

Josef Moural

In Chapter 3 of his *The Construction of Social Reality* (*CSR* in the following text), John Searle endeavors to explain and justify his claim that language is essentially constitutive of institutional reality. Unlike several other components of his theory of institutions (collective intentionality, deontic power, constitutive rules), this claim of Searle's has not been made a topic of critical discussion yet. However, there are several difficulties connected with this part of Searle's theory, and most of my paper is an attempt to show what they are and how to remove them.

First, I shall summarize Searle's main argument for the necessary presence of a linguistic element in institutional reality, provided at *CSR* 66-71. Then (Section 2), I shall point out at what seem to be its weak spots. Finally (Section 3), I shall discuss two further Searle's points, and I shall attempt to find out what is the best view of the problems raised by Searle in Chapter 3. The resulting view is more detailed and hopefully much clearer than Searle's position in the book; it probably differs from Searle's position in one or two respects, but I shall attempt to show that it can claim support – besides the immediate force of argument – also from Searle's hallmark doctrine of intrinsic versus derived intentionality.

1.

The claim about the constitutive role of linguistic element in institutional reality appears twice in Chapter 2 of *CSR* (p. 37 and 51), but the detailed discussion of the relationship between language and institutional reality is reserved for Chapter 3 (pp. 59-78). Let us first get clear about what is the claim and how Searle proceeds in justifying it.

Institutional reality is built up of *status functions* recognized by a community of agents. Status functions are *agentive functions*, i.e. they modify the range of what agents can and cannot do. More specifically, they are agentive functions of *non-causal type*, i.e. they modify the range of possible action not solely by virtue of causal (physical, chemical etc.) properties of the bearers of function, but rather by virtue of certain statuses imposed on such bearers, i.e. by virtue of their being recognized within the community as bearing the function in question. We can use the formula "X counts as Y" to express the relationship between a status function Y and a bearer X (where X can be either a physical thing or event, or an agentive function of lower order). Such a relationship, a status function Y imposed on a bearer X, is an elementary institutional fact.

Searle claims that institutions are impossible without some form of language (*CSR* 59). He says that "the institution of language is logically prior to other institutions" (*CSR* 60) and that all other institutions "presuppose language" (*CSR* 60). More specifically, language "has a constitutive role in institutional reality" (*CSR* 61) in the following sense: each institution requires linguistic representation of the facts within itself (*CSR* 60).

It is important to notice that it is not necessarily a fully developed language with syntax and infinite generative capacity etc. what is involved in Searle's claim; rather, he says

that the minimal language-like structure required in order that there be institutions is something far more primitive than a natural language like English or French.

“The feature of language essential for the constitution of institutional facts is the existence of symbolic devices, such as words, that by convention *mean* or *represent* or *symbolize* something beyond themselves.” (CSR 60)

The minimal structure required is simply a set of symbolic devices, a set of entities that *represent something beyond themselves*. Thus, Searle’s basic claim

“amounts to the claim that institutional facts contain some symbolic elements in this sense of ‘symbolic’: there are words, symbols, or other *conventional* devices that *mean* something or express something or represent or symbolize something beyond themselves, *in a way that is publicly understandable*.” (CSR 60-61)

Such is the claim; next, we need to look at how Searle justifies it. Between the formulation of the claim (CSR 59-61) and the main argument (CSR 66-71), Searle inserts a somewhat baffling *methodological digression* (CSR 61-66). First, he introduces two general distinctions: between language-dependent and language-independent *facts*, and between language-dependent and language-independent *thoughts* (CSR 61). What he wants to show is that *each institutional fact is necessarily language-dependent*. From this re-statement of his claim, he proceeds as follows: to show that a fact is language-dependent, it is sufficient to show (1) that there are certain thoughts or mental representations partly constitutive of the fact, and (2) that these thoughts are language-dependent (CSR 62). According to Searle, it is immediately clear that the condition (1) is met by institutional facts; what remains is to show the same about the condition (2) (CSR 62-63).

