LANGUAGE, SUBJECTIVE MEANING AND NONLINGUISTIC INSTITUTIONAL FACTS

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Abstract:

This article comparatively explores Searle's conception of society, which prioritizes language and intentionality in producing social things and Max Weber's conception of social action as human behavior, in which the acting individual attributes subjective meaning to his or her behavior by orientation to the behavior of others. My aim is to show that the "nonlinguistic institutional facts" which in Searle's terms seem to emerge in the absence of any constitutive rule linguistically expressed can be described in Weber's terms of attaching a subjective meaning to individual behavior. In this way, we may add a minimal sociology to Searle's conceptual apparatus in order to grasp contingent and historical dimensions of the functioning of institutions.

Key words: social ontology, subjective meaning, John R. Searle, Max Weber, institutional fact, social action, status function declarations.

Introduction

Synthesizing a theoretical journey that began with *Speech Acts* (1969) and culminated in *The Construction of Social Reality* (1995), in his latest book, *Making the Social World. The Structure of Human Civilization* (2010), John R. Searle develops a complete conceptual apparatus of a social ontology, including basic concepts as *status functions declarations, collective intentionality, deontic powers, constitutive rules*, and *institutional facts*. This apparatus is devoted to the construction of a social ontology in which society is not only dependent but also derived from the mental phenomena of individual human beings. Social things are produced by language, collective intentionality and human behavior, and subsist only as experienced by human subjectivity in the same mode of existence as pains, tickles or other such mental entities (Searle 2006, 14).

In this article I comparatively explore Searle's conception of society, which prioritizes language and intentionality in producing social things, and Max Weber's conception of social action as human behavior, in which the acting individual attributes subjective meaning to his or her behavior by orientation to the behavior of others. My aim is to show that the so-called "nonlinguistic institutional facts" (Searle 2010, 93), which seem to emerge in the absence of a constitutive rule linguistically expressed, and also the whole variety of actions associated to institutional facts of this sort, can also be described in Weber's terms of attaching a subjective meaning to individual behavior. I consider that in developing this cross-description we may add a minimal sociology to Searle's conceptual apparatus in order to grasp contingent and historical dimensions of the functioning of an institution. In order to argue my case, I have selected only certain parts of the two theories; those regarding the way in which the nature of subjectivity is described and analyzed and those regarding the methodological aspects of Searle' project and the ontological dimension of Weber's theory. I consider the selected parts to be of interest because it is subjectivity that is at stake when both authors discuss the reality and subsistence of real life. The methodological and ontological aspects are important because an emphasis on them can justify a parallel discussion on two theories belonging to different areas of knowledge. In the sections "At the beginning was the word" and "Weltanschauung or methodological program?" I give an account of Searle's vision

about the subjective constitution of social entities and the importance he attaches to the compatibility between his social ontology and the basic facts outlined by natural sciences. On this basis, I maintain that Searle's conception manifests some appropriateness to the methodological programs of the social sciences as they emerged at the end of the 19th century and the beginning of the 20th. My view is that this similarity can legitimate bringing Weber's conception of social action (which I present in the section "At the beginning was the deed") near to his social ontology. At the end of the article, I conclude that we can add to Searles's conceptual apparatus of social ontology a minimal sociology consisting in Weber's definition of social action in order to grasp the real functioning of an institution in the real social world.

At the Beginning Was the Word

Searle's project of social ontology is a naturalistic one. In fact, it extends a kind of scientific realism based on the natural sciences to social ontology and from here to the social world. Searle calls his conception *external realism*, differentiating it from plain objectivism, which considers the independence of the world from the subject, the independence from any conscience, as a criterion for existence. Searle's external realism admits the concrete existence of certain entities such as pain, emotions, thoughts etc., subsisting only as representations in the brains of humans and animals. By his external realism, Searle validates the image of the world given to us by the natural sciences (actually, by scientific realism), but puts in brackets the possible contributions of the social sciences to social ontology.

