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Language and deontology in social ontology

*We use semantics to create a reality
that goes beyond semantics*
John Searle

Abstract: In his book *Documentality*, Ferraris imagines a wedding scenario where all participants have Alzheimer. The ceremony proceeds as normal, and by its end, a new husband and wife exist. However, the next morning, the spouses forget everything. This scenario underscores the importance of writing in Ferraris' theory. A recorded document, such as a marriage certificate, could confirm their marriage. Ferraris' approach to documentality and social ontology illustrates that if the discovery of this document occurred after the death of the spouses, it would confirm a real marriage in which the spouses were unaware they had been married (§§ 1-2). The central question addressed in this paper is: Can documentation replace the deontic and constitutive functions of language? Searle's philosophy of society, through his philosophy of language and mind, will be examined to discuss how language creates social objects via collective intentionality (§§ 3-6). It is precisely language, with its inherent deontology, that enables the existence of real marriages even without recorded evidence (§ 7-9).

1. A document is an entity that can endure identically over time. It can be signed, countersigned, stored, registered, conveyed, copied, ratified, nullified, stamped, forged, hidden, lost, or destroyed. Multiple documents can be linked together to form audit trails or combined to create complex document structures reflecting various human relationships, such as those between debtor and creditor, manager and shareholder, customer and supplier. This ability enables the formation of new enduring social relations and entities, fostering the evolution of socio-economic reality. These documentary practices also transform social relations, including legal and economic systems, resulting in social artifacts like receipts, money, identity documents, contracts, and credit cards. Hernando de Soto, in his seminal work *The Mystery of Capital*, was one of the first to emphasize the critical role of documents in shaping the social reality of extended market economies. Building on de Soto's insights, Barry Smith has developed a theory of document acts[1].

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1   For this reconstruction, cf. H. de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, Basic Books, New York 2000. B. Smith, *How to Do*

This theory supplements the traditional Austinian framework of speech acts by explaining how actions performed with documents – whether paper-based or digital – allow us to alter the world. While small communities rely on memory and psychological features to uphold commitments, these mechanisms are inadequate in more complex social interactions. Documents become essential in supplementing memory and intention, creating enduring and reusable deontic powers that extend beyond direct human interactions. These documents underpin the complex social order characteristic of modern civilization, encapsulated in the so-called 'de Soto Thesis'. This thesis asserts that documents are crucial for forming and preserving long-term social commitments and structures, enabling new types of ownership, legal accountability, and business organizations, such as mortgages, stocks, shares, insurance, and financial derivatives.

Document acts facilitate claims and obligations beyond local interactions, focusing on documents and their transformations, and involving individuals in specific roles who validate and enforce these documents. This process creates a formal dimension of economic reality, termed "documentary economic objects." Capital, as described by de Soto, exists in an abstract, historical form because of document acts. It can be divided among multiple owners while the property remains unchanged, exemplified by pension funds democratizing capital goods ownership. Historically, capital provides security in credit transactions through legal records or titles, which secure mortgages, easements, and other covenants. This abstract nature of capital, facilitated by documents, underscores its pivotal role in modern economies

2. Searle's work on the construction of social reality, particularly his formula "we make it the case by Declaration that a Y status function exists in a context C," has been influential in understanding the creation of social facts. As detailed in the central part of this paper, Searle's philosophy of society provides new insights into the debate about social ontology. However, it faces challenges, notably from the de Soto Thesis and the Italian philosopher Maurizio Ferraris.[2] The critical point advanced by both concerns the central role they assign to documents, which is peripheral in Searle's approach.

According to Ferraris, the issue is twofold: firstly, it is unclear how we transition from a physical object to a social object. Searle illustrates this shift with the example of a wall becoming a boundary. Initially, a wall divides and defends a community, but as it deteriorates, it may become a mere line of stones, serving as a social boundary. This analogy, however, does not fully explain how something like a yellow line in a post office or the center line of a road comes into existence as a

Things with Documents, in "Rivista di Estetica", a. L, 2012, pp. 179-198. B. Smith, *John Searle: From Speech Acts to Social Reality*, in B. Smith (ed.), *John Searle*, Cambridge University Press, Cambridge 2003.

