

Joshua Rust

John Searle and *The
Construction of Social Reality*



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**JOHN SEARLE AND *THE CONSTRUCTION
OF SOCIAL REALITY***

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JOSHUA RUST

Continuum

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To my parents, Val and Diane Rust

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Introduction: “X Counts as Y in C”

In 1996 Toy Biz, the manufacturer of Marvel Comic’s popular X-men action figures, sued US Customs Service in the Court of International Trade. Toy Biz successfully argued that the play-things should be classified as *toys* not *dolls*. According to Customs’ classification, dolls purport to be human, toys do not. If the figures are not deemed to represent humans they would be subject to only a 6.8 per cent import duty instead of the higher 12 per cent for dolls.

On the one hand, the X-men seem human. The US government argued that the figures should be classified as humans, and thus dolls, because each character had a “distinctive individual personality”. As for their super-human traits, the defense argued that, for example, Wolverine, who has a set of one-foot-long retractable claws on each hand, is simply “a man with prosthetic hands”. However, it must be conceded that the ability to manipulate fire, shape-shift, or control weather systems at will, sharply distinguishes the X-men from ordinary human beings. In January of 2003, Judge Judith Barzilay declared, following the plaintiff’s argument, that the X-men figures appeared to be “nonhuman creatures” due to “their extraordinary and unnatural . . . powers”. The figures were thus found to merit the reclassification sought by Toy Biz.

One fan laments that the reclassification “is almost unthinkable. . . . Marvel’s super heroes are supposed to be as human as you or I. They live in New York. They have families and go to work. And now they’re no longer human?”¹ Indeed, since its inception in 1963 the comic book has tended to use the X-men, depicted as being almost universally feared and despised by those in the mainstream, to explicitly allegorize race relations. To those who

follow the comic book, the reclassification from doll to toy—from human to non-human—is not without irony.

The doll status of the X-men figures is a good example of what John Searle, in *The Construction of Social Reality* (CSR), calls an institutional fact. The rules that constitute institutional facts can be characterized according to the formula, “X counts as Y in context C,” where X is a brute fact and Y is an institutional fact. In this manuscript I will refer to the “X counts as Y in C” formula as the “constitutive formula”. Searle intends the formula to convey the sense in which an institutional fact Y is embodied or manifest in, but cannot be reduced to, a brute fact X. Using Searle’s formula, playthings that purport to be human (X) count as dolls (Y) within the jurisdiction of US Customs (C), and those that do not purport to be human (X) count as toys (Y). It also underscores the sense in which institutional facts can be traced back to our collective acceptances. Moreover, institutional facts often implicate certain rights and obligations (they have a “status-function”), so that the reclassification of the X-men gives Toy Biz the right to pay the lower import duty.

Another example of an institutional fact is the wooden tally. Developed economies need a means to track debt. In medieval Europe one common means was the wooden tally. This consisted of a hazelwood stick on which was inscribed the date, the amount owed, as well as the debtor’s name. The stick, along with this information, was split into two pieces, starting at about two inches from the bottom. The longer half—the “stock”—was retained by the creditor, whereas the shorter half—the “stub”—was kept by the debtor. If there was any question as to the size of the debt, the two halves could be put back together again. This helped guard against the possibility of fraud. When the debt was repaid the tally would then be destroyed. The stub (X) counts as an indication that I owe money to a creditor (Y) in medieval Europe (C). However, outside this context the stub (X) is not in itself an indication of debt-owed (Y).

Dolls, wooden tallies, or—Searle’s archetypical example—money, cannot be reduced to the physical properties that underlie them: “a dollar” is not *just* the paper and ink out of which it is physically constituted. Nevertheless a dollar must be constructed of something, be it green paper and ink or metal. In claiming that *all* institutional facts—the US Customs’ distinction between toys and dolls, indications of debt, money, language, marriage, football games—can be characterized according to the constitutive formula, Searle is claiming that an institutional fact Y is always founded on some brute fact X.

