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Introduction

This paper is about John R. Searle asking the question „How do we construct objective social reality?“ (xii)¹ and his attempts to answer it. The puzzling thing about what Searle calls „institutional facts“ is that they are „things that exist only because we believe them to exist“ (1) Their very existence depends on human agreement and therefore if we stopped to agree on them, they wouldn't exist anymore. Despite of that these facts are not „subjective“ in the sense that they depend on certain individual „preferences, evaluations, or moral attitudes“ (1). Searle thinks of facts like being married, owning a certain amount of money or being citizen of a certain country. Unlike subjective facts, e.g. having a headache or appreciating classical music, these facts don't depend on some individual idiosyncrasy, and unlike what he calls „brute facts“, e.g. the fact that mount everest has snow or all masses attract each other by gravity force, they don't exist independent of human opinions. Social facts require collective acceptance for their existence.

Searle's question is in fact nothing but the main question of sociology: How is society possible? Or: What is the connection between the individual(s) and the social (structures)?² Traditionally, there are two main attempts to answer it. The first one explains the individual in virtue of social structures (e.g. Karl Marx, Emile Durkheim) The second one goes the other way round (e.g. Max Weber, Rational Choice Theory). Despite of that most contemporary social theory tries to take a „third way“ located right in the middle of the antagonist concepts (e.g. Pierre Bourdieu, Anthony Giddens). An interesting point about Searle's theory is that is not quite clear where to locate his attempt. He also mentions two theories mainly attempting to describe the structure of social reality. He calls the first one internal or phaenomenological, the other one external or behaviorist, which is, of course, a variation of the two mentioned above. In any case, Searle considers both unsatisfying: Simply describing people's behavior „from outside“ doesn't answer the question how this behaviour is made possible by the individual constitution. Behaviorism in fact refuses the very notion of individuals as individuals with e.g. intentions and purposes, as well as obligations: The normative component of social reality is also not taken into account by behaviorism (cf. 146).

1 All letters and numbers in brackets refer to Searle's „The Construction of Social Reality“, London: Penguin 1996.

2 Searle only once puts the problem this way when he says that he wants to „explain the relations of individual humans to social structures.“ (141)

As Searle points out furthermore, problems are the same with conceptions of unconscious computational rule following like Noam Chomsky's notion of an innate universal grammar or similar concepts of contemporary cognitive science and psychology. Such theories are reductionist in the sense that they „solve“ our problem by reducing one side of the dualism by, for example, putting forward notions of an „unconscious following of rules that is inaccessible in principle to consciousness“, which Searle considers „incoherent“ (5).

Describing, on the other hand, how social reality appears „from the inside“ faces similar problems. In the end, it reduces the other side of the dualism. What we normally experience subjectively is not social reality in its whole complexity. The complex structures that are necessary to facilitate, for example, ownership, citizenship, money or marriage don't appear as such. Such phenomena, on the contrary, seem to be the most normal thing in the world. From the phenomenological viewpoint of the individual *Lebenswelt* social reality is given without question. It has, as Searle puts it, an „invisible structure“ (4) – invisible from the inside.

To enlighten this metaphysical invisibility is Searle's aim in his book „The Construction of Social Reality“. He develops his theory in four main steps which will be examined in this paper. First of all, however, three preliminary distinctions have to be made.

The distinction between subjective and objective, or in other terms: subject-related and subject-independent can be used in an ontological as well as in an epistemological sense. Objective in an ontological sense are e.g. mountains or water. Subjective in this sense are e.g. pains or other feelings, i.e. entities accessible only from the subjective or first-person-perspective, whereas ontologically objective entities are additionally accessible from the objective or third-person-perspective. They exist independently of subjects perceiving them.

The epistemic distinction – concerned with judgements about things, not the existence of things – is more difficult, because it is a matter of degree whether something is epistemically subjective or objective. „I like Haydn better than Bach“ is an epistemically subjective judgment, whereas „Haydn died at the age of seventy-seven“ is an objective one. But what about „Haydn is the starting point of the Vienna Classical Period“? Like here, the truth conditions of propositions are often unclear, and therefore Searle considers it a matter of degree for a judgement to be epistemically objective or subjective. The important thing for us is, however, just to keep the distinction in mind.