2   Ferraris has developed his theory of documentality in various works, cf. M. Ferraris, *Documentalità. Perché è necessario lasciar tracce*, Laterza, Roma-Bari 2009.

social object. Secondly, it is not evident how to identify the physical counterpart of a social object. While it is straightforward to acknowledge that a banknote is also a piece of paper, complications arise with more abstract entities like a state, a battle, a university, or even negative entities such as debts.

Ferraris argues that collective intentionality struggles to account for freestanding Y terms without a direct physical counterpart or foundation, challenging Searle's reliance on it as the cornerstone of human social ontology. For instance, chess can be played without any physical board; online chess doesn't involve a tangible chessboard; instead, it exists in two digital locations, one for each player's computer. Additionally, two skilled players can play mentally, using imagined chessboards without any physical or digital representation.

In his book *Documentalità*, Ferraris proposes a solution rooted in Derrida's philosophy of writing, as advanced in *Of Grammatology*. According to Ferraris, subjects interact with objects in the world, exhibiting intentionality, while objects do not refer back to subjects. Objects can be classified into three categories: (1) physical objects, which exist in space and time and are independent of subjects (e.g., mountains, rivers, artifacts); (2) ideal objects, which exist outside space and time, are independent of subjects but can be socialized once discovered (e.g., numbers, theorems); and (3) social objects, which do not exist in space but endure in time, dependent on subjects who use or recognize them (e.g., money, whose value is inscribed on coins, banknotes, or digital records). Social objects are thus constituted through social acts recorded on physical substrates, from marble to neurons.

While physical and ideal objects can exist independently of inscriptions, social objects cannot. Without records, social objects and society are inconceivable. However, while recording is necessary for the existence of social objects, it is not sufficient; not every record constitutes a social object. For instance, fingerprints only become social objects when registered by the police as evidence or included in a passport. Therefore, documents are dynamic entities within the theory of social objects, evolving with their social significance. If not all inscriptions are documents, any inscription can potentially become one under certain conditions and social contexts.

Ferraris builds on Derrida's idea that many speech acts are inherently inscribed acts. He argues that without some form of record-keeping – be it written documents, digital files, or mental inscriptions – complex social objects like conferences, marriages, and constitutions cannot be sustained. Every speech act is inscribed in some manner. Documentality suggests that all social objects are created and maintained through documents, rather than by collective intentionality. This includes not only physical documents but also mental inscriptions and digital records. This view diverges from Derrida's famous assertion that "nothing exists outside the text," which Ferraris modifies to "nothing social exists outside the text."

> I propose to develop a social ontology starting from the intuition that no social thing exists outside texts. Keeping this in mind, my thesis is that, contrary to Searle's idea, the constituting rule of a social object is not X counts as Y in C (social objects are higher

order objects with respect to the underlying physical objects), but Object = Inscribed Act: social objects are social acts (concerning at least two people) characterized by the fact of being inscribed, in a document, in a computer file, or simply in people's head.[3]

Ferraris distinguishes between the manifest image and the deep image in understanding social reality[4]. The manifest image refers to the immediate, intuitive perception of social constructs, where objects and norms, like money, are believed to exist due to collective intentionality – shared beliefs and agreements among people. From this perspective, money has value because society collectively agrees that it does, and laws apply because of mutual recognition. In contrast, the deep image offers a more fundamental, less intuitive view: social reality emerges precisely from documentality – a system of recordings and documents that underpin social objects. This deep image suggests that the stability and persistence of constructs like money rely on documented acts and records, not merely on fluctuating human beliefs. While the manifest image sees social phenomena as products of human consensus, the deep image emphasizes the essential role of documentality in establishing and maintaining social norms and objects, providing a more robust foundation for understanding social ontology.