How does one show a thought to be language-dependent? In general, one can do it in two different ways: either the *complexity* of the thought is such that it is *empirically impossible* for us to think it without help of some linguistic representation, or the *content* of the thought is such that it would be *logically impossible* for the thought to be the thought it is if there were no linguistic representations involved. Since empirical impossibility is not strict enough, Searle seeks to show that the thoughts in question are language-dependent in the latter, stricter sense (CSR 64-65).¹ However, it turns out that, in this stricter sense, “the thought is language dependent because the corresponding fact is language dependent” (CSR 65). That is, in order to show (2), we need to show that the *facts* which are the content of the thoughts in question are themselves language-dependent. Does it mean we got back where we started, to the attempt to show about certain facts that they are language-dependent?

In general, this procedure does not involve circularity. Not only the fact F_2 which is the content of the thought partly constitutive of the fact F_1 need not be identical with F_1 , but, in general, F_2 need not itself be an institutional fact. However, it seems clear that when F_2 happens to be institutional and our task is to show language-dependency of all institutional facts (and not just this or that particular), we can hardly gain any advantage from employing a method which endlessly shifts our task from showing one institutional fact to be language-dependent to showing another institutional fact to be language-dependent. When looking at how Searle proceeds in his actual argument, we see that his F_2 are invariably institutional, but that he avoids the problem of infinite regress by making F_2 equal to F_1 (at least in the crucial moments of the argument): it turns out that the thoughts constitutive of institutional facts

¹ However, later Searle briefly returns to the notion of empirical impossibility and – rather plausibly – claims that most of institutional reality is so complex that a capacity to deal with it requires linguistic representation (CSR 77).

Searle relies on are the thoughts that have as their content the very institutional fact they are constitutive of.²

Thus, there is no infinite regress here, but what about circularity? In a sense, we do end up where we started, but this is circularity of a harmless kind. It is not the harmful logical circularity, it is just the case that what appeared to be a linear procedure – a method leading us progressively towards our goal – turned out to be rather a logical analysis of mutual entailment. In short, the lesson we learned in the methodological digression is: in order to show an institutional fact to be language-dependent, it is enough to show that the thought thinking that institutional fact is language-dependent; but in order to show a thought to be necessarily language-dependent, you need to show that the fact thought by that thought is language-dependent. Consequently, showing either of the two would do the job, but you shall hardly show one without showing the other simultaneously.³

After the methodological digression, we turn back to the original problem. Searle needs to show that *either institutional facts or thoughts about them are language-dependent* – and we know that the way to show one is to argue for the other (so much results from the digression, CSR 60-66). Thus, it is legitimate that Searle not only does not keep distinguishing which of the two seemingly alternative ways he is following, but also that he keeps shifting attention from the thoughts to the facts and back during the presentation of his main argument. Perhaps, given the nature of institutional reality, this is the right way to proceed, and, as far as I can see, the difficulties I have with Searle's main argument do not stem from this methodological peculiarity of the problem in question.

The core of Searle's main argument, presented at CSR 66-71, is that (1) the lowest-level shift from X to Y (i.e. the shift from the brute level to the 1st level institutional) can exist only if it is represented as existing (*representation requirement*), and (2) there is no way to represent the Y element extra-linguistically because there is nothing extra-linguistic there that one can perceive or otherwise attend in addition to the X element (*no availability of extra-linguistic markers*). Thus, (3) one needs words or other symbolic markers to be involved in the representation, and that makes the fact (that X counts as Y) language-dependent (in the broad, permissive sense of the word "language"). Let us look closer at Searle's presentation of the argument.

He runs through it twice, first using an example from football (CSR 66-68), and then on the general level (CSR 69-71). He begins with considerations regarding the fact (and the corresponding thought) that "a touchdown counts six points". Searle claims that such a thought cannot be thought without linguistic symbols, for points can exist only relative to a linguistic

² Which should be no surprise for the reader: from the beginning, Searle is emphasizing that institutions „exist only because we believe them to exist“ (CSR 1), i.e. that what is constitutive of an institutional fact is a thought (actually, a recognition shared in the relevant community) which has as its content the very institutional fact. More precisely, „that representation is now, at least in part, a declaration: it creates the institutional status by representing it as existing. It does not represent some prelinguistic natural phenomenon.“ (CSR 74)