The third important distinction is between intrinsic and observer-relative features of the world. Intrinsic features of the world are independent of humans recognizing them, whereas observer-relative features – as the term says – depend on an observer. The first category contains e.g. the chemical composition and mass of objects, whereas the second contains features it only has, because they are used or perceived in a certain way, e.g. colours or instrumental qualities. My laptop consists of lithium, plastic and certain other material features which are intrinsic to the world. The fact that it is a laptop which enables me to surf the internet is observer-relative in so far as it would not have this feature if there wasn't anyone using it for that certain purpose. In other words, it is not a laptop *in itself*, but *for us*. A question we can ask in order to clarify the distinction in a certain case is: „Could the feature exist if there had never been any human beings or other sorts of sentient beings?“. Observer-related features or facts don't add any new material objects to the world. They are not ontologically objective. But they can be epistemically objective. Think, for example, of the fact that climate change enriches the sun cream industry. It does, on the one hand, not depend on somebody's subjective attitude, whereas on the other hand it wouldn't be the case if there were no humans on earth.

Step I: The Assignment of Function

Although Searle considers the material world the primordial „real thing“, he admits that the *Lebenswelt* of the individual offers a different experience. To say it with Heidegger's words: most things appearing *lebensweltlich* are not primarily *vorhanden*, but *zuhanden*, i.e. they use to have a certain function for the individual (respectively the *Dasein*).

As far as our normal experiences of the inanimate parts of the world are concerned, we do not experience things as material objects, much less as collections of molecules. Rather, we experience a world of chairs and tables, houses and cars, lecture halls, pictures, [...] and so forth. Now all these terms I have just used involve criteria of assessment that are internal to the phenomena in question under these descriptions, but not internal to the entities under the description 'material object'. (14)

In other words, they involve observer-relative features imposed on them by humans. All of those have certain functions. Cars are for driving, lecture halls for lecturing and so on. They wouldn't be cars and lecture halls, if they lost this certain function.³ The point Searle wants to make is that functions don't exist in the material world.

3 Of course a car is still called a car, even if it is broken and a lecture hall remains one, even if it is out of use. Therefore, I think, we should, in addition to Searle, say that the things ought to have the function not *actu*, but *potentia*, in order to 'remain themselves'. Thinking along this line, of course, raises a bunch of more questions, e.g. Isn't every stone *potentia* a tool, even if there is no life on earth? Isn't a lecture hall still a lecture hall, even if mankind had, say, been killed by armageddon?

The important thing to see at this point is that functions are never intrinsic to the physics of any phenomenon but are assigned from outside by conscious observers and users. *Functions, in short, are never intrinsic but are always observer relative.* (14)

It is clear that a chair has a function not *in itself*, but only for conscious beings who believe it to be a chair and who intentionally put this certain use to it. Things are more problematic when it comes to natural objects on which functions are *discovered*. But on a closer look Searle's claim about the observer-relativity of functions remains true even for functions of natural objects. The heart does not have the function to pump blood *in itself*. There is just some causal process going on in nature. Assigning a function to it means to presuppose certain values the heart 'wants to achieve', like keeping the organism alive. But this is not something a heart can do or have. It is in the heads of conscious beings who think about it and are used to a vocabulary of failure and success. Functions, therefore, always have a normative component. (cf. 18) Searle calls functions imposed on natural occurring objects *nonagentive* functions, whereas functions existing only because we intentionally put use to something are given the name *agentive* functions. In the category of agentive functions there is one more distinction. Some functions have the „symbolic“ feature of standing for or representing something else. A screwdriver is only a screwdriver as long as it serves the function of screwdriving, but he does not symbolize anything. Writing on a piece of paper, however, does in most cases symbolize something independent of the written itself, just as the word 'sign' already indicates. Another example is money which symbolizes the power to do certain things. These functions are of great importance for Searle's theory. They are given the name *status functions* for reasons we will consider later on.

Step II: Collective Intentionality

Intentionality is the capacity to have beliefs, intentions, desires, purposes and so on. States are intentional in so far as they are *about* something else: One believes or wishes *something* or has the intention to do *something*. The existence of intentionality is a common claim in contemporary philosophy. Less common is Searle's additional claim that there is something he calls „collective intentionality“. With this term he addresses „cases where *I* am doing something as part of *our* doing something“ (23). His favourite examples are ball playing games. Such games don't arise from individual players acting on their own, accidentally meeting on a playing yard and somehow evolving the game. The intentions of the individual players can only be understood recognizing their actual participation in the aims they are collectively following.