The critical point to be developed in this paper is the following: this approach seems to blur the line between the inscriptive act and the social object itself. Can documentation replace the deontic and constitutive functions of language, which explain the creation of social facts through collective intentionality and declarations?

Ferraris builds upon Derrida's ideas by suggesting that every speech act is recorded not only on paper or digital storage but also in the brain. While it is clear that complex social objects cannot exist without records, the claim that performatives would not create social objects without some form of record requires further explanation. The normative power of language in establishing and maintaining social order cannot be understood solely by viewing speech acts as recorded acts. In the following paragraphs, aspects of Searle's approach will be examined to highlight the essential role of speech acts, collective intentionality, and declarations in the creation of social objects.

3. Searle's book, *Making the Social World*, investigates the unique characteristics of human society and civilization[5]. This inquiry is part of a broader philosophical question concerning the reconciliation of the scientific view of the

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3   M. Ferraris, *Social Ontology and Documentality*, in P. Di Lucia (ed.), *Ontologia sociale. Potere deontico e regole costitutive*, Quodlibet, Macerata, pp. 85-105.

4   M. Ferraris, *The Color of Money*, in A. Condello, M. Ferraris, J.R. Searle (ed.), *Money, Social Ontology and Law*, Routledge, London 2019.

5   Searle has developed his position on the philosophy of society with some changes compared to his earlier works: cf. J. Searle, *The Construction of Social Reality,* The Free Press, New York 1995; *Making the Social World: The Structure of Human Civilization,* Oxford University Press, Oxford 2010.

world with our understanding of human consciousness, intentionality, free will, language, society, ethics, aesthetics, and political obligations. Searle aims to explain how complex social realities arise from basic physical phenomena, avoiding dualistic or pluralistic ontologies. Instead, he emphasizes a unified world where all phenomena, from physics to social constructs, are interconnected and dependent on fundamental scientific facts, particularly those from physics, chemistry, and evolutionary biology.

Searle proposes a new branch of philosophy called "The Philosophy of Society," which focuses on the nature and existence of social entities such as governments, families, and institutions. Unlike traditional social philosophy or political philosophy, this new discipline seeks to understand the fundamental nature of human society. Several key concepts are introduced:

i. Status Functions: These are functions imposed on objects and people that cannot be performed based solely on their physical structure but require collective recognition.

ii. Collective Intentionality: The collective acceptance or recognition that enables status functions to work. Searle clarifies that recognition does not imply approval but includes any form of acknowledgment.

iii. Deontic Powers: Status functions carry deontic powers, such as rights, duties, and obligations, which provide reasons for action independent of personal desires.

iv. Desire-Independent Reasons for Action: These reasons are created by recognizing deontic powers, which bind individuals to certain behaviors regardless of their inclinations.

v. Constitutive Rules: Different from regulative rules, constitutive rules create the possibility of certain behaviors and institutions, forming the basis of institutional facts.

vi. Institutional Facts: These are facts that exist only within human institutions, created by systems of constitutive rules.

The concept of intentionality lays the groundwork for understanding human social ontology, given that human social structures are fundamentally constructed through collective intentionality.

Searle defines intentionality as the mind's capacity to be directed at or about objects and states of affairs in the world, typically independent of itself. It is the cornerstone of how individuals interact with and perceive the world, encompassing various mental states such as beliefs, desires, hopes, and fears. To comprehend social phenomena, one must first understand individual and collective intentionality, as social reality is constructed through these mental states.

Intentional states consist of two components: the type of state and its propositional content. This distinction is represented by the notation "S(p)," where "S" indicates the type of state (such as belief, fear, or desire) and "p" represents the propositional content. For example, the statement "I believe that it is raining" differs from "I fear that it is raining" or "I desire that it is raining" in its psychological mode, despite sharing the same propositional content.