My intention is not to disagree with Searle on this point. It may be the case, as Searle contends, that for any institutional fact there is some constitutive, underlying brute fact to which I can point. Others dispute this and argue that some institutional facts do not seem to have a basis in some brute fact X.² My principal aim, however, is not to falsify Searle’s account by way of counterexamples.

My concern runs somewhat deeper: *disagreement* presupposes that I am in the first place clear about what Searle is trying to convey with the constitutive formula. I am not clear.

Nor is Searle particularly helpful when it comes to the framing of his own insights. The constitutive formula is a crucial part of the answer to the questions Searle asks himself at the beginning of his book: “How are institutional facts possible? And what exactly is the structure of such facts?” (*CSR*, p. 2) But while Searle determines the structure of institutional facts to be “X counts as Y in C,” what does he mean when he asks about how these facts are possible? Is he providing a foundational ontology of social reality, as Bertrand Russell’s atomism attempted to identify the logical structure of brute reality? Or is he proffering a kind of mnemonic by which inquiry into institutional reality might proceed? Even though it is clear that Searle has said something interesting and important, there remain metaphilosophical questions about the significance of those claims.

Chapter 1—Searle's Institutional Atomisms

It is clear that the constitutive formula tells us something interesting about the nature of institutional reality. But there remains a question as to *how* it is interesting. Which puzzle does Searle intend to solve in asking the question, how are institutional facts possible? There may be an analogy between Searle's project and that of the atomists. Perhaps Searle's formula outlines the most general contours of institutional reality in somewhat the same way the atomists attempted to use logic to lay bare the structure of brute reality. This chapter fleshes out the comparison, noting points where the analogy breaks down. The almost stifling self-consciousness with which the atomists formulated the doctrine of philosophical analysis gives us a portrait of how we might understand the significance of the constitutive formula as an answer to Searle's own question.

Chapter 2—First Criticism of Institutional Atomism

The analogy between Searle and the atomists allows me to marshal part of an extensive body of criticism, originally directed against the atomists, against institutional analysis. I appeal to an argument originally advanced by John Wisdom and J.O. Urmson, who claim that there are principled reasons to think that it is impossible to complete the analysis of a given institution. I advance this argument by looking at difficulties that arise in attempting to characterize the institution of money.

Chapter 3—Second Criticism of Institutional Atomism

I argue that Searle, even by his own terms, has no basis by which to uphold the constitutive formula as the logical structure of institutional reality.

If these criticisms are convincing, we are again in the position of needing to ask what Searle hopes to have accomplished when he

asserts that "X counts as Y in C". How else might we understand the constitutive formula if not by means of an analogy with the atomists? Using groundwork established in Chapter 4, I take up this question in Chapters 5 and 6. Suggesting that Searle has advanced an ideal type, I will argue that he can avoid these objections.

Chapter 4—Kuhn, Weber, and Instruments of Inquiry

In Chapter 4 I set aside explicit discussion of Searle's view in order to present Max Weber's concept of the ideal type. I use Kuhn's notion of a paradigm as means of introducing the ideal type. This chapter begins with a sketch of Thomas Kuhn's view of inquiry in the physical sciences. I then chart some of the ways in which Max Weber's view of inquiry in the social sciences complements and anticipates Kuhn's depiction.

Both Weber and Kuhn characterize paradigms and ideal types as tools of inquiry, which give rise to puzzles and crises. I look at a number of responses, outlined by Kuhn and Weber, that the social and natural sciences have recourse to in the event of crisis.

Inquiry, I suggest, can proceed linearly, when there is a dominant paradigm or ideal type, or conjunctively, when there are multiple paradigms or ideal types in play. Regarding the latter possibility, Weber contends that there are no principled reasons why a researcher should not expect to employ several, incommensurable ideal types in order to understand a given phenomenon. Following Weber I suggest that reality is complex and so we can only expect so much from any one of our abstractions.

My exposition of Weber will help in my attempt to re-characterize the significance of Searle's constitutive formula in light of the atomist objections.