Because of the difficult ontological status of phenomena of this kind, thinkers normally try to explain them by reduction to some complex interacting of individuals with particular „I-intentions“. Then it would have to be the case that not only to everybody involved the thought „I intend to do x“ can be implied, but also „I believe that you intend“ and „I believe that you believe that I believe ...“ and so on to infinite regress. Searle's opinion is that these I-intentions will never really add up to a definitive we-intention. The social would always be questionable, which is, as we have already have argued above, counterintuitive: From the viewpoint of individual *Lebenswelt* the social is given without question. Social ontology comes up with much more evidence than the well-accepted kind of normal ontology (physics and so on). Therefore Searle – hereby following the tradition of „structural(ist) theories“, as pointed out above – thinks of „the social“ as irreducible to anything else. Searle is convinced that such „we-intentions“ exist, even as „a biological primitive phenomenon“, and that they „cannot be reduced to or eliminated in favor of something else“ (24). Social facts are an unanalyzable category. The I-intentions don't add up to form 'we-phenomena', but – the other way round – the particular I-intentions of, for example, a ball player are derived from the we-intention he has developed (cf. 25).

Searle doesn't end this point by simply stating his opinion. In an attempt that could somehow old-fashioned be called „ideology criticism“ he also tries to understand why his opinion faces such great resistance in his intellectual environment. How come they all have *falsches Bewusstsein* (i.e. they don't think what I think)? Most thinkers seem to be convinced by an appealing but fallacious argument, as Searle puts it, when he suggests them to think that

because all intentionality exists in the heads of individual human beings, the form of that intentionality can make reference only to the individuals in whose heads it exists. So it has seemed that anybody who recognizes collective intentionality as a primitive form of mental life must be committed to the idea that there exists some Hegelian world spirit, a collective consciousness, or something equally implausible. The requirements of methodological individualism seem to force us to reduce collective intentionality to individual intentionality. It has seemed, in short, that we have to choose between reductionism, on the one hand, or a super mind floating over individual minds, on the other. (25)

How does he suppose to cope with this dilemma? How could one pass through between the Scylla of the Hegelian super mind and the Charybdis of bare intentionalistic individualism? How can one pay attention to both the intuition that „the social“ is irreducible to a bunch of individual-only purposes and the need not to appear in the light of mystico-theological seeming *Weltgeist* metaphysics? Searle apparently considers the problem to be solved easily:

It is indeed the case that all my mental life is inside my brain, and all your mental life is inside your brain, and so on for everybody else. But it does not follow from that that all my mental life must be expressed in the form of a singular noun phrase referring to me. The form that my collective intentionality can take is simply 'we intend', 'we are doing so-and-so,' and the like. In such cases, I intend only as part of our intending. The intentionality that exists in each individual head has the form 'we intend.' (25-6)

We-intentionality is nothing above, prior to or outside the individual's „mental life“.⁴ Searle somehow puts aside large parts of the main sociological question about the interaction between the individual and society by, so to say, implanting „the social“ into the individual – literally: It does not emerge from there, it *is* already there. While, of course, this claim doesn't answer the question of the priority of either the individual or social structures, it somehow tries to avoid it by claiming both at once: structures are prior, but not *as* structures. The individual is part of the structure, but the structure is nothing outside the individual. We will take a further look at that in the last chapter.

Step III: Constitutive Rules

Searle distinguishes two kinds of rules: Constitutive and regulative rules. The latter are rules that regulate already existing processes. Driving rules for example regulate traffic, but they don't create it. There has been traffic before and it remains traffic when official rules are applied to it the first time. It's just what the term „regulation“ already expresses. The same goes for the other kind of rules. If a system or a process is constituted, i.e. it didn't exist before certain rules were established, the rules are called constitutive. Chess is an example where the rules are essential to what the very game is. Without certain rules, it wouldn't be chess, but something else. This is apparently different for traffic. Driving rules specify the ongoing process of traffic, but they don't establish it. A closer look on this distinction would certainly offer problems.⁵ We will leave them aside for the moment, in order to concentrate on Searle's purpose. He offers a formula for constitutive rules: „X counts as Y in context C“ (28). Applied on the example of chess: A certain piece of wood counts as the king, implying certain allowed and disallowed moves, in the context of a chess game. The same goes for: Throwing a ball into a basket from a certain distance counts as scoring three points in the context of a basket ball game. Certain necessary features of constitutive rules are important: (1) Y assigns a new status that X doesn't already have. Y cannot consist in a physical feature.

4 This is, besides, also true for Hegel who is the last to postulate any obscure entities *beyond* the actual sphere.

5 What about language, for example? Its rules are certainly *constitutive* for its very existence. But it emerged out of conventions and was never established as a whole. It was, quite the contrary, *regulated* by certain grammar rules at a certain time.