Philosophers often refer to these as *propositional attitudes*, but this terminology can be misleading because it suggests that intentional states are attitudes toward propositions rather than objects or states of affairs. For instance, believing that Mattarella is the actual president is about Mattarella, not the proposition itself. Most intentional states are directed at objects and states of affairs in the world rather than at propositions. At the same time, not all mental states are intentional. For example, feelings of anxiety may not be directed towards anything specific.

The concept of *direction of fit* is crucial in understanding intentional states. Beliefs aim to represent the world accurately (mind-to-world fit) and are considered true or false based on this accuracy. Desires and intentions, on the other hand, aim to change the world to match the mind (world-to-mind fit) and are satisfied or frustrated depending on whether they achieve their goals. This distinction also applies to language and speech acts. Just as intentional states have types and contents, speech acts have *illocutionary force* (the type of act) and propositional content. For example, one can predict, order, or hope for the same content (e.g., "you will leave the room") with different illocutionary forces.

The conditions of satisfaction for intentional states explain how they represent their goals. Beliefs represent their truth conditions, desires represent their fulfillment conditions, and intentions represent their execution conditions. Understanding intentionality involves recognizing that these states represent their conditions of satisfaction, which are the criteria that determine whether an intentional state is fulfilled[6].

4. In addressing the problem of intentions in their ordinary sense, such as intending to vote in an election or intentionally raising one's arm, Searle delineates the unique characteristics and conditions of satisfaction associated with intentions.

He distinguishes between two primary types of intentions within the realm of ordinary understanding: *prior intentions* and *intentions-in-action*. Prior intentions are those that one forms before performing an action, such as planning to vote in the next election or deciding to raise one's arm in a few moments. These intentions are mental states that exist independently of the action they precede. On the other hand, intentions-in-action are those that occur simultaneously with the action itself, constituting a part of the action. For example, when one raises their arm intentionally, the intention-in-action is the psychological event that accompanies and causes the bodily movement of the arm going up.

It's necessary to emphasize the ontological distinction between these two types of intentions. Prior intentions, like beliefs and desires, are states in the mind. They are plans or decisions made ahead of time, representing a commitment to a future

6   According to Searle, intentional states are not isolated but exist within a Network of related beliefs, desires, and other intentional states. Additionally, there is a Background of abilities and presuppositions necessary for the application of intentional states. The Network consists of interrelated intentional states, while the Background includes non-intentional capacities and skills that support intentional activities.

course of action. In contrast, intentions-in-action are actual events that occur during the performance of an action. They are the immediate mental states that drive the execution of the action, ensuring that the bodily movement is carried out as intended. This distinction is crucial because it highlights how intentions-in-action are directly tied to the physical realization of actions, whereas prior intentions are more about planning and decision-making.

A key aspect of Searle's analysis is the causal relationship between intentions and their conditions of satisfaction. For an intention to be satisfied, it must causally contribute to the occurrence of the intended action. This means that if one intends to raise their arm and subsequently does so, the prior intention must have played a causal role in bringing about the action. If the arm is raised for a different reason, the original prior intention is not fulfilled. Similarly, for intentions-in-action, the intention must cause the bodily movement. If one tries to raise their arm but fails, the intention-in-action is not satisfied, as the intended outcome was not achieved.

Searle introduces the concept of causal self-referentiality to explain this relationship. Unlike beliefs and desires, where the conditions of satisfaction are met regardless of how the satisfaction comes about, intentions are self-referential in that their content inherently refers to the intentional state itself causing the action. This is evident in the way we describe intentions: a prior intention to raise one's arm implies that the intention will cause the arm to be raised. The same applies to intentions-in-action, where the intention is the immediate cause of the bodily movement. To illustrate this, Searle uses a notation system:

– Prior intention (pi): "I perform the action of raising my arm, and this *pi* causes that I perform the action of raising my arm."