According to Searle's external realism, we live in one world whose foundation is made up of elementary particles moving within force fields. In this one world there are things like "consciousness, intentionality, free will, language, society, ethics, aesthetics, and political obligations" (Searle 2010, 4) whose mode of existence should be clarified by a social ontology. Searle believes that social ontology has to fulfill at least two requirements in order to be compatible with the picture that scientific realism gives us of the world. The first requirement is that social ontology not multiply, despite the diversity of phenomena, worlds. The social world is a part of one world, a world in which there are particles, atoms,

cells, DNA, consciousness, intentionality, etc., outlined by science (natural sciences) and not a separate world. (Searle 2010, 4) The second requirement is that social ontology correspond to "the basic facts" as they are depicted in physics, chemistry, and evolutionary biology or the natural sciences more generally. The goal of this social ontology would be to show "how all the other parts of reality [*as the social world entities*] are dependent on, and in various ways derive from the basic facts" (Searle 2010, 4), i.e. the atomic theory of matter and the evolutionary theory of biology. In Searle's view, this dependence of the social world on basic facts should not be interpreted as reductionism. The territory of dependence still must be placed at the levels of the individual human mind and behavior, for one should admit that it is nonsense to believe that, for instance, political constitutions directly depend on the basic atom theory, although perhaps in the case of biological evolution such a dependence would be arguable to the extent that the normative could be interpreted as a product of evolution and natural selection: "social institutions such as governments and corporations are dependent and derived from the mental phenomena and behavior of *individual human beings*" (Searle 2010, 4). It is possible to thus add a sort of a third requirement regarding ontology to the first two: ontological individualism. Now, the preconditions for a social ontology are: a principle of ontological economy which prohibits multiplying worlds (but not their principles, as we will see), a principle of society's dependence on basic facts as they are depicted by natural sciences, and a principle of ontological individualism for the existence of social facts which argues that their support - one way or the other - must be the brains and behaviors of human individuals.

Meanwhile, the social ontology proposed by Searle should be a discipline of analytic philosophy, along with philosophy of language and philosophy of mind. Social ontology would differ from philosophy of social sciences, as well as social and political philosophy, which do not value language sufficiently and do not take it as a basis for their theoretical research (Searle 2010, 4). Social ontology or philosophy of society, the second name used by Searle for his theory, has to be an entirely new philosophical discipline. From Searle's point of view, philosophical disciplines are not static and timeless and their dynamics generate new topics and

research directions, as shown in the example on analytic philosophy in the late 19th and early 20th century, when philosophy of language emerged (Searle 2010, 5). This new philosophical discipline should be devoted to the study of nature and the mode of existence of social phenomena "to the study of the nature of human society itself: what is the mode of existence of social entities such as governments, families, cocktail parties, summer vacation, trade unions, baseball games and passports?" (Searle 2010, 5).

However, Searle's project of social ontology or philosophy of society does not share the heroic tradition of a philosophy which aims to start from scratch. Searle pays full appreciation to the natural sciences. He seems to think that they provide a picture beyond any doubt of what the universe looks like. In contrast, Searle does not give importance to social sciences or to the philosophy of social science, believing that we need a philosophy *for,* rather than a philosophy *of*, social sciences. He believes that just as physics and chemistry can tell us nothing about the nature and the mode of existence of cocktails, Obama's presidency or the nature of the upcoming 2014 FIFA World Cup in Brazil, neither social sciences, nor the philosophy of social sciences can tell us anything significant about them, though, of course, sociology, anthropology, economics, political science, and linguistics typically claim that only they are entitled to state anything about social events, US elections, the FIFA World Cup or language; although perhaps they cannot tell us anything so fundamental that social ontology must take account of. In any case, we could accept that there are good reasons to believe that social sciences do not tell us anything as well secured and proven about the nature and modes of existence of society as theories of natural sciences tell us about the universe, or we could just simply think that the mode of existence of social phenomena is exclusively the domain of an ontological research program related to social sciences, but deprived of any relevant links to social sciences and their philosophy.