³ It may be a question worth pursuing whether there are other kinds of language-dependent thoughts than such that the content of the thought is institutional. Searle proposes a counter-example when he says that „the fact that today is Tuesday the 26th of October is not an institutional fact because, though the day is institutionally identified as such, no new status-function is carried by the label“ (CSR 65). But it is not clear why it is not an institutional fact, and it seems that Searle is using an unnecessarily restrictive conception of institutional facts here (compare the case of void powers such as being elected Miss Bielefeld, discussed in my STIF, note 13, pp. 284-285).

system for representing and counting points (notice the shift: arguing about a thought from the fact level). Why do they?

“The answer, to put it simply, is that if you take away all the symbolic devices for representing points, there is nothing else there. [...]here is no thought independent of words or other symbols to the effect that we have scored six points. The points might be represented by some symbolic devices other than actual words, for example, we might count points by assembling piles of stones, one stone for each point. But then the stones would be as much linguistic symbols as would any others. They would have the three essential features of linguistic symbols: they *symbolize* something beyond themselves, they do so by *convention*, and they are *public*.” (CSR 66)

Notice the inverse shift (arguing about a fact from the thought level), and notice how broad is the notion of language.

The same argument again, this time with some more detail on the crucial point of the *no availability of extra-linguistic markers*:

“Even if we don't have words for 'man', 'line', 'ball', etc., we can see that man cross that line carrying that ball, and thus we can think a thought without words, which thought we would report in the words 'The man crossed the line carrying the ball'. But we cannot in addition see the man score six points because there is nothing in addition to see. The expression 'six points' does not refer to some language-independent objects in the way that the expressions 'the man', 'the ball', 'the line' and 'The Evening Star' refer to language-independent objects. Points are not 'out there' in the way that planets, men, balls, and lines are out there.” (CSR 68)

Here, too, the argument about thoughts is based on the ontology of the content of the thought, i.e. of points.

And, still dealing with the example, but relating the argument to the more technical terminology in which the theory was stated, and adding the point (1), *representation requirement*:

“At the lowest level, the shift from the X to the Y in the move that creates institutional facts is a move from brute level to an institutional level. That shift [...] can exist only if it is represented as existing. But there can be no prelinguistic way to represent the Y element because there is nothing there prelinguistically that one can perceive or otherwise attend to in addition to the X element [...]. Without a language, we can see the man cross a white line holding a ball [...]. But we cannot see the man score six points [...] without language, because points are not something that can be thought of or that can exist independently of words or other sorts of markers.” (CSR 68)

And this, Searle claims, holds about institutional reality in general. Notice that here, in the crucial point, argumentation about the fact and about the thought coincide: “points are not something that *can be thought of* or that *can exist ...*” (my italics).

On the general level, the argument is supplemented by a few additional considerations. Status functions “exist only by way of collective agreement, and there can be no prelinguistic way of formulating the content of the agreement, because there is no prelinguistic natural phenomenon there” (CSR 69). More precisely,

“in the case of status-functions, there is no structural feature of the X element sufficient by itself to determine the Y function. Physically X and Y are exactly the same thing. The only difference is that we have imposed a status on the X element, and this new status needs *markers*, because, empirically speaking, there isn't anything else there.” (CSR 69)

Now could the X term itself be such a marker, the “conventional way to represent the status”? Notice well Searle's answer: “it could, *but to assign that role to the X term is precisely to assign it a symbolizing or linguistic status.*” (CSR 69)

Searle summarizes his argument as follows:

“Because the Y level of the shift from X to Y in the creation of institutional facts has no existence apart from its representation, we need some way of representing it. But there is no natural prelinguistic way to represent it, because the Y element has no natural prelinguistic features in addition to the X element that would provide the means of representation. So we have to have words or other symbolic means to perform the shift from the X to the Y status.” (CSR 69-70)

Here, notice the two-step movement – first arguing about thoughts (“we need some way of representing ...”) from the level of facts (the mode of existence of the Y level), then about facts (language-dependence of the shift) from the level of thoughts (language-dependence of the thought) – and the identity of F₁ and F₂ (the representations constitutive of the institutional facts have as their content the very institutional fact they constitute).

