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In Chapter 3 of his *The Construction of Social Reality* (1995), John Searle endeavors to explain and justify his claim that language is essential to the constitution of institutional reality. Unlike several other components of his theory of institutions (collective intentionality, deontic power, constitutive rules), this claim of Searle's has not yet been made a topic of critical discussion. However, there are several difficulties connected with this part of Searle's theory. This paper is an attempt to show what they are and how they might be addressed from within Searle's own account.

First, I shall summarize Searle's main argument for the necessary role of the linguistic element in the establishment of institutional reality, provided in CSR 66-71. Then (section 2), I shall point out at what seem to be the weak points of this argument. Finally (section 3), I shall discuss two further points made by Searle and I shall attempt to articulate the best way to view the problems raised by Searle's discussion in Chapter 3. The resulting view is more detailed and hopefully clearer than Searle's position in the book. While the position I propose may differ from Searle's in one or two respects, I shall attempt to show that it can claim support -- besides the immediate force of argument -- also from Searle's hallmark doctrine of the intrinsic intentionality, as opposed to the derived one.

(1) I shall notice that Searle's claim does not necessarily concern a fully developed language like those we speak with, but something far more primitive: symbolic devices that by convention symbolize something beyond themselves (CSR 60). I shall discuss the methodological digression at CSR 61-66 and propose that it is best to read it as a logical analysis of mutual entailment rather than as a description of a linear path of inquiry. I shall provide a three-parts structural analysis of the core argument of the Chapter 3 (CSR 66-71), where the two points are (i) *representation requirement*, and (ii) *no availability of extra-linguistic markers claim*, and the conclusion is that one needs words or other symbolic markers to fulfill the representation requirement.

(2) The three main difficulties connected with Searle's argument that I notice are: (i) it is in tension both with his claim that there is a continuity between the linguistic and the non-linguistic, admitting of no sharp line of demarcation (CSR 71), and with his argument that his account is not circular (CSR 72-76). (ii) Second, the markers can hardly be of any help in the initial shift from the brute X to the institutional Y unless they are already endowed with the capacity to symbolize beyond themselves: but if they are, the initial shift has already been performed and the markers come too late. (iii) Third, the argument is vacuous or nearly vacuous because it operates with an extremely weak concept of what it means for something to be linguistic: it requires only that a thing has the capacity to symbolize beyond itself in a publicly understandable way, and is ready to confer that capacity indiscriminately.

(3) I introduce two further ideas, one Searle's and one half Searle's and half mine, which show us the way to remove the difficulties faced by the Searle's account so far. The first is the possibility of a mixed approach, connecting the vacuity and the nonvacuity version of the claim and ascribing the *eo ipso* symbolism to one portion of institutional reality and the external markers symbolism to the other. I claim that such a mixed approach is probably Searle's considered position, and I cite a passage supporting this view (CSR 75). The second is the introduction of the preinstitutional capacity to symbolize (CSR 75), which I understand as pointing to the primary or intrinsic intentionality of beings like us. It is this intentionality which is ultimately responsible for the creation of symbolic markers and the institutional reality, and collective intentionality plays a role in mediating between such intrinsic intentionality and the emergence of publically understandable markers. This view is not only in agreement with Searle's doctrine of derived intentionality (Searle 1980, 451-452; *Intentionality* 27-28 and 176-179, etc.), it is in fact required by it.