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John Searle in the year 2010 – Reviews:

John R. Searle, *Making the Social World*, Oxford/New York: Oxford University Press 2010, 208pp. ISBN 978-0-19-957691-3.

D. Franken, A. Karakuş, J. G. Michel (eds.), *John R. Searle. Thinking about the Real World*, Frankfurt: Ontos Verlag 2010, 236pp. ISBN 978-3-86838-096-5.

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I regard John Searle as one of the truly great philosophers of the last 50 years. He has developed J. L. Austin's sketch for a speech act theory into a systematic theory; he has within a naturalist framework created a specific non-reductionist theory of intentionality in which he has embedded his speech act theory; and he has used all this as a point of departure in creating a naturalist ontology of mind and social reality. Also, he has put forward a very interesting critique of the belief-desire model in the philosophy of action and rationality. I find it very odd that (if Wikipedia is correct) the series The Library of Living Philosophers seems not to be planning a volume for him.

Last year Searle published a new book, *Making the Social World* (MS), in which he summarizes most of his philosophical views and enters a new area, political philosophy; the last chapter contains a defense of human rights. In December 2009, Searle gave "The 13th Münster Lectures on Philosophy" and participated in a two days colloquium about his philosophy. This resulted in the anthology, *John R. Searle. Thinking about the Real World* (TR), where Searle gives a brief presentation of his philosophy and replies to criticism put forward in eleven multi-authored papers. It might be seen as a substitute for an LLP volume, were it not for the case that the philosophers behind the papers are not famous. In his introduction, Searle for the first time makes remarks on aesthetics and art.

It is interesting to see how Searle develops his biological naturalism and social ontology into remarks on political philosophy and the philosophy of art, but it does not give rise to anything remarkably new in these areas; and he makes no effort to relate to what other

contemporary philosophers have said. Therefore, apart from some remarks at the end of the review, I will concentrate on his new expositions of his old ideas in ontology and metaphysics.

(The review relates to earlier papers of mine on Searle. ~~They can be found in Section 2, "The Ontology of Social Reality", on my home page: <http://hem.passagen.se/ijohansson/index.html>.~~)

1. Searle and Systematic Metaphysics

The aim of Searle's book and his introduction to the Münster anthology is to present a piece of systematic metaphysics. He puts forward his answer to what he regards as "the single overriding question in contemporary philosophy," namely: "How is it possible in a universe consisting entirely of physical particles in fields of force that there can be such things as consciousness, intentionality, free will, language, society, ethics, aesthetics, and political obligations? (MS 3)." He does not explicitly discuss his conception of truth, but I take it for granted that it is the same as in *The Construction of Social Reality* (1995), where he says: "Statements are made true by how things are in the world that is independent of the statement (chap. 9)."

His kind of naturalism can be summarized as follows (the italicized expressions can be regarded as technical terms in Searle's philosophy). Everything that exists exists in our spatiotemporal world; there is only one world. The basic facts of the world are constituted by the material entities studied by physics and chemistry; and "all the other parts of reality are dependent on, and in various ways derive from, the basic facts (MS 4)." Some material entities, at least human organisms, have a very special feature: they/we can have *intentional states*. Intentional states differ from those studied by physics and chemistry in being directed toward entities that mostly are distinct from the states themselves. Perceptions, speech acts, actions, and desires are examples of intentional states, and they are both caused by and realized in the brain. To be intentionally directed is the same as having *conditions of satisfaction*. When a group of people have intentional states with the same type of directedness and the same intentional content, and, furthermore, this content contains a 'we', then there is *collective intentionality*. By means of collective intentionality material entities can be ascribed functions such as being a nail or a screw driver. In particular, things and organisms can by means of a collectively accepted *declaration* become *institutional facts*, i.e.,

they can be ascribed *status functions* such as being a president, being money, being owned, being married, etc. A certain biological organism is a president because he is collectively counted as a president, and certain paper pieces are counted as dollars because by virtue of collective intentionality they count as dollars in certain contexts. They are what they are counted as because (as institutional entities) they are what they are believed to be. Status functions constitute the stuff that social reality is made of, and to impose a status function on something is to give it *deontic power* and the possibility of giving rise to *desire independent reasons for actions*.