– Intention-in-action (ia): "My arm goes up, and this *ia* causes that my arm goes up."

This notation simplifies the representation of the causal chain:

  pi (this *pi* causes action)
  ia (this *ia* causes BM)
  action = event of *ia* causing BM

In this framework, actions are seen as events resulting from the causal interaction between intentions-in-action and bodily movements (BM). The causal relations are represented with an arrow, indicating the direction of causality:

  (Action): pi → (ia → BM)

This representation underscores the necessity of intentions functioning causally to achieve their conditions of satisfaction. Without this causal role, intentions cannot be said to be fulfilled, even if the intended outcome occurs by other means. Searle extends his analysis to the structure of complex actions, which involve doing one thing by means of doing another. For instance, raising a hand to vote during a meeting is not just a physical act but also a social action with a specific

context-dependent meaning. Here, raising the hand constitutes voting. This scenario illustrates how one action can be described at multiple levels: the physical act of raising the hand and the social act of voting.

The intentional states can be organized into two broad categories: cognition (perception, memory, belief) and volition (prior intention, intention-in-action, desire). Cognition, which includes perception and memory, achieves satisfaction through a downward direction of fit (mind-to-world), but is caused by the world (world-to-mind direction of causation). In contrast, volitional states like prior intentions and intentions-in-action achieve satisfaction through an upward direction of fit (world-to-mind), but they must cause their fulfillment through a mind-to-world direction of causation. This symmetry underlines a fundamental aspect of how we relate to reality: cognition reflects how things are, whereas volition aims to bring about changes in the world.

Searle's account of intentionality progresses from the most basic forms, perception and intentional action, to more complex representations like memory and prior intentions, and finally to beliefs and desires. This progression illustrates a diminishing causal connection with conditions of satisfaction. Imagination, at the end of this spectrum, completely lacks this causal connection.

5. In his analysis of collective intentionality, Searle emphasizes its fundamental role in the construction of human social ontology and society. While previous discussions focused on individual intentionality expressed in first-person singular terms like "I believe" or "I want," Searle shifts his attention to first-person plural forms such as "We are doing" or "We intend," which he refers to as *collective intentionality*.

In philosophical debate, there is no consensus on a definitive account of collective intentionality[7]. It is recognized as a critical element in cooperative planning

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7   The concept of collective intentionality, though the term itself is relatively recent and popularized by John Searle in his 1990 paper, has deep historical roots. Aristotle's notion of *koinonía* (common striving), Rousseau's collective will (*volonté générale*), and concepts from German Idealism and the Historical School of Law all imply aspects of collective intentionality. More explicit treatments can be found in early social and sociological theory, particularly through the works of Émile Durkheim and Max Weber. Durkheim emphasized collective consciousness as essential for understanding social facts, while Weber focused on the intentional attitudes of individuals within social contexts. In the phenomenological realm, Gerda Walther and Max Scheler have analyzed shared experience and joint intentionality. Walther emphasizes the importance of mutual empathy, while Scheler argues that collective intentionality is not a mere sum of individual intentions but a numerically identical state among the participating minds. These historical perspectives laid the groundwork for modern debates on the nature of collective intentionality, examining how shared mental states contribute to social phenomena and collective actions. Recent developments in the field have expanded on these foundations. For instance, Mattia Gallotti and Bryce Huebner's work on socially extended minds integrates the literature on collective intentionality with the framework of extended cognition, providing a comprehensive view of how individual minds are influenced by social contexts (cf. M. Gallotti, B. Huebner, *Collective Intentionality and Socially Extended Minds*, in "Philosophical Psychology", a. XXX,

and acting, such as when a group plans a picnic or collectively tries to push a car. One significant application of collective intentionality is the collective assignment of functions to people and objects, an essential concept in Searle's explanatory framework. He argues against the simplistic approach of substituting "we" for "I" in individual intentionality, as this fails to address several issues. Firstly, all human intentionality exists only in individual human brains, raising the question of whose brain holds the collective intention. Secondly, individual intentionality is limited to actions that the individual can personally cause, whereas collective behavior often involves actions beyond an individual's control. Thirdly, collective actions often require different individuals to perform distinct tasks to achieve a common goal, such as in team sports or musical performances, where the content of each person's intention differs but contributes to the overall collective action.

