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Searle on Social Institutions

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I

Philosophers have not done much analytical work concerning the structure of social reality and the nature of social institutions. Searle's book is therefore welcomed. It is written in a highly readable style without making serious compromises concerning analytical content.

As the space allotted to me is limited I will go directly *in medias res*. Generally speaking, I regard most of Searle's account as acceptable, although I would like to formulate (and have elsewhere, in Tuomela, 1995) the philosophical account in a somewhat different way. I do, however, have criticisms of some central parts of his account, and will take up some of these now.

One can argue that Searle's book presents two somewhat different aspects or ideas about social institutions and institutional facts. The first emphasizes the functions of social institutions and the second the deontic powers involved. These aspects have not been integrated together very well. The first basic idea then is that the members of a collective, so to speak, collectively construct a social institution "semiotically" by conceptually or semiotically giving something a new "status" and a "function" to accompany it. Searle employs "constitutive rules" of the form "X counts as Y in C" to effect this. Consider the case of money. Simplifying greatly, X could here be a certain kind of piece paper with a status and function(s) that have nothing to do with money. The collectively accepted new constitutive rule "This kind of piece of paper (X) counts as money (Y) in our community (C)" gives X the new status Y with a new function (something like a quantitative, transferable unit of value for use in certain kinds of exchange) to go with this status. Searle requires that money is not money unless collectively thought to be money—this is the self-referentiality of social institution concepts he stresses.[1] Accordingly, collective acceptance must be taken to entail shared belief in this sense. It can still be noted that at bottom the thing (object, fact, etc.) to which the new status is given is a physical or material thing (or in any case a

[1] There are earlier resembling accounts of social institutions—see e.g. Barnes, 1983, 1988.

non-institutional thing). The use of "X counts as Y in C" can be iterated, and matters related to this are discussed at length in the book.

According to Searle's view, a part of society—including at least institutional facts—is conceptually created by us from our collective intentionality in a language-dependent way. Searle's three basic elements in the creation of institutional facts are (p. 28): 1) the imposition of function on entities that previously have no such function, 2) collective intentionality (a primitive notion for Searle), and 3) the distinction between constitutive and regulative rules.[2] The use of constitutional rules is explicated by saying that in "X counts as Y in C", the "counts as" locution names a feature of the imposition of a status to which a function is attached by way of collective intentionality, where the status and its accompanying function go beyond the sheer brute physical functions that can be assigned to physical objects. "So the application of the constitutive rule introduces the following features: The Y term has to assign new status that the object does not already have just in virtue of satisfying the X term: and there has to be collective agreement, or at least acceptance, both in the imposition of that status on the stuff referred to by the X term and about the function that goes with that status" (p. 44).

Searle argues that functions are agent-relative (relate to goals and ends of a system) and "normative" (relate to what somebody is supposed to do): "Whenever the function of X is to Y, X and Y are parts of a system where the system is in part defined by purposes, goals, and values generally." "Whenever the function of X is to Y, then X is supposed to cause or otherwise result in Y" (p. 19). It may be debated whether all functions are observer-relative and normative, but irrespective of that some critical points are due: A) Searle's central analytic notion of function—as defined above—is unclear, and one gets the feeling that sometimes it does not amount to much more than "having a use". In spite of emphasizing functions, Searle claims, however, that honors such as awards need have no any inbuilt functions or even normatively "supposed" functions (see p. 96). As exceptions surely do not prove the rule, Searle seems to contradict himself here. B) The notion of function does not explicitly occur in the later, deontic power account although, being one of Searle's central analytic concepts, it should have been emphasized in that account. C) The formula "X counts as Y in C" requires quite a few qualifications before it works. Especially, Searle does not present a satisfactory account of how it gives the deontic powers needed in the deontic power account. A theory of social authority seems needed for that. D) While Searle calls language and money social institutions, a clear formulation of the notion of institution is missing. He is mainly concerned with institutional facts, but how social institutions relate to institutional facts is not clearly

2 The dichotomy 3) is not as clear as Searle claims, but I will not go into that matter here.

spelled out (and the same holds for the relation between institutional and social facts).[3]

