

DEONTIC POWERS AND REASONS TO ACT INDEPENDENTLY OF DESIRE

PODERES DEÓNTICOS Y RAZONES PARA ACTUAR INDEPENDIENTEMENTE DEL DESEO

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Resumen: Este artículo analiza la tesis searlina según la cual todo poder político representa un poder deóntico relacionado con los derechos, los deberes, las obligaciones, las autorizaciones, los permisos, la autoridad, etc. Esta concepción nos conduce a entender el poder y las funciones de estatus como un fenómeno irremediamente vinculado a la aceptación colectiva y las reglas constitutivas. Nociones como la constitución lingüística de los poderes deónticos, las razones para actuar independientemente del deseo, la racionalidad normativa y la aceptación colectiva de los sistemas políticos, constituyen algunas de las piedras angulares que se desarrollan en este trabajo dentro de un marco conceptual cuya visión realista de lo social, institucional y político tiene importantes implicaciones en el ámbito de la filosofía jurídica, política y moral.

Abstract: This article analyses Searle's thesis which states that all political power represents a deontic power related to rights, duties, obligations, authorizations, permissions, authority, etc. This concept leads us to understand that power and constituent status functions are irremediably tied to collective acceptance and constitutive rules. Notions like the linguistic constitution of deontic powers, reasons to act independently of desire, normative rationality, and the collective acceptance of political systems, constitute some of the cornerstones of a conceptual frame whose realistic vision of the social, institutional, and political has important implications in the fields of legal, political, and moral philosophy.

1. Introduction

In 2003 John Searle published a book titled *Social Ontology and Political Power* (Schmitt, 2003) and in the same year, it appeared under the title *Ontologia Sociale e Potere Politico* in the collective volume gathered by Paolo di Lucía, *Ontologia Sociale. Potere deontico e regole costitutive* (Searle, 2003), [Social Ontology. Deontic Power and Constitutive Rules]. Searle's objective is to explain "the ontology of political power" and, "the role of language in the constitution of said power". The main thesis of his book *The Construction of Social Reality* deals implicitly with a political ontology, or at least, a relationship between a possible political philosophy and the philosophy of language. The question he asked on that occasion aimed to respond to the following: how we can reconcile a determined conception that we have of ourselves, as conscious, intelligent, free, social, and political agents, with the conception of the world, based on the fact that it is formed by physical particles which lack intelligence and meaning and are subject to fields of force. In this new work, a further step forward is taken, and the same question is asked again, introducing a new element: how can a political reality exist in a world formed of physical particles?

To answer this new question, Searle re-examines the ontological postulates described in his work, *The Construction of Social Reality*, and re-establishes the ontological and epistemological distinctions that served as a base to explain institutional facts and institutional reality. Back then, he expressed his argument in the following way: certain elements of reality are independent of the observer: force, mass, gravitational attraction, photosynthesis, and chemical bonds.

Other elements, by contrast, are relative to the observer and their existence depends on the attitudes, thoughts, and intentions of the observers, users, creators, designers, measurers, vendors or, more generally speaking, the intentional, conscious agents. Examples of elements that depend on the observer are money, property, marriage, language, etc. (Searle, 2003).

Searle adds another distinction to this one, basing it, on the one hand, on epistemic objectivity and subjectivity and ontological objectivity and subjectivity on the other. Epistemic objectivity and subjectivity are properties of assertions. In this sense, an assertion can be determined independently of the sentiments, attitudes, preferences, etc. For example, saying that "Sánchez is the current President of Spain" is epistemically objective whereas saying "Sánchez is a better president than Rajoy, his predecessor" is epistemically subjective. With regards to ontological objectivity and subjectivity, these are properties of reality. Therefore, pain and hunger are ontologically subjective because their existence depends on the fact that the one experiencing them is a human or animal subject. However, mountains, beaches, and molecules are ontologically objective seeing as their existence does not depend on subjective experiences.

The justification of these distinctions within the framework of this discussion leads Searle to the conclusion that

virtually all of our political reality is relative to the observer. Elections, parliament, government leaders, or revolution, for example, are what they are only if people adopt certain attitudes toward them. Therefore, all social or political phenomena contain an ontologically subjective aspect. However, ontological subjectivity as such does not imply epistemic

subjectivity. There can exist a field, such as politics or economics, within which the entities may be ontologically subjective even though, through them, epistemically objective assertions can always be made. Thus, the presidency of the USA is a phenomenon that is relative to an observer, it is ontologically objective. In contrast: the fact that Barack Obama is currently the US President is an epistemically objective fact (Searle 2004: 94).