Why discuss Weber in the first place? Searle writes that since he takes himself to be addressing what "might be thought of as

problems in the foundations of the social sciences, one might suppose they would have been addressed and solved already in the various social sciences, and in particular by the great founders of the social sciences in the nineteenth century and the early parts of the twentieth century” (*CSR*, p. xii). Suggesting that the constitutive formula is an ideal type is interesting and provocative because it has the effect of locating Searle’s examination of social reality *under* the umbrella of one of the founders of the social sciences, namely Weber.

The final chapters of the book reconnect my discussion of Weber to Searle’s project. We can distinguish the constitutive formula itself (“X counts as Y in C”) from the explication of a particular institution by means of the constitutive formula (green pieces of paper count as money). Chapter 5 argues that the latter are ideal types whereas Chapter 6 makes the more ambitious claim that the constitutive formula itself is an ideal type.

Chapter 5—Searle and the Ideal Type: Applications of the Constitutive Formula

In this chapter I argue that we should not expect the constitutive formula to help the researcher generate canonical articulations of our institutions. To make this claim I build off my Chapter 2 discussion of money. Searle holds that green pieces of paper (X) count as media of exchange (Y). A number of economists and sociologists have formulated alternatives to this neoclassical account of money: according to the chartalist account, green pieces of paper (X) count as an indication of debt-owed (Y). I argue that the chartalists and the neoclassicalists are not engaged in a factual dispute, but are rather advancing incommensurable ideal types. They are not making empirical claims but are rather advancing proposals for how a particular research program might proceed. If this is correct then *both* of these views can coexist.

Moreover, because both accounts of money can be expressed in terms of the “X counts as Y in C” formula, this suggests that the constitutive formula will not represent our institutions in an unambiguous, fully explicit way. This evokes Wisdom’s objection, which I discuss in Chapter 2. Wisdom argues that a complete analysis of an institution is not in principle possible. Bringing Searle’s remarks about money under the rubric of the ideal type sidesteps the force of Wisdom’s objection. It does so, not by denying his insight, but by reevaluating the atomist’s hyperbolic criteria for success. Because the ideal type brings us back to the actual conditions by which inquiry proceeds and succeeds, we need not be worried about the possibility of not being able to characterize a given institution exhaustively.

Chapter 6—Searle and the Ideal Type: the Constitutive Formula and the Status-function

In this final chapter I take aim at the constitutive formula itself, and not just particular applications of it. I argue that, just as the claim “green pieces of paper (X) count as a medium of exchange (Y)” is an ideal type, the formula “X counts as Y in C” is itself an ideal type. In this way, since ideal types highlight and suppress aspects of institutional reality, and the constitutive formula is an ideal type, we should expect that there are additional ideal types that uncover characteristics of institutional reality left unturned by Searle’s formula. To this end, if the constitutive formula identifies a certain “normative component” indicative of institutional reality, I compare Searle’s account of social reality with other models of normativity, including Aristotle’s conception of the *phronimos*. I conclude, then, that Searle and the Aristotelians have articulated different ideal types, and so have formulated different instruments that attend inquiry.

Notes

1. Neil King, "Fans Howl in Protest as Judge Decides X-Men Aren't Human," *Wall Street Journal Online*, January 20, 2003.
2. Barry Smith and John Searle, "The Construction of Social Reality: An Exchange," in *John Searle's Ideas About Social Reality: Extensions, Criticisms, and Reconstructions*, eds David R. Koepsell and Laurence S. Moss (Malden, MA: Blackwell Publishing, 2003), p. 287.

Searle's Institutional Atomism

Overview of Searle's *Construction*

In *The Construction of Social Reality*, John Searle puzzles over the possibility and structure of a social world which, though real, also seems to be a product of intersubjective agreement. By “social reality” Searle has in mind institutions like money, property, marriage, government, football, and cocktail parties. In virtue of what, does some physical, brute event count as, say, a marriage or a game of football? The task that frames the *Construction* is, in Searle's words, “to assimilate social reality to our basic ontology of physics, chemistry, and biology” (*CSR*, p. 41). Searle imagines a “continuous line that goes from molecules and mountains to screwdrivers, levers, and beautiful sunsets, and then to legislatures, money, and nation-states” (*CSR*, p. 41). One end of this line tapers off in brute facts, perhaps the objects of the physical sciences, whereas the other end extends into the realm of institutional facts, such as money and nations, that exist only in virtue of human agreement.