2.

We have seen what is Searle's claim and how he explains and justifies it. Next, let us turn to certain difficulties that arise in connection with Searle's argument. In my view, the main are the following three: first, Searle's argument is in tension both with Searle's claim of continuity (of the lack of any sharp dividing line between linguistic and non-linguistic, CSR 71) and with his argument for non-circularity (CSR 72-76). Second, the markers can hardly be of any help in the initial shift from X to Y unless they are already endowed with the capacity to symbolize beyond themselves: but if they are, the initial shift has already been performed and the markers come too late. Third, the argument is vacuous or nearly vacuous because it operates with an extremely weak concept of linguistic: it requires only symbolizing beyond itself in a publicly understandable way, and is ready to confer it indiscriminately. Let us look at each of the difficulties in more detail.

First, we have seen that Searle's argument presupposed a rather sharp distinction between the brute level and the symbolism-endowed level. Without such a sharp distinction, the argument does not work. Why? Because of the 'no availability of extra-linguistic markers' point. The conclusion that it is only in the realm of language (or, rather, symbolism) where the required markers could be found can be drawn only if it is clear that (a) they are not available on the brute level, and (b) there is no other place to look for them but language (symbolism). In other words, it requires a sharp and comprehensive topography of the area in question, the more so given the modality of Searle's lemmas (he says “there *can be* no prelinguistic way to represent the Y element because there is nothing there prelinguistically”, and “we *cannot* see the man score six points [...] without language, because points are not something that *can be thought of* or that *can exist* independently of words or other sorts of markers” – CSR 68, my italics). If the boundary between the brute and the symbolism-endowed is not sharp to the extent that we can safely exclude the possibility of some semi-brute, semi-symbolic entities, or of entities of some other (unknown) kind that could compete with symbolism in explaining how it is possible that football points exist, I do not see how it is possible to draw the conclusion.

But if Searle's main argument (not the main argument of the book, of course, just the main argument of Chapter 3, main regarding our topic of the relationship between institutional

reality and language) requires that there is an unbridgeable gap between the brute and the symbolism-endowed, we need to get worried by another claim he makes. He says: "I do not think there is a sharp dividing line between [...] the linguistic and the prelinguistic" (CSR 71). I do not see how to reconcile this statement (if it is meant ontologically and not epistemically, which is what the context suggests) with the conditions required for the main argument to work.

A similar clash occurs between the main argument and another part of Searle's exposition, this time not just a single isolated remark but a point that has its indispensable role in the architecture of Searle's doctrine. I mean Searle's treatment of the problem of language itself as an institution: *does it presuppose language, too*, if all institutions do? And what does it mean if it does? This is obviously a serious problem that Searle has to deal with, and he does so on the five pages immediately following the main argument (CSR 72-76). Basically, Searle has to show why that what was impossible in the case of extra-linguistic institutions, i.e. to recognize them as existing without help of some linguistic markers, is possible in the case of language itself.

The stakes are high, for there is nothing on the brute level of sound or visual tokens that can serve as a clue to the symbolic level, exactly like in the case of touchdowns and points:

"If it is true, as it surely is, that there is nothing in the physical structure of the piece of paper that makes it a five dollar bill, [...] then it is also true that there is nothing in the acoustics of the sounds that come out of my mouth or the physics of the marks I make on paper that makes them into words" (CSR 72-73).

I am afraid that Searle's solution comes here as a remarkable anti-climax. Here is what he says:

"The solution to our puzzle is to see that language is precisely designed to be a self-identifying category of institutional facts. The child is brought up in a culture where she learns to treat the sounds that come out of her own and others' mouths as standing for, or meaning something, or representing something. And this is what I was driving at when I said that language does not require language in order to be language because it already is language." (CSR 73)

This may all be true, but the answer we were expecting, the answer to the question what makes language different, what allows us recognize the symbolism in this case while we assumed it be impossible in all the other cases, that answer somehow is not here. All that we are told is that in fact this is what happens: children do learn the meanings that patterns of sound or shape have. It indeed does happen, but if it can happen in the case of language, what makes it impossible in the case of other institutions? If we cannot explain what makes this difference, the power of the main argument is seriously damaged.