Based on the previous considerations, in this work, we aim to examine the Searlean vision of political reality. To achieve this, we re-examine a series of suppositions that Searle writes about in his primary thesis on political ontology: all political power is a matter of status functions and therefore all political power is deontic power. Given that all political power is a matter of status functions, all political power, even if it is exerted from above, comes from below. The systems of status functions work, at least in part, because the recognition of deontic powers provides us with reasons to act independently of desire. These principles offer us, as we can sometimes see, an explication or justification of the conceptual apparatus through which we deduce the passing of brute facts to social or institutional facts and from there to the specificity of political facts.

2. The Searlean Concept of Political Power.

Searle's final goal in his work "*Social Ontology and Political Power*" is not to contribute to the discussion of Western political philosophy but to explore some of the existing relationships between the ontology of social reality and the specific form of social reality that supposes political power. His objective is to show how political reality

is a special case of social and institutional reality. Some of the fundamental notions he uses to describe and analyse the nature of social and institutional reality could give us ideas on the nature of political reality. Therefore, we highlight four categories that could help us in this endeavour. The first of them is the notion of status function along with that of institutional facts and deontic powers. Associated with these notions is that of collective acceptance, which constitutes and maintains the status functions. The third idea is related to the role of language in the constitution of social and political phenomena. Lastly, the fourth category is related to the peculiar human habit of creating reasons to act independently of desire. Searle attributes human beings with the capacity for recognising and being motivated by reasons, for an action, which does not correspond to their first inclinations, desires, or interests. This capacity constitutes one of the fundamental reasons for the existence of human civilisation and, *a fortiori*, the one that makes political organisation possible (Searle, 2003: 107). Although each one of these ideas is self-explanatory, we need all of them to comprehend the ontological proposal about Searlean political power.

Based on the various arguments presented, we shall examine these postulates to respond to the question that Searle puts in the following terms: what do we have to add to social facts so that they become political facts?

2.1. Political Power as Deontic Power

The thesis according to which "all political power is a matter of status functions, and this is the reason why all political power is

deontic power”, represents a central axis around which the main principles, which make up the essential content of Searle’s “*Social Ontology and Political Power*”, are developed. Deontic powers are linked to rights, duties, obligations, authorisations, permissions, authority, etc. The power of the leaders of a local party and the town council, as well as the power of key figures (presidents, heads of government, and members of Congress or the Supreme Court) all derive equally from the fact that these entities possess recognised status functions (Searle, 2003: 108).

In *The Construction of Social Reality* Searle uses the terminology of conventional power to distinguish it from brute power/force although, as he admits, the granting of conventional power often involves the authorisation of the use of brute force, i.e. cases of State security bodies in exceptional cases. However, he argues that the use of violence by the police and military powers goes against political power. Similarly, conflicts between ethnic and religious groups, violence generated by ideologies, international terrorism, and undeclared war between states cannot be considered political. Therefore, Searle contrasts the logical structure of deontic power with the logical structure of power based on force.

About this theory, Oppenheim disagrees with the fact that the physical brute force of the strong over the weak must be different from political power (Oppenheim, 2003: 107). Furthermore, he considers that Searle’s characterisation of political power as essentially deontic, non-violent, and unselfish is an idealised representation of Western democracies. Certainly, only in constitutional democratic systems is the individual the source of each po-

litical power, but only in theory. In Oppenheim’s opinion, almost all (if not all) acts of the use of political power (and the response to them) are acts based on personal interests, and conflicts of a political nature are either generally resolved or not completely resolved or else resolved by the use of brute force (Oppenheim, 2003: 105-107).

The contrast between deontic power and brute force is based on the distinction between brute facts and institutional facts. According to this, the basic logical structure of institutional facts is “X counts as Y in C”. This formula puts the constitutive rules into relief, and this allows us to create institutional facts (Alarcón, 2001: 33)¹. Alongside this characterisation, we find another formula that explains the creation of basic powers within society, and it is centred on the general form of the content of the status function of Y. If

the content of Y is imposed by the element X by collective acceptance, these collective acceptances (recognitions, beliefs, etc.) must have some content; and what I suggest is that for a wide class of cases, the content has to do with some form of conventional power which the subject relates to some type of action or a course of actions (...). Given that power is always the power to do something or stop someone else from

1 In Alarcón’s opinion, in his fight against “the fallacy of naturalistic fallacy” Searle distinguishes between two types of duties: ‘categorical duties’ and ‘hypothetical duties’. Searle has based his ‘anti-divisionism’ on the partition of reality into two areas: that of institutional facts and that of brute facts. In contrast to brute facts, institutional facts pre-suppose the existence of certain institutions, composed of a set of ‘constitutive’ rules, a set of rules which create or define new forms of conduct. These constitute an activity whose existence is dependent, from a logical point of view, on the rules”.

doing something, the propositional content of the status functions of power is always based on (S makes A). (Searle, 1997: 116).