Having black colour cannot be Y for a figure of chess, for it is already a feature of X. (2) It has to be collectively and continuously accepted that this certain X counts as this certain Y in this certain context. If nobody accepted the chess rules, there wouldn't be chess.

Agentive Functions + Constitutive Rules = Status Functions

We do now have three ingredients for social reality. What are we going to do with them? It is, firstly, important to see that with this third ingredient of social reality we have reached an „human-only viewpoint“. There are functions assigned to objects in the animal kingdom – think of apes using tools –, as well as collective intentionality – hyenas hunting a lion together for example.⁶ Constitutive rules, on the contrary, don't take place among animals. They neither play chess, nor do they speak. Searle summarizes the human constitution when he says that

[...] the true radical break with other forms of life comes when humans, through collective intentionality, impose functions on phenomena where the function cannot be achieved solely in virtue of physics and chemistry but requires continued human cooperation in the specific forms of recognition, acceptance and acknowledgement of a new *status* to which a *function* is assigned. This is the beginning point of all institutional forms of human culture [...] (40)

By this we have introduced another important term of Searle's theory which refers to agentive functions. Functions are agentive when beings intentionally put use to a certain thing, e.g. a chair. As we have already seen, a closer look may put use to another distinction among them. Searle introduces it by the example of money. Certainly money is an agentive function. But it is different from a chair. In what sense? The function of a chair is to sit on it. It can be made of many different forms of material and take many different shapes. But it remains the case that its function refers to the material it is made of. Expressed by the formula: Y is performed in virtue of X. There is a noncontingent connection between Y and X. Even if I used a chair to hurt someone this would still remain the case. But what if I used a chair as the general equivalent of exchanging goods. Besides from its unpracticality, there's no argument against the possibility of chairs functioning as a general equivalent. Chairs, then, would be money. What is different now? The function of the chair is now one that has nothing to do with its physical features. That's the key idea about money. It is totally contingent on which X we assign the money status Y. Pieces of paper with certain signs on it are not necessarily money. They are money for contingent reasons and only by continuous human

⁶ The connection between those two is, by the way, that in order to create agentive functions collective intentionality is needed.

agreement. The same goes for language. It is totally contingent onto which certain noises we assign the function of referring to e.g. houses. As already seen in the last quotation *status function* is the name Searle gives to these kinds of agentive functions.

Status functions are those functions which an object performs not just in virtue of its physical structure, but in virtue of the collective recognition or acceptance by members of the group. (Searle 2002, 14)

Within those the Y term is assigned to a contingent X. It is therefore not performed in virtue of the physical features of X, but on the collective acceptance itself. Functions of this kind apply a new collectively accepted status to an object which is only possible within constitutive rules and therefore a human-culture-only symbolic feature. We have now nearly completed Searle's picture of social reality. He sums it all up:

In summary, then, the three notions of collective intentionality, the assignment of function, and the constitutive rules, give us a picture of the creation of institutional reality whereby organisms like ourselves acting collectively (collective intentionality) assign functions to objects (the assignment of function), and some of these assignments of functions are of functions which can only be performed in virtue of the collective recognition or acceptance of the function (status functions), and these status functions are imposed according to the structure 'X counts as Y in C' (constitutive rules). (Searle 2002, 15)

Now maybe we can gather a better picture of why the structure of social reality can seem so marvellous. We don't have this problems with chairs. A chair, normally, doesn't count as something beyond itself. But if a chair is donated or used as a general equivalent, it ceases to be, as Karl Marx has put it, „ein selbstverständliches, triviales Ding“ and becomes

ein sehr vertracktes Ding [...], voll metaphysischer Spitzfindigkeit und theologischer Mucken [...] ein sinnlich übersinnliches Ding [...] viel wunderlicher, als wenn er aus freien Stücken zu tanzen begänne. (Marx 1867, 85)⁷

The marvel of social ontology is the gap between or the unconnectedness of X and Y, „the nonphysical, noncausal character of the relation of the X and Y terms“ (45). We just *count* Xs as Ys and thereby produce an epistemological gap between the epistemic and the ontological. This gap is constitutive for the 'human universe' – a *symbolic* universe with the spooky feature that things are not just things anymore, but *mean, represent, stand for something beyond* themselves.