To develop an adequate account of collective intentionality, Searle outlines several conditions that must be met:

i. Distinction Between Prior Intentions and Intentions-in-Action: This distinction is crucial for both individual and collective acts and intentions.

ii. Causal Self-Referentiality: The conditions of satisfaction for both prior intentions and intentions-in-action must be causally self-referential.

iii. Existence in Individual Brains: All intentionality, whether collective or individual, must reside within individual brains.

iv. Distinction Between Individual and Collective Causation: In collective intentionality, one must distinguish what an individual can cause and what is contributed by collaborators. For example, in a symphony, an individual can only cause their own performance, which contributes to the collective performance.

v. Specification of Conditions of Satisfaction: The propositional content of an intentional state must specify the conditions of satisfaction and represent elements that the agent can causally influence.

vi. Knowledge of Others' Intentions: In collective intentionality, individuals do not need to know the detailed intentions of others. They only need to believe that others share the collective goal and intend to do their part.

6. Language is, in fact, the main tool used by the human species to communicate. This does not imply that the origin and evolution of language can necessarily be explained solely for the purpose of communication. This topic divides the debate from many perspectives: primarily, it involves providing an explanation of the

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n. 3, 2017, pp. 247-264). Additionally, recent anthologies compile diverse perspectives on the topic, including the nuanced debates between Searle, Gilbert, and Tuomela regarding the nature and structure of collective intentions: cf. S. L. Tsohatzidis (ed.), *Intentional Acts and Institutional Facts: Essays on John Searle's Social Ontology*, Springer, 2007. Furthermore, the exploration of shared agency in cognitive development, as reviewed in M. Jankovic, K. Ludwig (ed.), *The Routledge Handbook of Collective Intentionality*, Routledge, London-New York 2018, highlights empirical research milestones and theoretical advancements in understanding how collective intentionality emerges and develops

origin of language that manages to combine the complexity of linguistic systems with Darwin's evolutionary framework, especially clarifying the ways in which language has possibly adapted under the pressure of natural selection.

Simplifying the terms of the issue considerably, it is possible to identify at least three theoretical positions within the current debate on language and evolution. The Chomskyan approach asserts that language is a faculty that did not evolve for communicative function, nor based on the mechanism of natural selection. A second approach, with protagonists such as Pinker, Bloom, and Sperber, also falls within the theoretical framework of cognitive science but, unlike Chomsky, supports an adaptationist thesis according to which language is a faculty that has adapted under the pressure of natural selection precisely for the adaptive purpose of communication. Finally, a third position, which can only be briefly mentioned, is neo-culturalist and lies outside the strictly cognitivist framework: it not only denies the thesis that language evolved for communication but also that it evolved at all. Language is rather the manifestation of other cognitive abilities, a symbolic capacity for Deacon or an imitative mechanism and sharing of intentions for Tomasello, who rejects the nativist perspective of universal grammar. Therefore, it would not be a biological adaptation, that is, a trait whose genetic basis has been shaped by natural selection; rather, other cognitive abilities are an adaptation, and language would be nothing more than a manifestation of these abilities.[8]