Where S represents a subject/person and A an action or activity. The prime structure of the collective intentionality *X counts as Y in C* now becomes the basic structure of conventional power: *We accept (S has power (S does A))*.

What relationship is there between the two formulae: *X counts as Y in C* and *We accept (S has power (S does A))*? The reply offered by Searle is that we do not just accept that someone has power, but we accept that they have power due to their institutional status. An example of *X counts as Y in C* would be: that satisfying certain conditions makes it possible for someone to be the State President. But once we have accepted that someone is the President, we also accept that they have the power to be able to do certain things. They have the positive power of controlling the armed forces, but they also have negative power, in other words, the obligation of governing the nation. They have the *right* to control the armed forces and they have the *duty* of leading the government. The emphasis on collective acceptance is reflected in Searle's analysis of conventional power: we accept that S has power (S does A) because $S=X$, and we accept that *X counts as Y* and that status function entails the recognition of deontic powers (Searle, 2006:18).

Searle distinguishes between various types of conventional power: symbolic, deontic, honorific, and procedural. In this case, we are focusing on the normative type of conventional power (deontic), i.e. those powers which are the fruit of the assignment of a specific status function with consequences in terms of rights, respon-

sibilities, obligations, duties, privileges, consent, punishment, authorisation, permission, and other deontic phenomena (Searle, 1997: 112; Searle, 2007)². Given that status Y confers (or denies) power, Searle classifies these deontic phenomena into two other categories which correspond to those of positive and negative powers:

the first occurs when the agent is provided with some new power, certification, authorisation, ability, right, permission or qualification which enables him to do something which otherwise he would not have been able to do; the second occurs when the agent is required, obliged, forced by duty, punished, prescribed or in some way forced into doing something which would otherwise be unfeasible. (Searle, 1997: 116)³.

If we bear in mind that

it is not the social objects, such as money, universities or states, but the agents that operate on and within these objects, the distinction is established between that which

2 In our opinion, it is part of the new work being produced by Searle and is only a preview of this chapter. The first section is about rights as status functions. Rights are always relative to the observer and given that they are status functions, they are attributed thanks to collective intentionality. Human rights are not found in nature in the same way as phenomena such as photosynthesis can be found.

3 Alarcón clarifies this distinction between positive and negative powers by saying that "the former refer to *anankastic* duties, to 'powers, certifications, authorisations, consent, rights, permission or qualifications', which are possessed by the agent and enable him to do something, to do something that counts institutionally, thus acting on him by indirectly influencing his behaviour. The latter refers to deontic powers, to 'demands, obligations, binds, punishments, prescriptions or coercions' which act on the agent by directly influencing their behaviour."

the agent *can* do and what the agent *should* (and *should not*) do, between that which the agent is *capable* of doing and that which they are *required* to do as a result of the assignation of a status determined by the term Y. (Searle, 1997: 113).

To this distinction between positive and negative powers, Searle adds another two distinctions involving the *creation* and *destruction* of conventional powers and the *procedural* and *terminal* conventional powers. An example of the latter would be the distinction between receiving a certain number of votes and winning the elections: obtaining votes is a procedural phase on the path to winning and winning is the terminal part of the electoral process. As we can observe, the procedural functions of status are conditional, deontic functions, i.e. when the conditional precedent is satisfied the result is a step in the iterated hierarchy of institutional reality.

With regards to the acts of creation and destruction of powers, these acts can be carried out on account of another conventional power as in the case of marriage/divorce. In other words, in the case that action implies the creation or destruction of power, that act is an exercise of conventional power. In the destruction of conventional power, “the negation operates on the collective acceptance, not on the content of the acceptance” (Searle, 1997: 118).