⁷ Searle formulation of the marvel goes like this: „In our toughest metaphysical moods we want to ask 'But is an X really an Y?' For example, are these bits of paper really *money*? Is this piece of land really somebody's *private property*? Is making certain noises in a ceremony really *getting married*?“ (45)

Excursus: Power

During his attempts to both create the whole social reality out of the ingredients he has collected and to find a general form it can be reduced to, Searle makes an interesting claim I want to consider now, before we go on to the step four. He says:

status functions are matters of power [...] The structure of institutional facts is a structure of power relations, including negative and positive, conditional and categorical, collective and individual powers. [...] everything we value in civilization requires the creation and maintenance of institutional power relations through collectively imposed status functions (94).

What evidence does Searle pretend to have for this claim? He says that, if this were not the case, imposing status functions on certain Xs wouldn't change anything. Some enabling or disabling, authorization or permission of actions has to follow, if the new status should make any practical sense. We can see this clearly with the help of the examples of kings, money or, say, human rights. In every of these cases people are empowered to do something: to rule or to buy, or, in the last case which exemplifies what negative power is supposed to mean, to keep someone else away from doing something to them. Expressed in virtue of the formula, we can now say that

the Y term names a power that the X term does not already have solely in virtue of its X structure. In cases where the X term is a person, that person acquires powers that he or she did not already have. In cases where the X term is an object, the user of that object can do things with it that he or she could not do solely in virtue of its X structure. (95)

The symbolic structure of status functions is here again obvious: We are not talking about physical, but symbolic power: to buy things, be treated in a certain way, or at least to be allowed to make use of physical power which is now, so to say, symbolically immediated. The mediate symbolic sphere of, to use a one-noun-phrase, culture interposes itself inbetween its presupposition: natural immediacy.

Equipped with this, Searle now distinguishes institutional facts into four broad categories: „Symbolic, Deontic, Honorific and Procedural.“ (99) Language consists in the imposition of symbolic power to noises or scribblings or to „impose intentionality on entities that are not intrinsically intentional“ (99) whereafter they mean, represent, stand for something else. Regulating relations between people means to have deontic power. Rights, obligations, responsibilities, duties follow from the corresponding impositions. If statuses are valued just for their own sake, without further consequences, we speak of honors. But, *nota bene*, following Searle we do not speak of honorific power which is, I think, a counterexample to Searle's thesis that institutional reality can be explained in virtue of power relations: If such a status is by definition

without consequence, it cannot be a question of power.⁸ The last type of institutional fact is an explanation of the ways to gather honor and power: Elections for example are conditional institutional facts in order to be assigned the status of a democratic president. Of course, those four categories are overlapping, one and the same fact can have all of them.

How is it, is the next question to be raised, that there is power? It is, of course, only because of collective acceptance. It can be the case that power makes us accept something, but acceptance is, nonetheless, always prior to power, because power can be described in terms of people accepting that someone is allowed to do something and every power one may imagine would, of course, disappear immediately if the corresponding collective acceptance ceased. This we-intention of continuous collective agreement is, as we have already seen, the unanalyzable last point we always arrive at, when we are concerned with institutional reality. Searle is now aiming to put this in logical forms. He writes that „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))“ (104), which reads: We accept that S has the power to do A. The achievement of this formula is that in virtue of just a few formal operations with it every institutional fact can be described. Negative power is just to negate that S has power. For example, if we want to express that someone has to pay taxes we can write: We accept (\neg S has the power (\neg S pays taxes)). We don't accept that S has the power not to pay taxes = S has to pay taxes.

Step IV: Background Capacities

1. The Question

Let's now consider the last step. It is an additional one to an already fixed theory apparatus of the former three steps which is just lacking one important feature: It only works with consciously acting participants. But it is unfortunately not the case that institutional reality is created consciously by decisions and their corresponding acts like: Let's impose some power to this policeman, in order for society to function well.⁹ Especially such things don't happen as every moment renews. Neither do we have to renew our impositions of status functions constantly, nor do we ever think about most of

8 Searle, as far as I can see, doesn't notice this incoherence. Secondary literature, of course, does (cf. e.g. Tuomela, 294)

9 „We don't stop and think, consciously or unconsciously, 'Ah ha! Money is a case of imposition of function through collective intentionality according to a rule of the form 'X counts as Y in C' and requires collective agreement“ (143)

them (more than once a year). At this point it seems, we could easily say that all the things we have recently described happen unconsciously. Searle, however, is unhappy about this kind of description, as we have already mentioned in the introduction: Such concepts turn out to stand in line with other „structuralist“ attempts, facing the same problems. We cannot, Searle claims,

describe those structures as sets of unconscious computational rules, as is done by contemporary cognitive science and linguistics, because it is incoherent to postulate an unconscious following of rules that is inaccessible in principle to consciousness. And, besides, computation is one of those observer-relative, functional phenomena we are seeking to explain. (5; see also 128)