An imitative mechanism and the sharing of intentions are crucial points of reference in the context of social ontology, as we have seen so far. Paul Grice, along with Austin, who is a key reference for Searle, has indicated the philosophical-linguistic path. According to the teachings of the great philosopher of language, it is necessary to distinguish, on one hand, a semantic-linguistic competence for assigning meaning to a sentence (*sentence's meaning*), for example, "what a beautiful day," and on the other hand, a broadly psychological dimension. This psychological dimension, ideally regulated by the principle of cooperation, is delineated according to certain conversational maxims that must be adhered to in order to sustain a conversation. The understanding of a linguistic utterance by a recipient employs non-demonstrative inferences (the so-called *implicatures*) that grasp linguistic information (the sentence's meaning) and non-linguistic information available in the context to attribute a certain communicative intention to the sender, the intended meaning of the speaker (*speaker's meaning*), which is what the sender intended to convey using that utterance.

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8   T.W. Deacon, *The Symbolic Species: The Co-evolution of Language and the Brain*, W.W. Norton & Company, New York 1997. S. Pinker, *The Language Instinct: How the Mind Creates Language*, HarperCollins, New York 1994. W.T. Fitch, M.D. Hauser, N. Chomsky, *The evolution of language faculty: Clarifications and implications*, in "Cognition", a. XCVII, n. 2, 2005, pp. 179-210. S. Pinker, P. Bloom, *Natural language and natural selection*, in "Behavioral and Brain Sciences", a. XIII, n. 4, 1990, pp. 707-784. D. Sperber, *Metarepresentations in an evolutionary perspective*, in Id. (ed.), *Metarepresentations: A Multidisciplinary Perspective*, Oxford University Press, Oxford 2000. M. Tomasello, *The Cultural Origins of Human Cognition*, Harvard University Press, Cambridge 1999. Id., *Origins of Human Communication*, MIT Press, Cambridge 2008

Searle clarifies that what gets communicated through language is typically information about the world, conveyed via intentional states such as beliefs. For instance, when someone communicates the belief that it is raining, they aim to inform about the weather rather than their personal belief. This communication relies on the individual's mental representations of the world. Effective communication demands that the speaker's intent is recognized by the listener, aligning both their intentions. In a nutshell, it relies on socially recognized conventions that establish word and sentence meanings, allowing speakers to convey their intended meanings consistently.

Thanks to the features of compositionality and generativity – creating complex structures (sentences) from simple syntactical devices (words and morphemes) and introducing recursive rules that allow the creation and understanding of infinite new sentences – language enables speakers to construct representations of various states of affairs, breaking the direct link between representation and perceptual stimuli. This allows for the use of tenses and modalities, enabling thoughts and statements about past, future, hypothetical, or even impossible situations. With language, hominids can extend their vocabulary, allowing them to think and communicate thoughts that would be otherwise unthinkable.

7. Along with meaning conventions, compositionality, and generativity, another essential feature of language consists in social commitments. These derive from the social character of communication, the conventional nature of linguistic devices, and the intentionality of speaker meaning. Language forms the foundation of human society by enabling speakers to commit to the truth of their utterances when they communicate information using socially accepted conventions.

Searle explains that the formal structure of intentional states, S(p), closely resembles the formal structure of corresponding speech acts, F(p). Speech acts are intentional acts performed in accordance with socially accepted conventions. The essence of speaker's meaning lies in the intentional imposition of conditions of satisfaction on utterances, mirroring the conditions of satisfaction of the intentional state expressed. For instance, if someone believes it is raining and wishes to convey this, they make an utterance intended to have the same conditions of satisfaction as their belief. The utterance inherits the direction of fit of the belief, meaning it can be true or false depending on whether it accurately represents the state of the world.

A significant issue arises regarding the relationship between speech acts and the corresponding intentional states: speech acts involve a level of commitment that exceeds the commitments inherent in the expressed intentional states. This is evident in statements and promises, where making a statement not only expresses a belief but also commits the speaker to its truth. Similarly, making a promise not only expresses an intention but also commits the speaker to fulfilling it. This commitment is not an external add-on but is intrinsic to the nature of speech acts themselves.