Seen from the point of view of the intended readership of this journal, Searle's ontology has many argumentative lacunas. He is freely using terms such as 'property', 'relation', 'state of affairs', 'causality', 'dependence', and 'constitution', but there are no references to philosophical discussions around these notions. He very much stresses that he thinks there is only one world, but he does nonetheless not discuss how he looks upon the existence of universals and of abstract objects such as propositions, sets, and numbers. I guess Searle is still relying on his all too easy typical-of-the-time Oxford philosophical dismissal of universals in *Speech Acts* (1969). Nonetheless, he has no qualms in explicitly using the type-token distinction and affirming "the possibility of repeating the same thing over and over on different occasions (MS 75)." If he hasn't thought about the fact that the type-token distinction is only the universal-particular distinction applied to language, then this is a bit remarkable.

In two respects, Searle has explicitly changed his mind since he wrote *Speech Acts*. In that book he explicated language by means of the social reality of chess, but now he is explicating chess by means of language; also, he has exchanged a Humean for a non-Humean view of the self (*Rationality in Action*, 2001). I am waiting for a third change on his part: an acceptance of immanent universals. Sometimes I wonder whether he unreflectively thinks that the only existing realist position with respect to universals is Platonism, which places universals and abstract objects outside of space and time.

Let me quickly compare Searle's book from 2010 with another book from that year, written by a philosopher who just as much as Searle (and myself) thinks there can be only one world, David M. Armstrong. Last year he published a brief overview of his present ontological positions: *Sketch for a Systematic Metaphysics* (Oxford UP). He, of course, devotes specific chapters to all the classical problems of the existence of properties, relations, states of affairs, modalities, numbers, classes, and mind, but he does not even in passing mention the ontology of social reality. Compared with Searle's systematic metaphysics, Armstrong's is so to speak 'conversely remarkable'.

To social scientists who do not bother about ontology, Searle says: “I think it is sometimes possible to do good research without worrying about the ontological issues [of social reality], but the whole investigation gets a greater depth if one is acutely conscious of the ontology of the phenomena being investigated (MS 201).” To Searle, I would like to say: “I think it is sometimes possible to do good social ontology without worrying about the classical ontological issues, but the whole investigation gets a greater depth if one is acutely conscious also of these.” Some of my comments below will specify this remark.

2. Searle, Intellectual Virtues, and the History of Philosophy

Searle says and takes seriously: “Among my precepts are these: if you can’t say it clearly you don’t understand it yourself, and if you can’t defend it successfully in public debates you shouldn’t publish it (MS xiii).” There is, however, another virtuous intellectual precept that he does not seem to care about at all: “if you become aware of the fact that a great philosopher has put forward ideas very similar to yours, you should use some time to look at them and see if you can benefit from what has already been done.”

Searle has been made aware of the fact that a number of his ideas are very similar to those of Edmund Husserl and some of his early disciples, e.g., Adolf Reinach, but Searle makes no references to these philosophers. His distinction between psychological mode and intentional content mirrors almost exactly Husserl’s distinction (in *Logical Investigations*) between act quality and act matter; and in the first critical paper of TR and Searle’s corresponding reply there pop up distinctions between phenomenal quality, intentional content, and aspectual shape that are close to Husserl’s (in *Ideas*) between hyle, noesis, and noema, respectively. Furthermore, according to both Husserl and Searle, you are in a reading act *not* directed toward a proposition, but by means of the proposition directed toward a corresponding state of affairs; also, according to both of them, the intentionality of perception is logically prior to the intentionality of language.

The refusal on Searle’s part to look back makes him in the new book put forward a claim that in all probability is wrong. He says that his way of analyzing social reality “is not the sort of thing that could have been undertaken a hundred years ago or even fifty years ago (MS 6).” I think it very well could. Assuming that everything in history is not predetermined, Husserl’s move away from naturalism was not bound to dominate phenomenology the way it has. If it

hadn't, something like Searle's analysis of social reality would have been likely to enter the philosophical scene a hundred years ago.

3. Searle's Analysis of Non-fictional Intentionality

Searle tries to give a non-reductionist account of intentionality that can be placed in a naturalist framework, and the central notion in his attempt is 'conditions of satisfaction'. (Husserl does not need *exactly* the same concept; first because of his method of *epoché*, and later because of his idealism.) I am very sympathetic to Searle's approach, but I have some misgivings.