As a result of his research into the classification of institutional powers into symbolic, deontic, honorific, and procedural, Searle concludes that from the point of view of the logical structure of social reality, the only thing we have is the creation and destruction of conventional powers which may be symbolic or honorific, negative or positive and conditional. Some of

these powers are collective and others are individual, and the latter represents variations of iterations of the basic structure (Searle, 1997: 122-123).

Based on these considerations, we understand that the basic structure of power allows us to grasp all the logical traits of the intentional content of status function Y, in the formula “X counts as Y”, demonstrating that “the enormous complexity of the body of institutional reality has a very simple skeleton” (Searle, 1997: 123). However, despite the logical coherence of this explanation, problematic questions arise concerning the distinction between positive and negative powers, the analogy between the deontic dimension and the dimension of power, and between authority and power (Artosi, 2004). On the other hand, the role played by the notion of constitutive rules is not clear within the logical structure of conventional power. For Searle, constitutive rules confer power through the attribution of status and function. The problem is that Searle does not explain how this happens. Although he does offer theoretical elements that justify the mechanisms of assignation of function based on the ‘*count as*’ formula, he does not specify how the constitutive rules function as rules that confer power. For example, he does not sufficiently develop how a constitutive rule such as “A counts as the officiator of a wedding ceremony” confers power to A (collectively accepted) to join two people in marriage.

According to that stated above, we can deduce that Searle adheres to the traditional line of thought about power, understood in terms of capacity and deontic status functions. These status functions translate into two wide categories of power, the so-called positive and negative powers. The

first of these comes about when the agent is provided with some power that *enables* him to do something that otherwise he could not do. The second comes about when the agent is or may be required, i.e. prohibited, or obliged, bound *by duty*, to do something which would otherwise be unfeasible.

3. Reasons to act independently of desire

As we stated previously, we construct social and political reality by collectively assigning and accepting status functions (Searle, 1997: 140:141). As we have appreciated, the functions are not intrinsic traits of the world, they are traits that are dependent on the observer. The two types of described functions are the agentive functions and non-agentive functions.

The first types of functions are those which are concerned with the functions we assign to different objects and phenomena of reality. The agentive functions are those called 'status functions' whose mission is to 'represent', 'symbolize', 'count as', and generally 'signify'. Linked to this notion, we find the concept of *reasons for acting independently of desire* (Searle, 2000). In his thesis on the ontology of political power, Searle proposes the bringing together of the two notions and maintains that the *status functions*, described in *The Construction of Social Reality*, are precisely *reasons for acting independently of desire*. Thus, it follows that the recognition of status functions on which political power is based in the recognition of reasons to act independently of desire. What is truly remarkable here is that the whole social and political system is based on the abil-

ity of human agents to recognise reasons that are independent of desire and act on them (Searle, 2003: 32); Searle, 2004: 107).

Taking the brute facts as a base, the institutional and political facts represent the framework in which our activity takes place, whether it be individual or collective. Using this supposition, Searle seeks to explain a *rationality* that explains our activity based on the deed of recognising certain things as reasons to act. But what are the reasons for acting independently to desire based on? What is it about X that it is recognised as a reason for Y? (Liz, 2002: 88; Searle, 2000: Rodríguez, 2003), Searle opposes the classic model of rationality in human actions, a model which states that rational actions can only be motivated by a desire or interest of the agent (Bejarano, 2001). With regards to this vision, Searle maintains that there is a causal gap between belief and desires on one side and the action on the other: "the gap involved in rational decision-making is, in fact threefold. The first gap occurs between the reasons for getting an idea of what one is going to do and the effective decision one takes. The second is produced after one has formed an idea of what to do and in this case, one still has to decide when to do it to be effective. And lastly, in the case of activities which continue over time, there is another gap between the beginning of the action and its continuation via a continuous voluntary force until it is completed" (Searle, 2000: 27-28).

The classic model is based on theories of rational decision-making or the instrumental concepts of rationality and only applies to the first type of reasons, i.e. those that are dependent on desires,

and which include, for example, interests, goals, preferences, usefulness, accepted values, etc. This model relies on six basic principles: a) rational actions are caused by beliefs and desires; b) rationality consists of following certain rules; c) rationality is a cognitive faculty, separable from the others; d) cases of weakness of will, or *akrasia*, are literally impossible; e) practical rationality should always suppose desires, or goals, objectives or interests, etc.; f) rationality is only possible if these sets of primary desires are consistent (Liz, 2002: 88; Searle, 2000: 20-25).