In connection with this, another problem of the absence of consciousness in rule-following appears: The causal role those rules could possibly play becomes unclear (127-8). How can these rules have an impact on our behaviour, if they never appear in the light of consciousness? They obviously have to „pass through“ consciousness in some way. In order to function they have to be applied. Applyance implies some sort of interpretation and this job cannot be done by the rules or the rule system in itself. In addition, rules are not codified in themselves. There is no preexisting rule-system and even if such are established by experts, e.g. in grammar, we are normally not conscious of them.

„No problem“ we could answer at this point „then we describe the structures as unconscious rule-following which is, however, accessible in principle to consciousness. People can reflect on what they are doing and then either follow the rules consciously or stop following them. The important thing is that we *could* be conscious of the rules.“

Searle, alas, has another problem with the unconscious:

Our picture of unconscious mental states is that they are just like conscious states only minus the consciousness. But what exactly is that supposed to mean? [...] in most appeals to the unconscious in Cognitive Science we really have no idea what we are talking about. (128)

Unhappy with the concepts of the unconscious offered to him, he seeks another one and finds: the Background. Searle's purpose with it is, in short, to

explain how we can relate to rule structures such as language, property, money, marriage, and so on, in cases where we do not know the rules and are not following them either consciously or unconsciously (129).

What is „the Background“?

2. The Background

Let's start with a definition: The Background is meant to be „the set of nonintentional or preintentional capacities that enable intentional states of function.“ (129) Beginning with definitions, we have to confess, nonetheless leaves a lot more questions open than it answers. We should therefore immediately go on with an example. Searle likes linguistic examples for intentionality best, because he has developed his concepts of intentionality and the Background out of his linguistic researches on „speech acts“. So let's consider his example of a sentence: „Cut the cake“. It seems immediately obvious to most of us what the word „cut“ refers to, which intention it expresses. But how come? Is it a feature of the very sentence and its semantic content that lets us know what is meant? Of course not. What words and sentences mean, depends a lot on the circumstances and the knowledge of the recipient. „Cut“, for example refers to a lot of different things in different circumstances („Cut the grass“, „Cut the film“, „Cut the cloth“, etc.). In order to understand what we say to each other, we have to refer to more than the actual speech and the semantic content, but to an infinite number of other things both of us know, a sort of cultural background we share and in virtue of which we are able to understand each other. Searle calls this the „*radical* underdetermination of what is said by the literal meaning of a sentence“ (131). We can only cope with this lack by the fact that we „have a certain sort of knowledge about how the world works“ and „a certain sort of abilities for coping with the world“ (131). The Background enables us to „immediately and effortlessly interpret these sentences in the stereotypical appropriate way.“ (132).

The Background is, of course, not restricted to language. It also goes for perception. As Kant says „Anschauungen ohne Begriffe sind blind“ (Kant 1787, B 75), we can say that perceiving is always *perceiving as*. And in order to perceive something *as* something we need some conceptual background. Not only do we need the concept „chair“ to perceive something as a chair, but in order to understand what a chair is we need an nearly infinite number of other concepts, so that in the end, a full understanding of what happens when someone perceives (something as) a chair, we would have to explain the whole background culturally residing „in“ the person, just as Hegel says: „Das Wahre ist das Ganze“ (Hegel 1806, 24).

Another expression Searle gives to this fact is the aspect of familiarity in which all conscious perceptions come to us. Even if we visit culturally different foreign countries our perceptions normally are not totally „alienated“ from us. The reason for this is, still

Kantian, that our perceptions are always conceptually shaped by the categories we „have in mind“, or in the Background. This categorial *Geist* we carry with us, our „way of thinking“ is, so to say, secretly preinterpreting everything that comes to our mind. That's what Searle means with the somewhat strange, but useful formulation „familiarity“. Something totally different from our Background could not even come into our minds, because there are, so to say, no receptors it could dock onto.

Apart from semantics and perception, the Background also structures our practical relation to the world: certain sorts of behaviour we are used to, motivational dispositions, interests and readiness that e.g. enable me to be interested in certain things. In short, the Background structures nearly everything going on in the human universe. And, to sum it up, the Background can neither be described as conscious, nor as unconscious. Its form also can not be intentionalistic. But what then? What is the shape of the Background? What is it made of? And what role does it play in institutional reality?