An equally plausible hypothesis would be that some of these social sciences would have something to say about the mode of existence of social phenomena and that we might take account of it. (I will not bring up here the question of the possible contributions of the philosophy of social sciences to social ontology.) Yet Searle does not totally ignore

the succession of thinkers, philosophers, and scientists in the field of the social, from Aristotle to David Hume, Jean - Jacques Rousseau and Adam Smith to Habermas and Foucault, or the authors of the grand sociological theories of the end of the 19th and early 20th centuries and later, especially Emile Durkheim, Max Weber, Georg Simmel, and Alfred Schutz, who had an interest in social ontology. Searle maintains that the great weakness of their theories is the lack of acknowledging, understanding, theorizing and interpreting the prime role that language plays in society, because they "took language for granted" (Searle 2006,14). This account of language as a characteristic of society among others is not indicated by Searle as a condition which, once repaired, can bring social sciences and social philosophy on the right track, but only as a cause of their definitive failure to achieve a complete understanding of how society exists. Language can exist without social institutions, while social institutions could not exist without language (Searle 2006, 14). Epistemic prioritization of language over any other element of the social world could be a minimal requirement for those disciplines interested in a real knowledge of society, but this does not mean that any social science should be confined to researching the role of language or revisiting its problems from this point of view. Traditions of research in social sciences may have not prioritized the role of language in the formation of social institutions, although no one can deny that social sciences pioneered the study of social institutions and provided the first conceptual devices for investigating them. Searle believes, however, that at the beginning was the word and afterwards deeds arose: "God can create light by saying: 'Let there be light!' Well, we cannot create light but we have a similar remarkable capacity. We can create boundaries, kings, and corporations by saying something equivalent to 'Let this be a boundary!' 'Let the oldest son be a king!' 'Let there be a corporation!'" (Searle 2010,100).

Weltanschauung or methodological prog-ram?

Yet at least a part of the project of social ontology, as Searle conceives it, refers to similar issues discussed by philosophies of Kantian inspiration and the social sciences (political economy, sociology, historiography, and

psychology, etc.) in the late 19th and early 20th century. Here I would mention only two such issues: the ontological status of social things and the possibility of a scientific knowledge of society. For example, along with the discussion about the methodological differences between natural sciences and social sciences, sociologists of that time outlined social ontologies taking account of requirements derived from a concept of knowledge modeled in accordance with the method of natural sciences. In sociology, major methodological programs of scientific study of society, such as those of Emile Durkheim, Max Weber, and Vilfredo Pareto, contained plenty of discourses regarding the ontological gap between society and nature, and the ontological specificity of society. These discourses analyzed the possibility of scientific knowledge of society by means of the method of natural sciences seen as the universal scientific method, as Durkheim and Pareto attempt, or by constructing and using a special method dedicated to the social sciences, the method of understanding, as Weber proposed. While Durkheim understood social facts as any other natural objects, Weber argued that social actions are constituted at the level of human subjectivity by attributing subjective meanings to behavior. Considering objectivity the highest characteristic of an empirical science, Weber emphasized that a scientific method for social sciences must research the subjective meanings that acting actors attach to their behavior just as any arid facts. By his method of understanding Weber projected the ontological subjectivity of human action in terms of scientific objectivity, i.e. just in those terms that Searle adopted for his conception of external realism. The possible association of Weber with a social ontology of this sort might be more likely legitimate, as long as Searle does not seek to formulate in his social ontology a general vision of the world, a *Weltanschauung*, remaining content with the development of a kind of methodology. In this way, Searle argues that in contrast to mountains, molecules or other natural objects that are ontologically objective "pains, tickles, itches, emotions, and thoughts have a mode of existence that is ontologically subjective in the sense that they only exists in so far they are experienced by human or animal subjects" (Searle 2006,14). In this sense, he emphasis that we can *objectively* know such objects existing only as subjective representations even though the kind of facts about which one have

epistemically objective knowledge are themselves all, at least to a degree which we need to specify (Searle 2006, 15). Anyhow, Searle does not ask questions about social being, the social or something similar, but about how we can objectively know a reality that is subjectively constituted: The question is not, How can there can be an epistemically reality which is subjective? But rather, *how can there be an epistemically objective set of statements about which is ontologically subjective?* (Weber 2012, 18).