Searle says: "Anything that has conditions of satisfaction, that can succeed or fail in a way that is characteristic of intentionality, is by definition a representation of its conditions of satisfaction (MS 30)." In *Intentionality* (1983) and in TR he distinguishes between two kinds of conditions of satisfaction: *required* and *requirement* conditions of satisfaction (TR 29). In MS he distinguishes between conditions of satisfaction as such and *representations* of conditions of satisfaction, respectively, but it is the same distinction. Representations of conditions of satisfaction (requirements) are always *internal* to the brain, whereas the conditions of satisfaction as such (required) of veridical perceptions and true beliefs about the external world are always *external* to the brain. Whichever terminology Searle is using, his analysis seems to lack a relation of some kind.

Let us compare a true and a false belief about a state of affairs in the external world. In case of the true belief, there are both brain-internal (requirement) and brain-external (required) conditions of satisfactions, but in case of the false belief there are only brain-internal (requirement) conditions of satisfactions. In order to make the true belief differ from the false one, I think it is necessary to posit some kind of *relation* between the belief and its brain-external conditions of satisfactions, but Searle does not. According to Searle, a true brain-internal belief about the world is made true by a brain-external state of affairs without there being a relation between them. I find this mysterious, and I can only make sense of it by assuming that it is a result of Searle's unwillingness to touch traditional ontological problems.

The avoidance of the problem mentioned is also, I think, responsible for an oddity in Searle's terminology. Some of the Münster philosophers have problems with Searle's notion of 'intrinsic intentionality', and Searle replies: "I do not intend that 'intrinsic' in 'intrinsic

intentionality' implies non-relational, because I take all intentionality, in a sense, to be relational, because intentional states in general *are representations of* [italics added] their conditions of satisfaction (MS 205)." However, in case of false beliefs, by definition, these representations are not related to anything, and even in case of true beliefs there are according to Searle no relations between the representations and the represented conditions of satisfaction. I am not surprised that some philosophers claim that Searle – contrary to his intention – must be understood as saying that intrinsic intentionality is non-relational.

This obscurity in the midst of Searle's analysis of intentionality does not become less when Searle now says (I cannot remember having seen it before): "the notion of representation as I am using it is a functional and not an ontological notion (MS 30)." His normal view of functions is that "Functions are always intentionality-relative (MS 43)." Together, the last two quotations imply that "the notion of representation is intentionality-relative"; but, if so, then the notion of 'representation' cannot without circularity be used to explain what is typical of intentionality.

4. Searle's Analysis of Fictional Intentionality

The social reality of today is densely populated with fictions from books, movies, and TV-series. Searle did not have these in mind when he wrote *The Construction of Social Reality*. He bothered only about the way non-fictional social entities such as money, property, governments and marriages exist. At the time of that book, he came to the conclusion that all such social entities at bottom fit this basic schema:

- (The material entity) X counts as (having the status function) Y in (the context) C.

Example: certain pieces of paper (X) count as being one dollar (Y) in large parts of the world (C). Since X is a variable for material entities, pure fictions cannot possibly be fitted into the schema. There is, however, no gap between the fictions and the non-fictions of social reality. As was soon pointed out, there are non-fictional social objects Y that have no underlying X, i.e., there are what was termed 'freestanding Y terms'. In the new book Searle mentions three such cases: corporations, electronic money, and the chess pieces of blind chess (in blind chess

the players have no chess board; they play by merely mentioning and remembering each others' moves). Let me use blind chess as the prime example.

Even though the chess pieces in blind chess are as fictional as any novel figures are, they are used to play a real game that (ties apart) ends with a real winner and a real loser. That is, at the end of the game there is a real biological organism (X) which counts as the winner of the game (Y). Similarly, at the end of transactions with electronic money there are, between real organisms, re-distributions of spatiotemporally existing goods and services. Searle has accepted that the existence of freestanding status functions was a problem to his schema, and he has now replaced the old "most general logical form of the creation of institutional reality" with a new one, where there is no X variable. The new form is this:

- "We (or I) make it the case by Declaration that a Y status function exists in C (MS 101)."

In this schema there is no X, but when it is needed it can be added. Searle is pleased with being able to say that "the freestanding Y terms always bottom out in actual human beings who have the powers [connected to the status function Y] in question (MS 108)," but I think he owes us an analysis of fictions. Of course, blind chess "bottoms out" in the two real players and their speech acts, but it cannot be played without identifications and re-identifications of fictions. Therefore, Searle ought to be able to answer the question how identifications of non-existing entities are possible; furthermore, an answer that aligns with his analysis of non-fictional intentionality.