Searle readily vacillates between a *negative* and a *positive* formulation of the notion of a brute fact. Starting with the positive formulation, Searle sometimes seems to commit himself to a tough “scientific metaphysics”¹ when he writes that “most of our metaphysics is derived from physics. . . . We live in a world made entirely of physical particles in fields of force” (*CSR*, pp. 6–7). However, when he goes on to characterize the aspects of these brute phenomena that are important for his articulation of institutional reality he emphasizes that “the features of the world I

described in characterizing our fundamental ontology, e.g., mountains and molecules, *exist independently of our representations of them*” (*CSR*, p. 9). Here, brute facts are defined negatively, as those facts that do *not* exist relative to the intentionality of observers. They are those things “out in the world,” “intrinsic to nature” (*CSR*, p. 9), that would continue to exist without the presence of humans beings (*CSR*, p. 11).

Searle seems to underscore the negative formulation of brute facts. In the last three chapters of the *Construction*, Searle calls the thesis that there exists a world or reality that is independent of our representations, “external realism” (*CSR*, p. 150). He defends the thesis of external realism against those who might deny the existence of brute facts, who might deny that there are features of the universe that exist independently of us. Despite the claim that he founds institutional reality on an ontology informed by science, he only requires the milder, negative claim—the negative claim offers sufficient contrast to draw out the defining feature of institutional facts. To characterize brute facts strictly in terms of a metaphysics derived from science may, for Searle’s purposes, be saying too much.² The minimalist, negative characterization of the notion of a brute fact enjoys the advantage of being profoundly uncontentious. Thus, it is an ideal base from which to build a theory of institutional facts.

The claim that institutional facts exist relative to our representations of them ultimately amounts to the claim that we impose a function on a brute fact that hitherto had no such function (*CSR*, p. 14). This imposition of a function onto a brute fact is expressed by the formula “X counts as Y in context C”, which captures the basic form of what Searle calls a “constitutive rule”. Searle sometimes paraphrases “X counts as Y in C” as “Y is imposed on X in context C”. These two variants of the constitutive formula are equivalent in Searle’s view. As noted in the introduction, I will call “X counts as Y in C” the “constitutive formula”. “Y” designates the institutional fact, such as money. “X” refers to the underlying

brute fact on which the institutional fact is instantiated. The context (C) is most broadly conceived in terms of the overall system of agreement within which X is recognized as Y; however, C more often takes the form of perspicuous conditions by which X can count as Y (i.e., a promise only counts as a marriage vow in the presence of a judge or religious leader). The formula tells us that the institutional fact is logically dependent on brute facts (*CSR*, p. 56).

I illustrated institutional facts by appeal to Judge Barzilay's verdict on the status of the X-men action figures in the introduction. Only playthings that purport to be human count as dolls, not toys. For Searle, the archetypal cases of institutional facts in the *Construction* are games, money and marriage. In *Speech Acts* Searle writes:

It is only given the institution of marriage that certain forms of behavior constitute Mr Smith's marrying Miss Jones. Similarly, it is only given the institution of baseball that certain movements by certain men constitute the Dodgers' beating the Giants 3 to 2 in eleven innings. And, at an even simpler level, it is only given the institution of money that I now have a five dollar bill in my hand. Take away the institution and all I have is a piece of paper with various gray and green markings.³

In these examples, the behavior of Mr Smith and Miss Jones, the movements of the baseball players, and the piece of paper with gray and green markings, are what the X term designates by Searle's formula. They are descriptions of characteristically institutional phenomena in terms of brute objects. The Y term designates the institutional fact: marriage, a baseball game, and money.

Institutional facts transpire through collective agreement or acceptance. Some X cannot be a medium of exchange simply in virtue of *my* deciding it is so. The collective intentionality which underlies institutional facts enables cooperative behavior but, in the case of institutional facts, is a condition for the norms and standards to which participants are subject.