If so, the possible objection that bringing up methodological aspects of research in social sciences, in a framework in which metaphysical matters and assumptions and limitations of the discussion have no relations to the theories and methods of social sciences, has not the necessary strength to deny any legitimacy to a discussion of Searle's social ontology in the context of the methodological dimension of social sciences. One might counter that in this way social ontology could be assimilated among other methodological programs in the social sciences, a program that comes with its own method of conceptualizing social facts, but obviously this does not hold. After all, as long as Searle's social ontology has explicit realistic assumptions arguing that the discussion of the scientific method in sociology, which actually involves society as an object built in a neo-Kantian manner, moves away from its original premises which are secured by the realistic assumption of a reduction to the basic facts. I could agree with this argument, but it is not real, because Searle often constructs the object of his research in such a manner. Relating to this kind of argument, I emphasize that bringing up the methodological profile of Searle's social ontology does not entail that the project has an empirical ambition of the kind claimed by social sciences, for instance the objective to provide theories in order to guide empirical research.

Thus, we can agree that some ideas of Searle's social ontology support a methodological interpretation. For example, as the mentioned sociological theories have adopted the method of natural sciences as the model of scientific method, Searle considers the ontologies of natural domains constructed by natural sciences as a model for social ontology. In his view this model must adopt a basic unit or a unique principle for the construction of a social ontology. Consequently, Searle describes the construction of his social ontology as "based on

exactly one principle ... The enormous complexities of human society are different surface manifestations of an underlying commonality. It is typical of domains where we have a secure understanding of the ontology. In physics it is the atom, in chemistry it is the chemical bond, in biology it is the cell, in genetics it is the DNA molecule, and in geology it is the tectonic plate. I will argue that there is similarly an underlying principle of social ontology" (Searle 2010, 7). Moreover, the ideal of theoretical simplicity is a perennial one, but it is also considered a hallmark of the success of any theoretical construction by both the philosopher and the scientist. Not only philosophers strive to deduce all things from a unique principle, but also scientists in natural sciences believe that all reality eventually could be reduced to a few simple equations. In this sense, Searle thinks like a scientist. He does not refer to the simplicity of the principle as a value external to his theory (though he often appreciates with the eye of an esthetician the formal aspect of mental phenomena and the elegance of the structure of speech acts (Searle 2010, 15 - 16)), but as to a methodological ideal that social ontology must adopt, once secured in those areas where there is a firm knowledge of reality. In this context conceptual analysis appears to Searle as the best way to carry out a project in which the construction of society moves from simple to complex. But how might Status Function Declaration, the principle of his social ontology, as Searle argues, be considered, in a methodological sense? Yet, Searle rejects the idea that his naturalism means the reduction of reality to bricks – elements or logical constructions. The uniqueness of principle does not appear to him to be relative to a particular conception of society, but a definitive acquisition of knowledge in natural sciences we need to take into account: there is a huge difference between baseball games, $20 bills and national elections, but their underlying structure is the same, a simple thing, he says (Searle 2006,16).