Searle's analysis of fictional discourse is to be found in the paper "The Logical Status of Fictional Discourse" (in *Expression and Meaning*, 1979), and this I find wanting. He claims that fictional discourse differs from ordinary discourse mainly in that the speaker/writer *pretends* that there are (required) conditions of satisfaction: "A fictional story is a pretended representation of a state of affairs (ibid.)." But I find his notion of 'pretending' elusive. He says that he does not mean pretending in the sense of fooling, but in the sense of pretending used in charade playing. However, when someone in a charade pretends to be someone else, then she represents someone that is assumed to be known and already have some kind of existence (be it real or fictional), but the point of a truly fictional character is that it represents nothing at all; it is only itself as a fiction. Similarly, players of blind chess do not in any normal sense of 'pretend' pretend that there are chess pieces.

When I started to read the new book, I suddenly got the hope that Searle had now improved on his analysis of fictional discourse. On page 26, footnote 2, he foreshadows a new "discussion of the imagination," but it turns out to be merely some brief remarks (pp. 39–40, 121). He says that imaginations are free voluntary actions that have no direction of fit and that (therefore): "In imagination you lose the internal connection with the conditions of satisfaction (MS 40)." But in saying this he is again blurring the distinction between conditions of satisfaction as such (required) and representations of conditions of satisfaction (requirement). As I have remarked above, there are in Searle's analysis of non-fictional discourse *never* any internal connections to conditions of satisfaction as such, only (and always) internal connections to *representations* of conditions of satisfaction. Since, when we imagine a fiction we imagine something that does not represent anything at all, Searle should have said: "In imagination you lose the internal connection even with *representations* of conditions of satisfaction." But this he cannot say without further ado, because it means that his present analysis of intentionality in terms of conditions of satisfaction founders with respect to fictional intentionality.

Bluntly put, Searle attempts to analyze all forms of intentionality in terms of conditions of satisfaction, but he does nonetheless admit that in fictional discourse there are no conditions of satisfaction. An improvement is needed.

5. Searle on Declarations and Institutional Facts

When first reading Searle on the ontology of social reality, it is easy to think that he means that an institutional fact can only come into existence by means of an explicit declaration, and some of the Münster philosophers have so understood him. Searle retorts that he means that: "Someone can be made the leader just by being treated as the leader, or recognized as the leader, or otherwise represented as the leader. The point however is that some form of representation is essential to create the institutional fact in question (TR 35)." Searle's view is that there can be status functions that rely on an analogue to a declaration, but he is very clear that "there is no prelinguistic analogue for the Declarations (MS 69)." His view gives rise to two demarcation problems, neither of which he has found reason to concern himself with.

The first is the problem how (in a linguistic community) the line between implicit declarations and non-declarations is to be drawn. In Searle's example someone is informally regarded as a leader without any explicit declaration "We hereby declare X to be our leader,"

but can this person have this status function if the group in question does not even have recourse to the very term ‘leader’ (or a synonymous term)? Put more generally, even if there can be status functions without explicit declarations, can there be status functions without a status function concept? It seems to me as if groups of small but talking children can have a leader but lack a corresponding concept.

The second demarcation problem is where the line between linguistic and non-linguistic primate groups is to be drawn. Bees behave as if they have a queen, but, surely, Searle would say that this is metaphorical talk. Since bees have no forms of representation, there can in bee hives be no status functions and deontic powers. But what about the kinds of language by gestures used by many primates? Can they create status functions?

In a way, I can accept if Searle says that he does not have to answer demarcation questions like these. The world is full of biological continuities, and within continuities it is by definition impossible to find non-conventional necessary and sufficient conditions for concept application. However, if this is his opinion, then he should have abstained from his recurrent pronouncements that “It is because status functions carry deontic powers that they provide *the glue* [italics added] that holds human civilization together (MS 9).” I am sure that the non-linguistic glue at work in the other primates is glue even in us. In my view, Searle often overstates what the status functions and the corresponding deontic powers can accomplish on their own.