The *second difficulty* is at least as grave as the first, and it does not concern a tense relationship between the main argument and some other part of Searle's theory, but rather the strength of the main argument itself. Remember, the situation discussed in the main argument is that of the initial shift from the brute level to the institutional, from the world consisting solely of physical objects to the first status-function Y. The crucial point of the argument was: without linguistic markers, such a step could not be taken, for there is nothing in the physical object X that could serve as a clue to its symbolic dimension. If we take the symbolism away, there remains nothing there but the physics, and one just could not find the way from the physics to touchdowns, football points or money without linguistic markers, without some conventional way of representing the status, of formulating the content of the collective agreement.

But, we need to ask, what are these markers? In particular, are they already endowed with the power to symbolize or not? If they are not, they can be hardly of any help, as they are just objects among others and the same argument applies to them: there is nothing in them serving as a clue to the symbolic dimension. But if they are already endowed with a power to symbolize, *they come too late to help us with the problem of the initial shift*, for that shift has already been performed when these markers were created as markers (when the status-function Y has been imposed on the physical X).

Alternatively, one could develop the second horn of the dilemma in the form of *infinite regress* objection. How could the markers M_1 have been created without help of some other markers? Clearly, if the main argument is valid, there had to be other markers M_2 around, otherwise there is no clue to the symbolic dimension of M_1 . Now were M_2 already endowed with the power to symbolize?, etc., etc. This seems to be a serious difficulty for the main argument.

The *third difficulty* has to do with the permissively broad concept of language used by Searle. One could, of course, express a concern whether such terminology is appropriate, and whether it is not misleading to announce a topic like “the role of language in institutional reality” (CSR 57), when what is in fact discussed is the role of simple symbolism equivalent to marking football points by piles of stones (as in the example from CSR 66 quoted on **p. 4 above). But such concerns I am leaving aside, for I have a more substantial worry. My worry is that the all too permissive concept of language threatens to make the initial claim *vacuous* or nearly *vacuous*: if every X becomes automatically linguistic with the shift from X to Y, then there is not much information contained in the claim that linguistic element is necessarily involved in each institutional fact.

Such potential pan-linguisticism is not foreign to the text we are discussing. I already quoted from the first relevant passage, but let me quote from it again more extensively: when discussing the indispensability of markers (the convenient ways of representing statuses), Searle inserts a question posed by a fictive interlocutor, to which he immediately answers: “But why couldn't the X term itself be the conventional way to represent the new status? The answer is that it could, *but to assign that role to the X term is precisely to assign it a symbolizing or linguistic status.*” (CSR 69)

Similarly, Searle says that we must think of language as constitutive of genuine institutional fact, “because the move that imposes the Y function on the X object is a symbolizing move” (CSR 71). And here are two other, most determined passages:

“The move from the brute to the institutional status is *eo ipso* a linguistic move, because the X term now symbolizes something beyond itself.” (CSR 73)

“The move from X to Y is already linguistic in nature because once the function is imposed on the X element, it now symbolizes something else, the Y function.” (CSR 74)

I shall refer to this position as to the *eo ipso* view, and to the class of cases of which it is supposed to hold, the *eo ipso* cases.

Now if we adopt the *eo ipso* view, it seems inevitable that we should answer the question “what *exactly* is the role of language in the constitution of institutional facts?” (CSR 37) by “None. For all that is really needed comes already with the imposition of status-function. It is true that such imposition necessarily involves symbolism, for the X element now means or symbolizes more than can be found in its physical, chemical etc. features, and one can even call such symbolizing a linguistic element (although it may be questionable

whether it is not terminologically extravagant) – but all that is just subsequent describing and labeling, which does not add anything to what is already there simply due to the imposition of status-function, due to the move from X to Y.”

