken up three significant and interrelated tasks. First, I have taken issue with Epstein's influential argument for the anchoring-grounding distinction, and offered a novel diagnosis of why it is wanting. Second, and relatedly, I have shown that if the argument fails for the reasons I gave, then maneuvers that deny its premises at the cost of committing to a revisionist conception of social properties and facts are unmotivated. Third, I have highlighted that the argument's key

²³An exception here is again Epstein (2015), who does take a stance on this issue, in that he views social rules as modal facts, with modal operators seemingly having the strength of unrestricted metaphysical necessity. This has the benefit of allowing him to preserve the principle, widely accepted in the grounding literature, that grounds necessitate what they ground with metaphysical necessity (advocates of the principle include Audi (2012), Correia (2005), deRosset (2013), Rosen (2010) and Trogdon (2013); for a criticism, see Leuenberger (2014) and Skiles (2015); for a defense of a supervenience constraint on grounding weaker than necessitation, see Chilovi (2021)). However, as I have argued, this means that, given WORLD-BOUND*, this view of social rules will allow them to ground social facts and be grounded in their anchors even when they are modally disjoint.

ingredients provide a better recipe for a case against the view that social rules are explanatory, than they do for the view that anchoring is not grounding. As a corollary, I have emphasized the benefits of keeping conjunctivism and the grounding-only view neatly separate. While they are often treated as complementary parts of a unified social metaphysics, these views constitute independent commitments, as evidenced by the fact that the modal argument may falsify one without falsifying the other. Finally, I have used the theoretical tools and moves developed along the way to show that even as an argument against conjunctivism, the modal argument can be effectively resisted.²⁴

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