In the new book Searle does not mention the distinction between social facts and institutional facts that he made in *The Construction of Social Reality*; all institutional facts are social facts, but not vice versa. According to Searle, the simplest form of social fact is collective behavior by non-linguistic herd animals, e.g., a pack of hyenas hunting something (ibid., chapter 2:6). Such a collective activity contains a skilful coordination that Searle regards as biologically innate; and since it does not require a language, it can by definition not be an *institutional* fact. The point I made in the last paragraph can in this light be stated thus: Searle should have stressed a bit more that many status functions merely add glue to the glue operative in non-linguistic social facts.

There is also another feature in Searle’s discussion of declarations that I am puzzled about. He claims that there are exactly five main genera of speech acts: assertives, directives, commissives, declarations, and expressives. Speech acts belonging to the first four categories have a direction of fit and conditions of satisfaction, which means that in various ways they are at the end of the day either satisfied or not satisfied. Beliefs (assertives) are either true or false, orders (directives) are either obeyed or not obeyed, and promises (commissives) are

either kept or not kept. Remarkably, however, and to me unexplainable, Searle never makes the same point about declarations. What to say is obvious: either a declaration succeeds or it does not succeed.

The reasons for a declaration failure are diverse and depend of course on what kind of declaration that is made. An adjourning of a meeting may not succeed because it is the wrong person who makes the declaration, because someone points out that the meeting has not been duly announced, or simply because all the persons in the room refuse to participate in the meeting. As shown by the so-called Orange Revolution after the presidential election in Ukraine in 2004, the same can happen very quickly even on a larger scale, and Searle gives other but structurally similar examples. Nonetheless, he never makes a philosophical point of the non-satisfaction of declarations. And this is not without its consequences. From a political and sociological point of view, it means that Searle's writings express an unduly stress on consensus.

Searle says: "Because all political power is a matter of status functions, all political power, though exercised from above, comes from below (MS 165)." This needs qualification. In my opinion he should have ended the sentence by saying: "comes from *at least one group* below." As shown many times in history, one group that (as Searle says) "has power exercised from above but coming from below" can by sheer violence conquer another group and turn them into slaves, and it would then be odd to say that these slaves belong to those in the society that from below give power to those at the top.

6. Searle's Biological Naturalism

In the Münster volume Searle's label 'biological naturalism' is discussed, and Searle complains about being misunderstood. He says that he wants to state a new ontological position, and that in such an undertaking old terms can be hard to use. On a general level I agree, but in some specific cases I do not think he makes a good terminological choice. He intensely denies being a property dualist, but in an ordinary sense of 'property dualism' he must be reckoned a property dualist.

According to Searle, there are two completely different kinds of states in the world: intentional states and non-intentional states. The former are said to have conditions of satisfaction, the latter not. Even when Searle says that our universe is "consisting *entirely* [italics added] of physical particles" (MS 3), it has to be remembered that he nonetheless

means that many aggregates of physical particles can be bearer of intentional states. The statement just mentioned is meant to be consistent with a sentence such as this: "The distinctive feature of human social reality, the way in which it differs from other forms of animal reality known to me, is that humans have the capacity to impose functions on objects and people where the objects and the people *cannot perform the function solely in virtue of their physical structure* [italics added] (MS 7)." That is, Searle claims that the universe consists entirely of physical *particles*, but that it nonetheless contains more than physical *structures*, namely intentional states and functions imposed by human intentional states. It is an odd way of talking. I think Searle had been less misunderstood if he had created a new term and, for instance, called his position 'naturalism with property dualism'.

To be a property dualist is to believe that there are two different *realms* of properties, but Searle seems mistakenly to think that such a view necessarily implies that only one of the realms can belong to the spatiotemporal world. There is since long talk about the biological realm, the chemical realm, and the physical realm, but no one takes this as implying that these three realms do not belong to the same spatiotemporal universe. In the opposition nature–culture 'nature' means something else than in the opposition 'nature–transcendent-realm'. I cannot understand why Searle accepts only the latter notion of 'nature'.

7. Searle and the Free Will

In relation to its name, Searle's biological naturalism has still another unusual feature: it posits a free will. Starting with *Rationality in Action*, Searle argues that there is a causal gap first between our deliberations and reasons for action and the ensuing decision, then between this decision and the onset of action, and, third, between this onset and the continuation to completion (MS 41). In order to explain how the gaps are filled, an enduring free self that "operates in the gap" is posited. Without the assumption of such free agents, Searle says (and I agree) that it makes no sense to speak about constitutive rules, deontic powers, and institutional facts. But are we free in this sense? I think we are, but Searle says as follows:

> I will argue that without the gap—that is, without the consciousness of freedom—institutional structures are meaningless; but with the gap, they are essential. It is quite possible that the gap is an illusion, but that doesn't matter for this argument.