II

I have elsewhere briefly sketched an account of social institutions which does not rely on social functions but which emphasizes their normative character (see Tuomela, 1995, Chapter 10). This account relies on two kinds of collectively "made" social norms: i) rule-norms ("r-norms"), which are based, directly or indirectly, on group-authorized agreement-making (e.g. laws, charters, informal rules) and ii) proper social norms ("s-norms"), which are norms based on normative collective expectations and require action in response to them (e.g. the norm of mutual gift-giving). In the case of general institutions like language, money, and private property, society-wide norms are involved. Briefly, norms generate "task-right systems" (T-R systems), often based on relationships of social power. A social institution can be represented as a couple <B,T-R> where B is recurrent behavior "carrying out" a general, relatively enduring task-right system T-R, where T-R can be based on formal or informal rules or on proper social norms as the case may be. When it is based on r-norms we speak of an *r-institution* and in the case of an s-norm-based institution of an *s-institution.* (Mixed cases can also occur.) We can also say that a social institution accordingly amounts to collective societal norm-following or collective normative social practices (which at least in some cases involve a collective good and purport to solve a collective action dilemma). Typical general examples of institutions are provided by money, property rights, and language. The first two are best construed as r-institutions, while language seems to represent a mixed case. Mutual gift-giving is an example of a pure s-institution.

My account, whose main novelty is the division of social institutions into two basically different kinds, can be connected to Searle's account. Institution-predicates can simply be discussed in terms of collectively accepted (accepted either in the r-sense or in the s-sense) norms like "X counts as Y" or, more simply, "X is Y" where Y is predicated to X and required to be suitably norm-governed and involve self-referentiality.[4] Y could be 'money', 'priest', 'professor', 'school', 'marriage', 'mother-type', 'hero', etc. As to an example of self-referentiality, a relationship is not marriage unless collectively accepted in the society, via a marriage law and wedding, as marriage.

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[3] However, Searle says on p. 114 that an institution always consists in constitutive rules (practices, procedures) of the form X counts as Y in context C. But this confuses rules with practices and procedures. Are not rules something linguistic while practices and procedures are something non-linguistic?

[4] Following Searle, I prefer not to discuss here the complications arising from the fact that we should clearly distinguish between linguistic elements such as terms and predicates and what they denote or express. By the norms I mean norms for actions rather than those concerning the correct use of terms and predicates.

We are here dealing with social "semiosis" or the social creation of meaning. Social institutions can, however, affect the world via the members' thoughts. Social institutions get more real, so to speak, and are maintained through the help of mental causation and the resultant activities.

III

Next we go to the latter part of Searle's account which is more concerned with deontic powers, developed mainly in Chapter 4 of the book. Here social institutions are taken to relate to deontic powers collectively conferred on people—these powers being enablements and requirements. The problematic assumption of the existence of functions is not emphasized here.

Searle's basic hypothesis (which he does not claim to have shown to be true) in this context is this (p. 111):

> There is exactly one primitive logical operation by which institutional reality is created and constituted. It has this form:
>
> *We collectively accept, acknowledge, recognize, go along with, etc., that (S has power (S does A)).*

Searle thus accepts that many different kinds of activities fall under his notion of collective acceptance. However, as will be indicated below, Searle says too little about the applicability and interconnection of these different notions.

Mutual (or at least shared) belief is, in any case, required to be always present. Thus, on p. 32 we find:

> If everybody always thinks that this sort of thing is money, and they use it as money and treat it as money, then it is money. If nobody ever thinks this sort of thing is money, then it is not money. And what goes for money goes for elections, private property, wars, voting promises, marriages, buying and selling, political offices, and so on.

Searle is in effect saying here—and he is not the first to do so—it is a sufficient and necessary condition for the existence of social institutions that they are collectively "taken" to exist.

Let me sketch a specific proposal, in terms of "we-attitudes", concerning what kind of collective taking (involving, making, acceptance, and belief) might be involved. I define a we-attitude, WA, to be a psychological propositional attitude (or the action of acceptance) a person has toward something, say p, if and only if this person has the attitude A towards p, believes that (ideally) all the others have that attitude and that there is also a mutual belief among the members of the collective that all members have that attitude.[5] A

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[5] A mutual belief that p can be defined, for some purposes, as a fixed point: It is a mutual belief that p if and only if everybody believes that p and that it is a mutual belief that p. For some other purposes it is an iterable belief. Thus in the two-person case, you and I believe that p, I believe that you believe that p (similarly for you), I believe that you be-

shared we-attitude (e.g. belief, goal, intention) is taken to be widespread in a collective. It requires not only that the members believe that the others have the attitude (an obvious condition) but also that they take this to be mutually believed, which creates interpersonal social awareness.