In his work *Rationality in Action*, Searle discusses every one of these suppositions and offers various arguments to define a concept of non-instrumental rationality, based on commitment. About the first of these, he maintains that rational actions cannot have sufficient causal antecedents, i.e. they would not be caused by beliefs and desires. In his opinion, only those who are under the effects of toxic substances, or in extreme, uncontrollable conditions let themselves be led by beliefs and desires. On the contrary, a rational decision is based on the consideration of reasons for doing something and finally, when the decision is made, it is made on account of some of the contemplated reasons and not for others. This would entail the existence of a 'gap' in between the reasons for the action and the decision to act, i.e. in order for the rational making of decisions to be possible and intelligible, we must presume free will. Without freedom, we would not have a reason to undertake any decision-making process (Liz, 2002: 25).

Concerning the second supposition, Searle maintains that rationality does not consist of following rules. In this proposal,

he says that anyone "can behave rationally without knowing the rules which determine rationality and even without being conscious that they are following the rules" (Searle, 2000: 35). He affirms that rationality is not constituted or defined by any set of rules. The function of rules is to systematise that which in itself is valid and what guarantees this validity is the semantic content (Liz, 2002: 89).

He responds to the third supposition of the classic model of rationality by arguing that rationality is incorporated into the general structure of intentionality. In other words, "there cannot be a separate faculty of rationality distinct from such capacities as those for language, thought, perception and the various forms of intentionality, because rational constraints are already built into, they are internal to, the structure of intentionality in general and language in particular" (Searle: 2000: 35). Subsequently, a statement cannot be made without worrying about questions along the lines of: 'is it true or false?' or 'is it consistent or inconsistent with things I have said?'. Thus, "constraints of rationality are not an extra faculty in addition to intentionality and language. Once you have intentionality and language, you already have the phenomena which internally and constitutively possess the constraints of rationality" (Searle, 2000: 36).

About the fourth point, Searle argues that weakness of will is always possible. This weakness of will arises from the fact that at any point of the gap (freedom) phenomenon, we are presented with an undefined number of open options that are capable of attracting us even when we were thinking, at a certain moment, that we going to reject them. The 'gap' phenomenon, the

freedom of being able to choose, explains why weakness of will is so common.

The fifth postulation is rejected by Searle based on his criticism of the classic theory that a rational act can only be motivated by a desire, where 'desire' includes moral values and evaluations. Desires do always not have to be centred on oneself but there can be reasons for acting independently of desire, external reasons which overcome the framework of a merely instrumental rationality and place it in a teleological framework. Reasons which are independent of desire serve to judge and subject the desires themselves to criticism (Liz, 2002: 42). On this point, Searle applies the theory that there are no reasons for acting independently of desire to Hume's naturalistic fallacy: the impossibility of deriving an 'is' from an 'ought'. Concerning this, he affirms that "statements with 'ought' express reasons for action. Saying that someone ought to do something implies that there is a reason for them doing it"⁴.

Lastly, about the sixth supposition, Searle considers that it is normal and inevitable that reasons for acting enter into conflict and that rationality rightly consists of deliberating and making decisions, in certain

circumstances, from within a situation of inconsistency and conflict (Searle, 2000: 45; Liz, 2002: 90).

These objections to the constitutive principles of the classic rationality model, along with the explanation he offers concerning the basic structure of intentionality, understood as action and meaning⁵, situate our author in conditions of confronting the logical structure of reasons and replying to the questions: 'how do we create reasons for acting independently of desire?' and 'what scope does this thesis have in its concept of political power?' In the first place, for Searle, the reasons are propositionally structured entities. Giving a reason for something is offering an explanation, a response to certain questions. There may be facts in the world such as the fact that it is raining, or propositional intentional states such as a desire not to get wet, although there may also be propositionally structured entities that are neither facts nor intentional states, i.e. entities such as obligations, commitments, requirements, or necessities, etc. Searle calls this type of facts "factive". From this he deduces that reasons are factive entities and their propositional structure "capacitates them to have a relational character in at least four ways: 1) reasons are always reasons for something and to explain why something happens; 2) they are reasons for a subject; 3) they are epistemically accessible to take part in a deliberation and 4) they are always related to other reasons" (Liz, 2002: 92; Searle, 2000: 121-126).