3. The Background and Institutional Reality

Now we are reaching the main point of Searle's argumentation. The question is still: „How can it be that the rules of the institution play a role in our dealings with the institution, even though we are not following the rules either consciously or unconsciously?“ In a somewhat magically seeming way, we „just know what to do. I know what the appropriate behaviour is, without reference to the rules.“ (137) It is, of course, Searle's conception of Background that now has to solve the problem, but: „How do we characterize the role of the Background capacities for dealing with institutions?“ (139) For sure, the Background has to have some causal impact on our participation in institutional reality. But what could that mean? After Searle, the social sciences offer solely two models of understanding causation. Mental „intentional causation“ on the one and physical „billiard-ball causation“ (139) on the other hand. The latter one is the behavioristic option which is, of course, as we have already seen, totally unsatisfying, because its describing-only method simply refuses to *explain* behaviour. According to this theory, the Background would simply have no causal impact on our behaviour, just as *we*, as personal beings, do not have one. Behaviour is just *a mere going on*, like physics. In opposition to this, the idea of mental causation seems to serve even better for our purpose. In the end, however, it leads to some intentionalistic theory of rational decision making which also leaves us unsatisfied, because we have already said that we

don't follow and apply the rules consciously in most cases. Interpreting the Background intentionalistically would abandon the whole idea of the Background (cf. 140).

Searle puts the theoretical situation aporetically:

Here is our paradox: We want a causal explanation that will explain the intricacy, the complexity, and the sensitivity of our behaviour as well as explaining its spontaneity, creativity, and originality. But we only have two paradigms of causal explanation, and neither of seems adequate to explain the relations of individual humans to social structures. (141)

What we are searching for with the Background in the background is, in other words, a non-intentionalistic explanation or condition of intentionality. In this formulation the problem seems to be at least as difficult as the mind-body-problem: The search for a non-mental explanation or condition of the mental. If we were in one of Plato's dialogues now, this would probably be the aporetic end of the story. We would end up confessing that there is no solution. Searle, alas, goes on, incited by the *idée fixe* that there must be a solution. Let's have a look at his ideas.

4. The Answer?

Searle's formulation of his attempt to solve the problem now is

that the Background can be causally sensitive to the specific forms of the constitutive rules of the institutions without actually containing any beliefs or desires or representations of those rules. (141)

In other words:

one can develop, one can evolve, a set of abilities that are sensitive to specific structures of intentionality without actually being constituted by that intentionality (142).

This, of course, doesn't look like an answer, but like a repetition of the question or the goal Searle is going to achieve. Viewed from what will follow now, however, it already contains part of the answer.

Searle points out a similarity of the kind of explanation he is going to achieve to the explanation strategy of evolutionary biology. The key idea of the latter consists in the elimination of teleological explanations of biological phenomena. Before Darwinism, the explanation was like „the fish has the shape that it does in order to survive in water“ (143), obviously containing teleology. After Darwinism there are two levels of explanation: the causal and the functional one. The first says that „the fish has the shape it has because of its genetic structure, because of the way the genotype, in response to the environment, produces the phenotype“ (143). The second says that „fish that have that shape are more likely to survive than fish that do not.“ (143) Now teleology is eliminated. We still talk about survival, but it is not the goal of the process. It is just „an

effect that happens“ (144) in a difficult process of interaction between environment and animals.

In which sense can we relate that to our problem? As Darwinism aims to eliminate teleology from brute biological facts, Searleanism wants to eliminate intentionality from „Background facts“. Teleology and intentionality are in fact different words for the same thing.¹⁰ This enables Searle to try to solve our problems evolutionary theory-like:

Instead of saying, the person behaves the way he does because he is following the rules of the institution, we should just say, First (the causal level), the person behaves the way he does because he has a structure that disposes him to behave that way; and second (the functional level), he has come to be disposed to behave that way because that's the way that conforms to the rules of the institution.

In other words, he doesn't need to know the rules of the institution and to follow them, in order to conform to the rules; rather, he is just disposed to behave in a certain way, but he has acquired those unconscious dispositions and capacities in a way that is sensitive to the rule structure of the institution. (144)

In order to understand what's going on here, let's at first recall what we wanted to achieve and especially what to avoid in our explanation. We have had to avoid intentionalism on the one, and behaviorism on the other hand. Both offer kinds of causation, mental and physical, we are unsatisfied with. Do we now have a different structure with Searle's division of the causal and the functional level? The evolutionary example avoids mental causation, while it includes physical. We could say the fish structure is „sensitive“ to the environment, but of course not because the fish wants to, but he accidentally has a certain structure that fits with the environment and therefore he's still alive. The sensitivity of the fish has no magical elements, just physical causation. The functional level is, as we've already seen above, observer-relative. It is assigned by the observer retrospectively and not something going on in nature.