At the beginning was the deed

As a philosophy of society, Searle's social ontology needs to also move beyond conceptual analysis and become a philosophy of action, in fact a philosophy of collective action: "to understand society, you have to understand human collective behavior. Collective human behavior is a manifestation of collective intentionality, and to understand this you have to understand individual intentionality" (Searle 2010, 26). For this transition, Searle takes intentionality as like a bridge between mind and action. The traditional concept of intentionality, predominantly individualistic, is not entirely satisfactory for the establishment of social things as long as social things are collective, that is, shared with others. Searle thinks that there must be a symmetrical correlation between intentionality and object, and in this case individual intentionality has to meet individual action; and collective intentionality has to meet collective action. He makes use of collective intentionality for two reasons. He does not accept as a mode of existence of a collective either the idea of inter-subjectivity, which he finds has no support in basic facts, or the idea of social interaction (or even something of the sort of *societas* or *forms,* which Simmel (1977,16-18) speaks about, likely to be able to constitute a base for collective action, as he defines it). In his view, the social arises only through language and subsists only in the minds of people, and therefore the introduction of any foreign element outside language and mind with a role in the constitution of social facts contradicts the starting point. Searle thus remains, in the analysis of intentionality, faithful to his naturalistic project whose objective "is not just to explain the nature of human society but to show how its features are both consistent with natural and developments from the basic facts" (Searle 2010, 42). For this he needs to assume that neural processes possess logical properties, "exactly the same logical properties as those of the thoughts, because they are simply the neurobiological realization of the thoughts" (Searle 2010, 42). In this way, intentionality is somehow naturalized, and thinking is considered as natural as digestion (Searle 2010, 43). Searle argues that there is a fundamental difference between sentences such as "I believe" and "We believe" or "I want" or "We want". The latter communicate collective intentions and this collective intentionality is what explains the possible development of assignments of functions declarations about things and people of form "X counts as Y in context C", the primary element of his understanding of society. The assignment of function is the capacity to attach functions to objects and people by virtue of declarations supported by collective intentionality (Searle 2010, 13-15). Moreover, collective intentionality ontologically

precedes even the logic of language, because it must be something like collective intentionality that allows dialogue, the making of promises, and the undertaking of commitments (Searle 2010, 50). In this way, Searle interprets elements that are usually treated as concrete forms of social interaction as conditions for the manifestation of intentionality. These become a kind of forms of cooperation or very general conditions or forms which precede language and therefore can be thought as devoid of content. In order to argue the mind-intention-action continuum, besides the distinction between collective intentionality and individual intentionality, Searle also distinguishes between prior-intention and intention and proposes a systematic analysis of the way in which intentions turn into bodily behaviors (Searle 2010, 33 - 35). In order to preserve the principle which I called ontological individualism that states that the connection between the basic facts and minds occurs only in individual brains, Searle maintains that all intentionality, whether collective or individual, exists only in individual human brains (Searle 2010, 44).

I do not wish here to start a discussion about the aspects of collective intentionality. Research on collective intentionality has achieved new ground and has already achieved remarkable outcomes, especially in its recent period. My opinion is that we can accept such intentionalist nominalism, in the last instance likely unsatisfactory for a methodological individualist, but we cannot ignore a possible constitution of collective actions, one that matters both for methodological and ontological individualisms. Such a possibility is suggested by Max Weber in his writings, especially in some methodological essays (Weber 2012, 4 - 94) and the monumental "Economy and Society" (Weber 1978).

Weber's conception of society has a constructivist profile. The conceptual apparatus of his sociology functions around the concepts of social action, subjective meaning, ideal type, axiological neutrality, and understanding covering all the domains of society, from economy to law, government, values system, and religion. Weber's theory reduces all kinds of relationships and institutions to individual behavior (Schutz 1967, 5-6). For Weber, social action defined by reciprocal orientation of acting actors in the process of attaching subjective meanings to their behavior explains the emergence and maintenance of society.

Weber conceived social action in inter-subjective terms, but as we can see, individual minds and individual behaviors are those which embody the subjective meanings attaching to social actions. For Weber it is not the word which makes the world, but the individual action, i.e. the deed.

Weber was interested in the relation between mind and action in the context of his attempt to build a scientific empirical method based on understanding, adequate to the specificity of social phenomena. Reflecting of this relation, he admitted that "a sort of "chemistry" if not "mechanics" of the psychic foundations of social life would be created" (Weber 1949, 75). In Searle's terms, he asked the question about the possibility of the relation between social phenomena and the basic facts. Weber thought, at the same time, that an approach of this sort would not have any worth for "the study of the cultural meaning" of social phenomena:

> Let us assume that we have succeeded by means of psychology or otherwise in analyzing all the observed and imaginable relationships of social phenomena into the same ultimate 'factors,' that we have made an exhaustive analysis and classification of them and then formulated rigorously exact laws covering their behavior. What would be the significance of these results for our knowledge of the *historically* given culture or any individual phase thereof, such as capitalism, in its development and cultural significance? As an analytical tool, it will be as useful as a textbook of organic chemical combinations would be for our knowledge of the biogenetic aspect of the animal and plant world (Weber 1949, 75).