There are institutions for which the collective acceptance in question amounts to more than there being a shared or mutual acceptance-belief. Thus property rights, for instance, and other r-institutions require group-authorized agreement-making. But agreement-making, and derivatively authority and power, can be fitted in my account via the attitude A, basically intention or belief. Roughly speaking, agreement-making resulting in an effective agreement amounts to shared acceptance of a norm-entailing sentence, p, accompanied by the joint intention and commitment to carry out (or, as the case may be, maintain) what p says. Generally speaking, p is concerned with what ought-to-do, ought-to-be, may-do, or may-be norms. Mutual belief at least in a dispositional sense must also be required, and it is taken care of by my requirement that the members share a we-attitude towards p. The following characterization of a social institution in terms of the acceptance involving we-attitudes can be suggested:

> A norm-involving p expresses a social institution in a collective C if and only if the members of C share an acceptance-involving we-attitude towards p.[6]

According to this "performative" account, a shared we-attitude then is, self-reflexively, both necessary and sufficient for its content's expressing a social institution.

We need more than one specific kind of we-attitude (and thus collective intentionality) to account for social institutions (e.g. to account for the difference between r-institutions and s-institutions). Searle's deontic power account (recall the italicized statement) is vague and does not keep the different kinds of collective intentionality (especially agreement-making and mere shared expectations) which can be sources of social institutions apart. I will end this paper by presenting three criticisms against the deontic power account:

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lieve that I believe that p (similarly for you), and so on, in principle as high up as the situation demands (cf. Tuomela, 1995, Chapter 1).

6 Speaking more formally, we may formulate what was just said as follows for a norm-entailing p:

1) $WA_x(p) \leftrightarrow A_x(p) \;\&\; B_x((y)A_y(p) \;\&\; MB((y)A_y(p)))$

2) $p \leftrightarrow (EA)(x)WA_x(p)$

3) p stands for a social institution if and only if p satisfies 2).

On this logical account MB means a mutual "acceptance belief", viz. acceptance as true, in a collective, and we recall that the acceptance-involving attitude A and the norm-involving sentence p may be complex as to their underlying conceptual content. We might have e.g. p = q(y), taking reading the latter sentence with the interpretation "Object y is money". (Cf. Balzer and Tuomela, 1997.)

i) The kind of institutional facts which we merely are prepared to go along with are problematic. Consider the following example (suggested to me by Martin Hollis). A protection racket set up through the power of Mafia presumably is an institutional fact, although we do not acknowledge it but, perhaps, go along with it. Searle's account does not make clear how to account for this kind of "unofficial" case (which seems especially problematic if we do not even go along with it but oppose it).

ii) The second criticism has to do with the need to keep different notions of collective acceptance apart. Suppose a professor has the institutional power to decide whether a student is competent in something and that he regards a certain student as competent. Suppose that, on the contrary, it is mutually believed in the collective that the student is not competent. Here one sense of acceptance (the official kind of authority-based acceptance representing the university's view) gives one result while another kind of collective acceptance (unofficial mutual belief in the university) gives the opposite result. Searle does not consider this kind of problem. One might try to argue that the matter can be handled in terms of different context-specifications, but that would not help seem to help much. We seem to need a distinction between agreement-based and mutual belief-based acceptance here. Whether this kind of case represents genuine social discrepancy or just a matter of our dealing with different concepts of acceptance may also be debated.

iii) On pp. 104ff. Searle presents a more detailed logical account of the deontic power view. Consider thus an institution-generating constitutive rule "X counts as Y in C". The primitive structure of the collective intentionality imposed on the X term, where X counts as Y in C, is

We accept (S has power (S does A)).

The power can be enablement or requirement in the following sense. Enablement is expressed by :

We accept (S is enabled (S does A)).

Requirement is expressed by:

We accept (S is required (S does A)).

My critical point concerns the problem of negation, which Searle discusses at length. He argues that we have to think of both institutional enablements and requirements as within the scope of the collective power creation operator. Thus,

S is enabled (S does A) iff -(S is required (-(S does A))

really means (according to Searle):

*) We make it the case by collective acceptance that S is enabled (S does A in C) iff we make it the case by collective acceptance that -(S is required (-(S does A in C)).

But does this work for driver's licences, passports, and the right to walk freely in the streets? Let us consider the last example. Consider two different situations C:

1) Normal case: what is not specifically forbidden is allowed; walking in the streets is not forbidden.
2) "Constant curfew": walking in the streets requires special permission or a license; in other words, walking is forbidden without this special permission.

It seems that Searle's account does not quite work: we have to add conditions to *). In case 2) *) holds only if we include the issuing of the special permission in the collective acceptance, whereas that much is not needed in 1). We are here dealing with collective acceptance in a weak versus in a strong sense. Thus the familiar distinction between weak and strong permissions becomes reflected in the notion of collective acceptance. Without this addition *) does not perspicuously discriminate between these cases.*

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