At this point, it not only seems that the main claim of Chapter 3 is vacuous, but one can also get worried whether the *eo ipso* view is compatible with what I called the main argument (and summarized in Section 1 above). For, in the main argument, Searle intended to show that the shift from X to Y is impossible without help of symbolic markers, while here he appears to be saying that the shift from X to Y contains all the symbolism required within itself. However, on a closer look it turns out that this need not to be a problem, at least if we boldly adopt the pan-linguistic attitude. And let Searle lead our way: in the continuation of the passage about the child who learns language quoted above (**p. 6), he says:

“Why can't all institutional facts have this self-identifying character of language? Why can't the child just be brought up to regard this as so-and-so's private property, or this physical object as money? The answer is, she can. But precisely to the extent that she does, she is treating the object as symbolizing something beyond itself; she is treating it as at least partly linguistic in character.” (CSR 73)

In the light of this passage, we can see how the *eo ipso* view and the main argument click together. It is because of the main argument's point about the need of symbolic markers that we can be sure that in each shift from X to Y such symbolic element is present. The appearance of incompatibility is only the result of the tendency to read the main argument as arguing for the *non-vacuity version of the claim*, i.e. the version which would claim the linguistic element to be an autonomous, self-standing necessary constitutive component of institutional facts, and not only a descriptive feature with no separable constitutive role. When oriented on the non-vacuity version of the claim, we expect the symbolic markers necessary for the shift from X to Y to be somehow external to the shift and pre-existent in the treasury of the language. However, we see that we cannot stick to such conception, for it would make impossible the institution of language. Thus, we have to admit that the symbolism required can be internal to the shift, can be simply a descriptive aspect of the imposition of status-function. From the vacuity-version perspective, the threat of incompatibility disappears, and so do the first and second difficulty discussed above.

“Now is it really a difficulty you are talking about here?”, someone might ask at this point; “is it not rather the case that we have here a clear and flawless doctrine, only of a slightly different content (i.e. the vacuity version of the claim) than expected?” We shall return to this question in Section 3 below, where I shall attempt to find the best way how to treat the topics discussed in Chapter 3 of Searle's book. But, preliminarily, I should say that it indeed seems to be a difficulty for the position presented in the book, for Searle obviously was concerned to argue for the non-vacuous claim. “Throughout this book I have tried to emphasize that in institutional facts language is not only descriptive but constitutive of reality”, he says quite clearly (CSR 120, see also CSR 59, 60, 64), and where he comes closest to explicitly endorsing the vacuity-version, he says “I am not comfortable with it” (CSR 74).

3.

In this section, I introduce and discuss a two more ideas how to deal with our problem, one Searle's and one half Searle's and half mine (or perhaps Searle's without qualification, but not

made clear enough in the book). These two ideas will show us the way to remove the difficulties we were facing so far.

First, by distinguishing between the vacuity and the non-vacuity version of the claim, we certainly did not exclude the possibility of a mixed approach, which would ascribe the *eo ipso* symbolism to one portion of institutional reality and the external markers symbolism to the other. Now such a *mixed approach* appears to be Searle's considered position, stated most clearly in the following passage:

“So we need words, such as 'money', 'property', etc., or we need word-like symbols, such as those just considered [royal crowns, wedding rings, uniforms, etc. – J.M.], or in the limiting case we treat the X elements themselves as *conventional representations* of the Y function. To the extent we can do that, they must be either words or symbols themselves or enough like words to be *both* bearers of the Y function and representations of the move from X to Y.” (CSR 75)

The classification seems to be clear here: the required representation is either an external marker, or the *eo ipso* symbolism included in the move from X to Y. External markers can be (i) words or (ii) word-like symbols; *eo ipso* symbolism can be involved when X is (iii.a) a word, (iii.b) a word-like symbol or (iii.c) anything else.⁴

Of course, to the extent that a language-dependency claim is made about institutional reality in general, and not *per partes* about its various regions, the content of the claim should collapse to the lowest common denominator, i.e. to the vacuity version – but this is basically an issue of formulation, not of substance. However, there remains a substantial problem, namely what to do with the threatening incompatibility between the main argument (CSR 66-71, see Section 1 above) and the existence of the *eo ipso* cases, regardless how marginal. Remember, the conclusion of the main argument can be drawn only if *eo ipso* cases are impossible: thus, unless there is a substantial explanation of why *eo ipso* symbolization is allowed for one class of cases and not allowed for another, the mixed approach inherits at least the first of the difficulties discussed in the previous section.