4 "Therefore Hume's affirmation amounts to the claim that statements asserting the existence of reasons for action cannot be derived from statements on how things are. But how things are is a matter of how things are in the world as it exists independent of the agent's motivational set. So on this interpretation, the claim about how things are in the world cannot imply the existence of any reasons in an agent's motivational set (one cannot derive 'ought' from 'is') is closely related to the claim that there are not facts in the world, independent of the agent, that by themselves constitute reasons for action (there are no external reasons)"

5 On this aspect, also see Searle's book, *Intentionality*. In this work, he re-examines the object of analysis of the second chapter of *Rationality in Action*. A theory on free will in which he focuses on the three aspects that make up his theory of intentionality: prior deliberation, prior intention, and intention-in-action.

The work *Rationality in Action* provides us with new concepts and outlines various distinctions and can help in our understanding of the Searlean theory on reasons for acting independently of desire. One of these distinctions is that which is established between the external reasons and internal reasons for acting. The first of these includes factitive entities which may function as reasons for an agent if they are adequately recognised and accepted as reasons. When this occurs, the reason becomes an internal reason. The other distinction is related to total reasons and partial reasons (Liz, 2002: 91). Total reasons must contain at least one motivator, i.e. the motivators of actions would be sets of factitive elements with a world-to-mind direction of fit⁶. The motivators may be internal and external, the former being desires, hope, fear, shame, pride, disgust, thirst, hunger, pleasure, etc. External motivators, on the other hand, include obligations, necessities, duties, commitments, etc. Motivators are ontologically subjective seeing as they are relative to a subject, but at the same time, they can be epistemically objective (Liz, 2002: 93; Searle, 2000: 140).

In short, we create reasons for acting independently of desire by creating external motivators that involve us, whatever our

6 The parallelism between the Intentionality Theory and the speech acts which were previously highlighted is obvious. The illocutionary forces are the same as the “psychological modes” and both possess the same direction of fit. In short, Searle concludes by saying that “beliefs, perceptions and memories have a mind-to-world direction of fit because their objective is to represent the reality of things; desires and intentions have a world-to-mind direction of fit because their objective is not to represent the reality of things but how we wish them to be or how we plan them to be”.

desires may be. In the case of social and political institutions, we recognise, as reasons to act, the status functions to which we are committed in social reality, sometimes including those beyond our desires (Searle, 2000: 221; Liz, 2002: 94). From this perspective, the recognised status functions become a reason for action independent of desire. To quote Liz Gutiérrez: “their recognition as motivators would already be their recognition as reasons for action. Based on this recognition, the agent will deliberate from the gap, weigh up the different reasons he has recognised and formulate the intention to act” (Liz, 2002: 93; Searle, 2000: 142-143).

A paradigmatic case of creation of reasons for acting independently from desire is that of the institution of the promise: ‘what reason do I have for keeping a promise?’ to which he replies by saying that “promises are by definition creation of obligations and obligations are by definition reasons for action”. The subject who promises something creates an external motivator, a reason for acting that may go against their desires and obliges them. Searle expands on this idea and says that

when I make a promise, the institution of promising is only the vehicle, the tool I use to create a reason. The obligation to keep a promise derives from the fact that in promising I freely and voluntarily create a reason for myself. The free exercise of the will can bind the will, and this is a logical point that has nothing to do with ‘institutions’, moral attitudes, or ‘evaluative utterances’. This is why a slave has no reason to obey the slave owner, except for prudential reasons. He has not bound his will by an exercise of his freedom. (Searle, 2000: 226).

The social world in general and the political world in particular are full of factitive entities that act as external motivators which

invite us to recognise them as motivators of this sort (political duty or obligation may represent reasons to act independently of desire). Social and political institutions constitute a complex framework of entities that count as obligations, duties, demands, commitments, necessities, etc. The reasons for acting, or external motivators or status functions, created intentionally and collectively, must be recognised, accepted, and maintained.

However, human beings do not always act in the light of desire-independent reasons. We can find an example of this in the framework of logical relations between political power and economic power. Both economic and political systems are systems of status functions. As we have seen, the political system corresponds to governmental machinery. In contrast, the economic system corresponds to the economic apparatus which creates and distributes assets. However much the respective logical structures resemble each other, the rational motivational systems that appear in each case differ significantly. Economic power is essentially related to the fact of being capable of delivering economic advantages and sanctions. Political power also often acts in this way, above all in states that develop strong policies of social welfare or economic compensation for more disadvantaged groups, but not always. Searle believes that this fact has caused a whole series of confused theories to appear. They intend to examine political relations as if they had the same logical structure as economic relations. Therefore, the reasons for action that are based on desires or interests like economic ones, even when they are part of a deontic system, are not deontological. The important point which must be stressed is that the essence of political power is de-

ontic power. This notion is the source of an intuition that inspired the theorists of social contract. These people thought that there was no way of having a system of political obligations nor, in fact, a way of having a political society without something like a promise, an original promise, or commitment, which would create the necessary deontic system to maintain the political reality.