> We have to presuppose the gap when we make decisions, so even if the gap is an illusion it is one we cannot shake off. (MS 133)

I cannot shake off a feeling that there is something odd with the last sentence. The structure of the sentence 'there is no free will, but I don't believe it', is the same as that of 'it is raining, but I don't believe it'. The latter sentence has been called both 'Moore's paradox' (Wittgenstein) and a 'doxastically indefensible belief' (Hintikka). Searle comes close to such a structure when saying 'there is perhaps no free will, but I cannot possibly believe it'.

8. Searle, Power, and Trust

The natural sciences have often been searching for underlying unifying principles, and Searle wants to do the same thing for the social sciences. He says:

> I will argue that its [human society's] institutional structures are based on exactly one principle. The enormous complexities of human society are different surface manifestations of an underlying commonality. […] I am in search of a single mechanism. (MS 6–7)

More carefully seen, however, he puts forward two mechanisms: "the power creation operator" and "the collective recognition or acceptance operator" (MS 100–103). The first one I have already presented: We make it the case by Declaration that a Y status function exists in C. The second is:

- We collectively recognize or accept (S has power (S does A)).

But I think this is not enough. Searle makes power relations too all-embracing. I think no society would continue to exist if it did not, beside power relations, contain relations of trust. Many institutional arrangements rest much more on trust combined with common interests than on any power relations. A formula for trust analogous to Searle's for power would look like this:

- We collectively recognize or accept (S is trustworthy (S does A)).

This being noted, I would like to say that to my mind Searle in his chapter on power makes a number of good observations. For instance, this one: "[…] provided that there is indeed a set of shared Background norms, *anybody* can exercise power over *anybody* else (MS 157; italics in the original)."

9. Searle and 'How to do Things with Art'

Searle's way of looking at the social reality of money means: "Money is money because the actual participants in the institution regard it as money (MS 17)." This statement is (even though not done by Searle) immediately transposable to art: "Art is art because the actual participants in the institution regard it as art," but what more does he say about art? I would like to highlight this:

> When we acknowledge something as a work of art we are acknowledging an institutional fact with a status function, deontic powers, and all the rest of it. But at the same time, under our modern romantic conception of artistic creativity, the artist precisely cannot think of himself or herself as simply creating another institutional fact, another Status Function. The artist has to think of himself or herself as creating something that stands apart from, and sometimes deliberately breaks from, the existing conventions, of what is supposed to count as a work of art. Individual creativity is at odds with conventional Status Function assignment. (TR 44)

Searle realizes that in order to take account of the modern conception of art, he has to discuss non-acceptances of institutional facts. But I think this is true of many other areas of our social reality, too. Many groups and persons can be said to act on the schema: *They* collectively recognize or accept (S has power (S does A)), but *we* (I) do not. For instance, without such a schema it is hard to understand planned criminality.

If, before reading TR, someone had told me that Searle has written a paper on art, and asked me to guess what it more specifically is about, then I would have answered as follows. Well, since Searle turned Austin's sketches about how to do things with words into a many-dimensional and theoretically coherent classification of different kinds of speech acts, I guess

he has now tried to make something similar with respect to how to do things with art. Perhaps he has even managed to link kinds of speech acts and kinds of art acts to each other. It is easy to see some such links. Traditional depicting art corresponds to assertives, political art to directives, and expressionist and surrealist art works correspond to expressive speech acts. Perhaps one might even say that performance art and installation art correspond to declarations, i.e., "They change the world by declaring that a state of affairs exists and thus bringing that state of affairs into existence (MS 12)." Commissive speech acts (promises, vows, pledges, etc.), i.e., acts where the speaker commits herself to some future actions, seems to be the hardest case for a complete correspondence chart. However, in interactive art there is at least something similar. The artist starts with a promise that he or she for some time will interact with the public.