I believe that it is only in the following brief remark where Searle provides us with a hint to the solution of the difficulties we are facing. He says:

"The account also has this consequence: the capacity to attach a sense, a symbolic function, to an object [...] is the precondition not only of language but of all institutional reality. The preinstitutional capacity to symbolize is the condition of possibility of the creation of all human institutions." (CSR 75)

Searle does not elaborate on this point at all in the book, but we can do that – and we can use several other texts by Searle to support our attempt.

First, who or what is *the bearer* of the *capacity to symbolize* in the passage just quoted? Does Searle mean the capacity of things to receive imposed symbolism, the capacity of X to be assigned a status-function Y? I believe he does not, and my reasons for believing that have to do as much with relevance as with truth. First, even if nearly everything that Searle says in the short passage applies also to things as potential bearers of symbolic function, their capacity in this respect simply is not remarkable enough (if at all) and nothing (or nearly nothing) gets explained by invoking it. Second, Searle speaks not only of a *capacity to symbolize*, but also of a *capacity to attach a symbolic function*, and this is a capacity that things do not have. Who or what does? It is us, the humans, who are the bearers of this

⁴ Another passage speaking in favor of the mixed approach: „a thought they cannot think without *words or other symbols, even if the only symbol in question is the object itself.*“ (CSR 76 – my italics)

capacity, and Searle pointed out this "remarkable capacity that humans and some other animals have to impose functions on objects" already early in Chapter 1 (CSR 13-14).

Thus, the basic explanation on which all that we discussed so far appears to depend is the following: it is *intentionality* that is responsible for the creation of symbolic markers and institutional reality. In each such case, the ascription of the particular function Y ascribes to the X in question something that is not to be found in the X when we disregard everything symbolic; in that precise sense, each such move – by making X to count as Y – makes X to symbolize something beyond itself, and can be said to be symbolic or linguistic in a very broad sense. Then, in many of the following moves, the already created symbolism-loaded objects can be used by intentionality in creation of further symbolism-loaded objects.

This view is not only in perfect agreement with Searle's well-known doctrine of *derived intentionality*,⁵ rather, it is even required by that doctrine. Since where, to repeat our previous question, comes the symbolism of the symbolic markers from? Their intentionality, their capacity to point out at something beyond themselves, is only borrowed or derived from the intrinsic intentionality of the mind (and is thus observer-relative). Our question has been already asked and (regarding the main issues) solved in 1983 in Searle's *Intentionality*: "How does the mind impose Intentionality on entities that are not intrinsically Intentional, on entities such as sounds or marks that are, construed in one way, just physical phenomena in the world like any others?" (p. 27)

With this explanation at hand, we can see why Searle did not make language one of the three or four basic elements – imposition of function, collective intentionality, constitutive rules, and perhaps the Background (CSR 13) – required for the construction of institutional reality. We see that collective intentionality on the one hand and assignment of status-function plus constitutive rules on the other⁶ are strong enough explanatory basis, and that the *constitutive role of language is ultimately reducible to the constitutive role of intentionality combined with function assignment*. And we see that the difficulties we were facing before are now disappearing.

For, we can see now, the difficulties were largely the result of the tentative over-loading of the role of symbolic markers. Once we imagined the markers themselves are enough to perform the shift from the brute to the institutional level, we had troubles with the markers inevitably coming too late to assist at the primary shift, and with the explanation of why what was shown in general to be impossible (i.e. to find a clue to the symbolic dimension on a purely brute, symbolism-void entity) now should be possible for language. The necessity to account for the creation of language itself as one of the institutions led, in so far as we tried to stick to the unrealistic claim ascribing the over-loaded role to the markers, to keeping the *litera* of the claim but emptying its content: the only way to save the claim was to say that the emergence of the markers is (or at least can be) epiphenomenal on the ascription of status-

⁵ See Searle's "Intrinsic Intentionality", *The Behavioral and Brain Sciences* 3 (1980), pp. 451-52; *Intentionality* (Cambridge: Cambridge University Press, 1983), pp. 27-28 and 176-179; *Consciousness and Language* (Cambridge: Cambridge University Press, 2002), p. 116.