He also rejected the ideas formulated by the German historical school of economy, as well as those of the very beginning of phenomenological philosophy, which posited that the subjective mode of existence of representations of social objects is ontologically different from that of natural objects, and mind has thereby aprivileged access to their knowledge, given by their similarity. In contrast to these positions, Weber (2012, 23 n.2) argued that "there is a fundamental, not only logical, but *intuited* ontological difference between 'complete interconnectedness' of all (human) psychical objects of knowledge and inanimate nature that can be explained 'analytically'". He also believed that "we

can find 'interaction' and 'complete interconnected-ness' in exactly the same sense and exactly the same degree in the domain of inanimate nature as in that of inner experience (if we accept the fundamental difference between these two [domains n.]) *as soon as* we attempt to acquire knowledge of an *individual* phenomenon in its full, concrete intensive infinity; moreover, closer reflection shows us that there are 'anthropomorphic' elements in all areas of investigation of nature" (Weber 2012, 23 n.2).

All of the above arguments lead us to the idea that Weber's approach to the mode of existence of social entities within human minds is somehow similar to that of Searle's. It is true that Weber does not have a naturalist conception of society, if by this we mean a positivism which extrapolates the vision of natural science, or what it is believed to be, over the social phenomena. But he is not a hermeneutical philosopher either. He starts from the fact that the social sciences are sciences that need to know the phenomena of social life from the angle of their cultural significance and therefore he distinguishes social sciences form natural sciences as having their own method, that of understanding. For Weber social actions have a determinant subjective component and social sciences must provide a specific answer according to this subjective component. But this does not mean that social sciences as conceived by Weber are non-empirical. They must be sciences of the concrete reality *(Wirklichkeitswissenschaften)* (Weber 1949, 12) because if we exclude value judgments from our approach, social facts will appear to us as any other arid facts whereby "*...* prostitution is a cultural phenomenon just as much as religion or money. All three are cultural phenomena *only* because and *only* insofar as their existence and the form which they historically assume touch directly or indirectly on our cultural *interests* and arouse our striving for knowledge concerning problems brought into focus by the evaluative ideas which give s*ignificance* to the fragment of reality analyzed by those concepts" (Weber 1949, 81). For Weber, picturing the subjective sense of behavior and capturing the way in which people behave in the framework of values existing in society means to acquire objective knowledge of the *real* human realm. The essential aim of his method of understanding was to attain in an epistemically objective way the subjective meaning that people attach to their actions. Weber explained the emergence and maintenance of social

life on the basis of this reciprocal orientation of actors in attaching a subjective signification to their behavior during action. In order to understand the maintenance of social relationships and various forms of communities and institutions he also used the probabilistic concept of chance which expresses the probability of an action to be repeated by acting individuals (Weber 1978, 59 n.13). As we have seen, Weber does not define social action only by intentionality, be it individual or collective, but also by the reciprocal orientation of actors in performing their actions, irrespective of whether we are dealing with an orientation at the time of the action to behavior of other concrete actors, or an orientation that can be described as past patterns, commands, values, and so forth.