What about the transition of this thought to institutions and individuals? Following Searle, we have to say that the cause for people's behavior is that they have certain dispositions in their Background structure. This is not difficult to understand. To understand why they have this certain structure is more difficult. Searle seems to take the conformity or sensitivity to the institutional structures functionally into account. How exactly are we to understand that? What is the „sensitivity“? It seems to be the missing link between the institutional structure and the individual dispositions, in so far as it adjusts the latter to the former. But in which way has the sensitivity to the institutional rules evolved in the individual (for it is, for sure, nothing above the individual sphere) and established that certain Background that enables people to cope

¹⁰ Teleology is derived from anthropomorphizing certain intentions to God in the creational process, as Kant's *Kritik der Urteilskraft* shows us (cf. Kant 1790).

with the social world so magically perfect?

Searle's claim sounds like the structure would have „produced“ individuals that fit into it. Then of course, we don't have the intentionality problem, but we would then have arrived at a structuralist viewpoint not differing much from the behaviourist one: There is no such thing as individuals acting spontaneously, but determining structures. Our question „How comes the sensitivity of our evolved dispositions to the intentional structure without intentionality?“ could then easily be answered: The structure produces the dispositions; nothing else, not even sensitivity.

But do we have a clear understanding of what this structure is made of? If the social structure, the we-intentions, are nothing apart from the individuals, not the Hegelian super mind, then it must be the Background itself. Not one single Background but, so to say, the sum of all backgrounds. What does could Searle's sensitivity to the institutions then mean? Not much, because it just signifies that certain Backgrounds produce certain other Backgrounds of the same kind: Backgrounds reproducing themselves. Now we have a picture which is not different from the unconscious computational rule-following Searle has already attacked harshly. He at least stands near to this conception as he confesses (cf. 117) and which can be read in the upper formulation that we have „acquired those unconscious dispositions and capacities“ (144). Why does Searle write „unconscious“ when that's what he wanted to attack? The formulation must, betrayingly, have come out of his mind unconsciously.

The main problem seems to be to understand what sensitivity could possibly mean. Maybe the following passage can help us:

„the mechanism has evolved precisely so that it will be sensitive to the rules. The mechanism explains behavior, and the mechanism is explained by the system of rules, but the mechanism need not itself be a system of rules. I am, in short, urging the addition of another level, a diachronic level, in the explanation of certain sorts of behavior.“ (146)

Unfortunately all we get is a new word for the great enigma (and the word is unfortunately very confusing, because of its behaviorist sounding). It is located right in the middle between the two spheres, but this mere fact lacks, as far as I can see, every explanatory power: Sensitivity is now „had“ by some new metaphorically named entity, not more.

Interestingly there was no sensitivity in the Darwinian example. Certain fish were just accidentally more likely to survive. Should we understand our problem that way? Only those individuals that accidentally fit to the institution do stay or survive in the institution? Probably not, because then there wouldn't be any point in „acquiring

dispositions and capacities in a way that is sensitive to the rule structure of the institution“. But isn't Darwinism then a very bad example?

To be honest, I just do not get the point Searle wants to make. He just adds up examples and similarities to other explanations, while in fact he ends up saying „we evolve a set of dispositions that are sensitive to the rule structure“ (145) but not intentionalistic in themselves. He doesn't explain how such a sensitivity is possible when neither intentional nor mere physical explanations are possible. Does Searle have more than a hunch? It seems one must already have a certain Background in order to find the argument sound! To me it appears like no argument at all. It is a mere insisting on the fact that, somehow, things do work very well in social reality, even without question. This fact seems to ensure Searle that there must be an explanation. Which fact, on the other hand, ensures him that his theory of the Background can do the job leaves me clueless for now.

Nietzsche has once made fun of Kant, claiming that the content of Kant's answer to the question how synthetic judgements a priori are possible that puzzled him for decades and filled hundred of pages, could be summed up in just three words: „Vermöge eines Vermögens“ (Nietzsche 1886, 24). Equally, Searle's difficult answer to the question how institutional reality is possible, in the end, turns out to be something quite similarly circular: „by disposing a disposition“. Searle's conception of the Background, the *explanans*, after all seems to be something at least as mystical as the *explanandum*: social reality.

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