⁶ I have suggested elsewhere that the structural relationship between *assignment of status-function* and *constitutive rules* in the architecture of Searle's theory is not clear, and that it seems that they do largely or entirely the same job (once there is a status-function assigned, there is no separate work remaining to be done by the constitutive rule) and thus are likely to be just two descriptive aspects of one and the same thing (which I proposed to call *acceptance unit*). See my "Two Worries relating to Searle's Theory of Rationality", *Philosophical Explorations* 4 (2001), p. 90; and STIF 274-75 and 280.

function (the *eo ipso* doctrine). These difficulties, we can see now, resulted from neglecting the true agent of the actions in question, i.e. the intrinsic intentionality.

To sum up the view resulting from our considerations: the *vacuous linguistic element* (i.e. the fact that, once assigned a new status-function, the X in question – *qua* Y – necessarily means something beyond itself) is undoubtedly a pervasive descriptive feature of institutional reality. Besides, there is a number of good reasons to believe that there is a *non-vacuous constitutive role* of linguistic element to be found in a great part of institutional reality: one reason is the sheer *complexity* of most institutions (*CSR* 77), another is the *deontic power* connected with them (*CSR* 70), yet another the *epistemic* role the markers are likely to play (*CSR* 76-77), etc. But we do not gain anything by attempting to overstretch the extent of such non-vacuous role, and we lose on plausibility and perhaps even on coherence, for it is clear that there cannot be any already existing linguistic markers assisting at the creation of the first linguistic markers. In particular, it may be a good thing to abandon what I call the main argument (*CSR* 66-71), because it clashes with the *eo ipso* view required in the case of the creation of linguistic markers themselves. And the clash is now resolved: once we recognize the role of intentionality as the preinstitutional capacity to attach symbolic function, we see how what appeared impossible in the main argument (i.e. to assign symbolic function without pre-existing symbolic markers) is really possible, for intentionality already is such a pointing-out-beyond-itself which we understand is necessary in order to perform the semantic shift above the brute level.

In my STIF, I attempted to draft a program of future work that should be done on Searle's theory of institutions (which, by the way, I consider one of the most promising and most exciting philosophical theories in the past few decades). Among the open problems I mentioned there were (1) the worrying fact that there seem to be "two different sets of claims" connected with the linguistic element, "one grandiose [...], and one extremely modest" and possibly bordering on self-annihilation (STIF 281), and (2) the problem of how successful was Searle in dealing with his *unified ontology* task (i.e. the task to integrate institutions into a more basic physical and biological ontology – *CSR* xi) (STIF 279). I hope it is much clearer now what we should think about the double set of claims. Regarding the unified ontology task, I think it is clear now that the crucial point is to show how *intentionality* is possible "in the world that consists entirely of physical particles in fields of force" (*CSR* xi). Once we manage that, Searle has shown us very plausibly how to deal with the rest (linguistic markers, institutions etc.).⁷

CSR John R. Searle, *The Construction of Social Reality*, Harmondsworth: The Penguin Press, 1995.

STIF Josef Moyal, "Searle's Theory of Institutional Facts: A Program of Critical Revision", in: Günther Grewendorf, Georg Meggle (edd.), *Speech Acts, Mind, and Social Reality: Discussions with John R. Searle*, Dordrecht: Kluwer, 2002, pp. 271-286.

⁷ My work on this paper has been supported by the GAČR grant 401/01/0968. I have benefited tremendously from having spent the academic year 2001/2002 at the University of California, Berkeley, as a Fulbright Scholar. I learned a lot from the participants of John Searle's graduate seminar on institutional reality in Berkeley, spring 2002, especially from Axel Seemann and Hu-chieh-Loy. Most deeply indebted I am to John Searle, who invited me to teach that seminar together with him, was a very generous host during my Berkeley stay, and keeps being a most highly demanding discussion partner in philosophical matters.