In short, the recognition of validity or the acceptance of a status function, or the simple recognition of its existence, gives the agent a reason for acting independently of desire. The importance of this fact cannot be stressed enough, given that it explains the difference between human beings and other social animals. This is an important point in the matter of motivation: once you recognise that you have a valid reason for doing something, even if you don't want to do it, at least you have a reason to want to do it. Among the cases that may constitute reasons for acting independently of desire, there would be, for example, the obligation of being in the workplace at the time specified in the contract or attending university lectures, even when our desires do not coincide with these obligations. Thus, in the case of human society, and in contrast animal societies, reasons can motivate desire, and not all reasons stem from desires. However, it is important to see that in matters concerning political reality, we do not need to explicitly construct or create reasons for acting independently of desire, as happens when we make promises or take on commitments of a personal nature, whatever they may be. The simple fact of recognising a set of institutional facts as valid or obligatory creates reasons for acting that are independent of our desires.

Though, indeed, deontic powers (obligations, duties, demands, impositions, etc.) could be reasons for action independent of desire, Oppenheim maintains that the relations of institutional power involve, in turn, personal interests. This is true especially if we focus on the political power exercised by political authority (government) over the citizens. The latter may comply with legal regulations, simply because they recognise them as having authority, or to avoid sanctions or because rights coincide with personal interests (Oppenheim, 2003: 106).

4. Final Considerations. Towards a model of normative rationality

Let us return to the Searlean argument which states that anyone can behave rationally without knowing the rules which determine rationality and even without being conscious that they are following the rules: rationality is not constituted by or even defined by any set of rules (Searle, 2000: 35). Based on this supposition, there are various ways of understanding the interaction between social rules and rationality.

Institutional and political reality, as we know, rests on a set of constitutive rules. These rules, unlike regulative rules, can create certain practices which would not exist without such rules. The formal structure of the constitutive rules would be *X counts as Y in context C*: any fact, either physical or institutional, carries out a certain status function in a certain context. Searle has made it clear on various occasions that individuals do not think “this is the rule, therefore it must be applied to

give rise to an institutional fact”, but that these rules underlie and reflect the logical structure of institutional facts.

This concept directly clashes with those social theories which propose a view of the individuals as “obeyers and followers of rules”, i.e. that the individuals know and consciously apply these constitutive rules. But how can we explain the regularities in human conduct? Searle responds in different ways to this question, depending on the evolution of his thought shown in the various works he has published, and attempts to overcome this problem by referring to his concept of background. The background consists of a set of capacities and pre-intentional suppositions that are required for the intentional states to make sense. Searle maintains that when our behaviour is adjusted to the constitutive rules, we are not ‘following rules’ in the Wittgensteinian sense, because as said author argues, the notion of observing the rules in a profoundly unconscious way is incoherent. For Searle, unconsciously following a rule would bring us closer to what he calls a *zombie view*, i.e. the conception that we can do something ‘virtuously’ or ‘skilfully’ whilst being completely unaware that we are doing it (Searle, 2001; Noguera, 2002). The influence of the background in our conduct is not normative and therefore we do not ‘apply the rules’. Conduct based on unconscious regulations cannot consist of ‘following rules’ but, as Wittgenstein warns, it concerns a causally determined conduct in the same sense as a reflex action. The fact that our conduct adjusts itself to constitutive rules is due to the background capacities and suppositions being caused by these rules, i.e. it is logically structured by constitutive rules. Therefore, it is under-

stood why we act 'according to the rules' without actually 'following the rules'.

This Searlean argument is outside of the scope of any theory about the rationality of the subjects. In what way can we introduce rational or normative orientation to this analysis? Again, we must refer to one of Searle's earliest contributions: speech act theory. According to this theory, the *illocutionary force* of language is capable of establishing normative links between individuals (Searle, 2001: 137-160; Alarcón, 2001: 87). This set of illocutionary links responds in turn to the logical form of the constitutive rules upon assigning status functions and creating deontic powers (rights, obligations, duties, etc.) that are expressed in the logically equivalent rule 'we accept that S has the power to do Y in context C'. On the other hand, these links, in contrast to conduct that is causally determined by the background, give rise to reasons for action independent of desire, i.e. a rationality that is not instrumental but normative. Rules are not followed irrationally or unconsciously, rather they give rise to reasons for action. Based on all of this, we can deduce that there is an explanation for action that is not a causal interpretation of itself: it is the explanation based on desire-independent reasons.