Beside the similarities and differences mentioned above, which do not absolutely divide the two theories, the role ascribed to language in constitution of society really divides them. Weber had a special interest in language, but not in Searle's terms. He was interested in the historical and social aspects of language in the apparition and development of a certain form of community, in the role of language in the conceptualization method in sociology, but also in the concrete aspects of acts of speaking. From this point of view, Weber adhered to the position of some philologists of the time who where in favor of research into the way of "speaking of every individual", because comprehension of the unlimited diversity of speech is that which can contribute to a real understanding of the rules of language (Weber, 1949, 104). In this sense we could talk about a certain reluctance on the part of Weber regarding the possibility of expressing a collective intentionality in language. For Weber usual speech acts might have no contribution to the understanding of social activity. He wrote regarding some attempts to derive concepts of sociology from the various ways in which social actors explain themselves that "the use of undifferentiated collective concepts of everyday speech is always the cloak of confusion of thought and action. It is, indeed, very often an instrument of specious and fraudulent procedures. It is, in brief, a means of obstructing the proper formulation of the problem." (Weber 1949, 81) For Weber, there is no special relation between the fact of uttering something about the world and the intentions of social actors. Language has no priority in understanding society and it is the task of the

sociologist to construe by sociological tools, particularly by the ideal types method, the subjective meaning attached by actors to their behaviors. Nevertheless, taking account of how actors transpose in language the subjective meaning attached to their actions could be a point of departure.

On the other hand, Weber assumed individual and collective intentionality in generating social action. The property of social action to have attached a subjective meaning corresponds to a sort of intentionality: "We shall speak of 'action' insofar as the acting individual attaches a subjective meaning to his behavior - be it overt or covert, omission or acquiescence. Action is 'social' insofar as its subjective meaning takes account of the behavior of others and is thereby oriented in its course" (Weber 1978, 4). So, Weber acknowledges both individual and collective intentionality but in his interpretation intentions by which individuals attach subjective meaning to their behavior intend not only their object, i.e. the subjective meaning they attach to their behaviors, but also the behaviors of others. In fact the subjective meaning is generated by the behaviors of others. For Weber intentions as social intentions (intended subjective meaning) are never deprived of social content.

Nonlinguistic institutional facts and the subjective meaning

Searle's conceptual apparatus encompasses all social life. We can use it as a magnifying glass in order to look at social phenomena, describe, explain and understand them. Where ambiguity appears, Searle construes ad-hoc hypotheses meant to adapt the theory and clarify the misunderstandings which would occur.

One such ambiguity concerns the main concept of Searle's social ontology, that of institutional facts. In Searle's conceptual apparatus the concept of institutional facts is placed at the intersection of his conception of the subjective and representational mode of existence of social entities, the role of language in the construction of social things, and his conception of the mechanism by which social reality is created and maintained in existence. In his view, in order to exist, institutional facts require a language sufficiently rich to be used in speech acts by which constitutive rules having the form "X

counts as Y in the context C" are uttered as Status Function Declarations about people and things, assigning them with status functions which people and things do not naturally have. These Status Function Declarations carry with them deontic powers such as rights, duties, obligations, requirements and so on, and produce institutions within which acting people are enabled with individual and collective intentionality and who in some way preserve chains of activities and live lives composed for the most part by institutional facts. As a result, there are no institutional facts without language, constitutive rules and, obviously, people who institute and repeatedly follow the constitutive rules.

Yet Searle affirms that in certain cases we can observe the existence of some institutional facts, essential for social life, such as money, corporations, property, government, and marriage (Searle 2010, 95) that seem not to be created by the scheme with three primitive notions his conceptual apparatus presents: collective intentionality, the assignment of functions, and a language rich enough to make possible the formulation of Status Function Declarations as constitutive rules. Searle names these *nonlinguistic institutional facts*. In such cases, he believes that it is hard to see their linguistic fundaments and reformulates various aspects of the theory of language, the Status Function Declaration, speech acts and deontic powers, etc., in order to show that even in such cases the linguistic representations or something similar exists or is involved (Searle 2010, 19 -20), and so his conceptual design is valid.

Regarding nonlinguistic institutional facts, two problems seem to be important: first, the inexistence of clearly formulated constitutive rules for various existent institutional facts, i.e. we can observe institutional facts without there being a preexistent institution; and second, the ontological status of institutional facts in which there are no external objects to assign the status functions, but only subjective representations within the individual minds of those who recognize and accept such entities (for example, corporation) (Searle 2010, 20-21, 98).