10. Searle and Human Rights

If the United Nations was like a state, then it would from Searle's analysis of social reality follow that "The human rights of the famous UN declaration are human rights because the actual participants in the institution regard them as human rights." However, his analysis also means that in a slave society the existence of slaves is a fact: "Slave owner rights are slave owner rights because the actual participants in the institution regard them as slave owner rights." In this sense, Searle's social ontology is morally neutral. This fact must not be taken to imply that Searle dislikes ethical questions in philosophy. His first book, *Speech Acts*, ends with a chapter called "Deriving 'ought' from 'is'," and in *Rationality of Action* he forcefully argues that the mere use of language often commit speakers to norms. According to Searle, a commitment to truth telling is internal to the act of statement making, and an obligation to keep a promise is internal to the act of promise making. His defense of human rights, however, has another character.

When Searle is defending his list of human rights – mainly negative rights – he is doing it without falling back on any preexisting institution. He says: "The situation is parallel to that of money, private property, and citizenship with the important exception that in the existence of human rights there is no preexisting institution that defines the rights (MS 182)." Also, he rejects all utilitarian reasons for the rights. An important overall truth of Searle's moral philosophy is stated in passing in the chapter under discussion: features that make something

a desire-independent reason make it also a utilitarian-independent and consequence-independent reason (MS 189).

So: how does Searle proceed? Instead of starting with an institution or a special kind of speech act, he starts with human nature. His argument for the right to free speech (which is the most elaborated one) consists of three steps. The first is to state that speech acts make up a central part of our lives, and the second step is to state that "we attach a special importance to our rational speech-act performing capacities (MS 190)." From these two premises he seems to think that the right to free speech follows as a natural consequence, because the third step consists only in rejecting arguments against this right. He says: "The best way to argue in favor of the right to free speech as following from our nature as speech-act performing animals is to consider various arguments against the right to free speech (MS 190)."

Where Searle sees an unproblematic natural consequence, I find a problem structurally similar to the one that besets utilitarianism: how does one argumentatively go from the statement that each person desires personal happiness, to the statement that all people ought to strive for the happiness of all? In Searle's case it becomes: how does one argumentatively go from the statement that each person highly values her or his right to free speech, to the statement that all people ought to give all others the right to free speech? I looked for an answer even in TR, but I found none. Closest comes his universalizability view that if one regards others as being under an ethical obligation to help oneself in a certain respect, then – for reasons of logic – one also has to put oneself under an obligation to assist others similarly situated (TR 40). But the problem I have highlighted is a different one; it is how to find an ethical obligation in the first place.

Let me end by saying that also here I find one of Searle's terminological choices odd. He insists on calling rights that can be overridden 'absolute rights'; and he is of the opinion that human rights can be overridden. I think a completely new term had better conveyed what he is grouping for: 'default categorical norm'. The right to free speech is a default categorical norm.

11. Concluding Appraisals

To those *not* familiar with Searle's philosophy, I can say as follows. His own book is a nice and elegantly written summary of his philosophy (except his philosophy of language), but there are nonetheless many pitfalls in a first reading. Therefore, it is good to complement it

with a reading of the Münster book. This anthology covers much. Here are its eleven titles: "Subjectivity as the Mark of the Mental," "Problems with Searle's Account of Intrinsic Intentionality," "Searle's Biological Naturalism: A Typology," "Searle on Mental Causation: Biological Naturalism, or Something Near Enough," "Acting on Gaps? John Searle's Conception of Free Will," "51 Years on: Searle on Proper Names Revisited," "Searle on External Realism," "Trivial, Platitudinous, Boring? Searle on Conceptual Relativism," "The Role of Declarations in the Construction of Social Reality," "Normative Validity through Descriptive Acceptability? Why Searle's Theory of Social Reality Is Incomplete," and "More Than Words Can Say: Searle on the Constitution of Social Facts."

To those already familiar with Searle's philosophy, I can say as follows. Reading his own book can be a good way to refresh one's memory about his views; and, not to forget, it contains some new ideas in his social ontology and new ideas of human rights. In the Münster volume I think many Searle readers will find critical thoughts they have entertained on their own, and since they get answers from Searle, the book is good reading also for them.

In sum, I recommend both books to all philosophers that are interested in trying to obtain a reasonable modern world-view.

Perhaps someone wonders how I can regard Searle as a truly great philosopher, and at the same time claim that his ontology suffers from a number of serious problems. My answer is simple: this is true about anybody who has been placed in the hall of fame of philosophy.