These reasons do not causally determine our conduct but the fact that we recognise their validity also explains that we act according to them: they are reasons which are not based on what we '*are inclined*' to do, but on what we believe '*we should do*' or what '*we have to do*'. Not because they leave us no other option, but because we consider them to be loaded with validity. In short, there are valid reasons for rational action which do not reside in desires or personal interests, but in the illocutionary

and social relations and links which we have created. Therefore, social rules are not always somewhat pre-existent but are something we can create with our speech acts, and once they have been created, they function as an external motivator of our actions.

5. Bibliography

Alarcón, C. (2001). *Causalidad y normatividad*, Sevilla: MAD.

Artosi, A. (2002). "On the Notion of an Empowered Agent" on www.cirfid.unibo.it/~agsw/lea02/pp/Artosi.pdf Fecha de consulta: marzo 2924

Artosi, A. Rotolo, A., and Vida, S., (2004). "On the Logical Nature of Count-as Conditionals", in C. Cervenini, (ed.). *Proceedings of LEA*. Bologna: Gedit.

Bejarano, T. (2001). "Acerca de las razones para actuar de Searle", *Thémata. Revista de Filosofía*, no. 26, pp. 259-273.

Di Lucía, P. (2003). *Ontologia sociale. Potere deontico e regole costitutive*. Macerata: Quodlibert.

Liz Gutiérrez, M. (2002). "Forma y contenido en las razones para actuar independientemente del deseo", *Revista Laguna*, vol. 10.

Miller, S. (2005). "Artefacts and Collective Intentionality", *Techné*, Vol. 9 (2) Winter, 2005, pg.52-67.

Noguera Ferrer, J. A. (2002). "Racionalidad y normas sociales en la teoría post-analítica de la acción" on www.selene.uab.es/_cs_gr_saps/catala/autors/

xxnoguera.htm Fecha de consulta: enero 2024.

Oppenheim, F. E. (2003). "Potere Bruto e potere deontico Una risposta a Searle" in P. Di Lucia, (ed.). *Ontologia Sociale. Potere deontico e regole costitutive*. Macerata: Quodlibert.

Ransdell, J. (1971). "Constitutive Rules and Speech-Act Analysis". *The Journal of Philosophy* 68 (13): pp. 385-400

Rodríguez González, M. (2003). "Esa fuerza tan especial del compromiso", *LOGOS. Anales del Seminario de Metafísica*, no. 36, pp. 283-288.

Schmitt, F. F. (ed.), (2003). *Socializing Metaphysics: The nature of social reality*. Lanham, MD: Rowlan and Littlefield.

Searle, J. R. (2003). "Ontologia sociale e potere político" in DI LUCIA, Paolo, *Ontologia sociale. Potere deontico e regole costitutive*. Macerata: Quodlibert, pp. 27-44.

Searle, J. R. (2004). *Freedom and Neurobiology. Reflections on Free Will, Language, and Political Power*, New York Columbia University Press.

Searle, J. R. (1995). *The Construction of Social Reality*, New York: The Free Press.

Searle, J. R. (1995). *Language, Social Ontology and Political Power*. New York: The Free Press

Searle, J. R. (2005). "What is an Institution? in *Journal of Institutional Economics*, Volume 1, Issue 01, January pp. 1-22

Searle, J. R. "Human Rights" on www.socrates.berkeley.edu/~jsearle/130/HumanRights.doc. Fecha de consulta: enero 2004

Searle, J. R. (2001). *Rationality in Action*, Cambridge, MA: The MIT Press.

Searle, J. R. (2001). "Neither phenomenological description nor rational reconstruction: Reply to Dreyfus" in *Revue Internationale de Philosophie*, no. 217,

Searle, J. R. (1983). *Intentionality: An Essay in the Philosophy of Mind*, Cambridge: Cambridge University Press

Searle, J. R. (1969). *Speech Acts: An Essay in the Philosophy of Language*, London: Cambridge University Press, pp. 131-156.

Shapiro, S. J. (2013). *Legality*, Harvard University Press.