Searle (2010, 92-123) devoted an entire chapter to solve these difficulties in applying his conceptual

apparatus to concrete social life institutions like money or corporations. I think the refinement of his concepts in this context proves the capacity of his theory to capture not only the structure of social reality, but also its details. I also think that these difficulties relating to nonlinguistic institutional facts appear because, in the relation with the concrete institutions of social life, first of all, his theory makes no real distinction between the *creation* and the *maintenance* of institutions and, second, the continuity of institutions is interpreted as requiring the permanent presence of collective intentionality expressed linguistically or in another way.

The maintenance and the continuity of an institution cannot be reduced to the creation, that is, to linguistic aspects. Searle discusses this problem by asking himself how we can achieve the creation of institutions just by "words, words, words" (Searle 2010, 108). His answer is that this is a problem of recognition and acceptance of institutions. If they work, then the institutions are produced in various forms. Both recognition and acceptance have not only a cognitive and linguistic dimension, as Searle tends to reduce them to, but also a contingent and historical one expressed by social actions. For example, Searle mentions that there is "no general answer to the question of why people accept institutions" (Searle 2010,109) such that, sometimes, institutions "have to be backed by police and military force" (Searle 2010, 109), and for an important number of cases people do not exactly understand what is going on (Searle 2010, 109). We can conclude that in such cases we need sociology for a picture of how institutions work in social reality. I do not make any suggestion in favor of attaching to Searle's conceptual apparatus a whole sociology with its own concepts and theories about the functioning of institutions in a real social world, although Searle himself lists a variety of institutions from government to parties which suggests that this sociology would be possible. I intend to suggest only that a minimal, very restrained and abstract sociology could be attached in order to open the conceptual apparatus to real institutions. This minimal sociology could be Weber's definition of the way in which individuals attribute subjective meaning to their behaviors through orientation to the behavior of others.

A typical example of how such a sociology can be used could be that given by Searle with regard to the institutional facts that seem to not be linguistically instituted. In Searle's example, people continue to recognize the vestige of a wall which had been built around a perimeter of huts as a border without linguistic formulation as an institutional boundary. He refers to this process of recognition as a collective one, but, nevertheless, this case can be described in an individualist methodological way, such that the acting individuals attach a subjective meaning to their behavior, that is, not crossing the boundary, unless authorized, only by attaching a subjective sense to their behavior and act in relation to others. They need no language, but only a symbolic representation to come forth by attaching a subjective action to behavior in such a mode. Weber's definition can be also used as sociology in cases in which there are no things or people supporting the status function allocated by declaration of money, corporation, etc. For example, Weber defines money "as a means of exchange which the actor accepts in payment because he orients his action to the expectation that a large but unknown number of individuals he is personally unacquainted with will be ready to accept it in exchange on some future occasion" (Weber 1978, 22). In this sociology, the expectation and the orientation of action are sufficient for the status function of money to work, without any other support or special declaration.

References

Searle J. R., (1969) *Speech Acts: An Essay in the Philosophy of Language*, Cambridge: Cambridge University Press,

Searle J. R. (1995) *The Construction of Social Reality,* New York*:* The Free Press.

Searle J. R. (2006) "Social Ontology: Some basic principles", in *Anthropological Theory*, 6 (12), 12–29.

Searle J. R. (2010) *Making the Social World. The Structure of Human Civilization*, Oxford, New York: Oxford University Press.

Simmel, G.(1977) *The problems of a Philosophy of History,* New York: Free Press.

Weber, M. (1949) "'Objectivity' in the social science and social policy" in , Max Weber *The Methodology of the Social Sciences,* translated and edited by E. A. Shils and H. A. Finger, Clencoe, Ilinois: The Free Press, 49–112.

Weber, M. (1978) *Economy and Society. An outline of the interpretative sociology*, edited by G. Roth and C. Wittich, Berkeley, Los Angeles, London: University of California Press.

Weber, M (2012) "Roscher and Knies and the logical problems of historical economics", in *Collected Methodological Writings*, edited by H.H. Bruun and S. Whimster, translated by H.H. Bruun, New York: Routlege, 3–94.