Searle identifies two components of commitment: the notion of an undertaking that is difficult to reverse and the notion of an obligation. These elements combine

in speech acts performed according to rules, creating commitments that are internal to the procedures. For example, when someone publicly states, "There is an animal coming on Marina Street," they are not only conveying their belief but also committing to the truth of the proposition in a public and stronger sense than a private belief.

In this way, language inherently involves deontology – the system of duties and commitments – because explicit speech acts performed according to linguistic conventions create commitments. This is true for all types of speech acts, including orders, thanks, and apologies, each containing an element of commitment. This deontology, once collectively created, extends to social reality, enabling the creation of new states of affairs through declarations. For instance, saying "He is our leader" or "This is my house" creates rights and obligations when accepted by others. Such *Declarations* do not merely describe but actively constitute social realities, imbuing relationships with meaning and future-oriented deontological commitments.

Declarations have a double direction of fit. For instance, declaring "This is my house" represents the speaker as having a right to the house (word-to-world direction of fit). If others accept this representation, it creates that right because the right exists only through collective acceptance (world-to-word direction of fit). This interplay between representing and creating reality is foundational to institutional reality. Speech acts create desire-independent reasons for action when the status functions they attempt to establish are recognized by the community. Human language possesses the remarkable capacity not only to represent reality as it is and as we wish to shape it but also to create new realities by representing them as existing. This ability underpins the creation of various social institutions, including property, marriage, government, and countless other phenomena.

8. Institutional facts, much like water to fish, are omnipresent and invisible to those within them, constituted by language and shaping social reality often unnoticed. Institutional facts include a wide range of entities and activities, from friendships to international corporations. They can be identified by their deontic powers – rights, duties, obligations, etc. While moral obligations exist without institutional facts, no institutional facts exist without some form of deontology. Examples include governmental (legislature, military), sports (football teams), special-purpose (hospitals, schools), economic (corporations, businesses), general-purpose (money, marriage), and unstructured informal institutions (friendship, family). Searle distinguishes between institutions (with deontic powers) and general human activities containing institutions but not being institutions themselves, such as science, religion, and literature, applying this distinction to professional activities like law, medicine, and academia.

In constructing a general theory of *nonlinguistic* social institutions and institutional facts, Searle emphasizes an important distinction: while all institutional facts are created and maintained through language, some extend beyond mere linguistic facts. For instance, the presidency of a Republic is created through semantic

means, but its powers transcend linguistic creation. All institutional facts are created by the logical operation of representing something as existing. The general form for creating status functions is, "We (or I) make it the case by Declaration that the Y status function exists." This operation can be implemented in various ways.

Type 1: Creation of an Institutional Fact without an Institution. Searle describes how a tribe might create an institutional fact from a noninstitutional physical fact. Imagine a wall around a cluster of huts that deteriorates into a line of stones. The tribe continues to recognize the line of stones as a boundary. Initially, the wall functioned due to its physical structure, but it evolves into a boundary through collective recognition. This transformation exemplifies a status function, where an object's function depends on collective acceptance of its status.

Type 2: Constitutive Rules of the Form "X Counts as Y in C". A tribe might create a status function by assigning a status, such as "king," to a person. Over generations, they might develop a rule for succession, such as the oldest son of the deceased king becoming the new king. This rule, "X counts as Y in C," acts as a standing Declaration, making something the case by representing it as such. It differs from regulative rules, which merely direct behavior, by creating new social realities.

Constitutive rules have a dual direction of fit: they both describe and prescribe reality. For example, the rule that the oldest surviving son becomes the king creates a new social reality by representing it as such. This rule does not require any action other than acceptance of its consequences, thus combining word-to-world and world-to-word directions of fit.

Type 3: A Complex Case: Creating a Corporation. Searle contrasts simpler cases of institutional fact creation with the more complex example of forming a limited liability corporation, which requires explicit rules, a sophisticated legal structure, and written language. The law itself is a Declaration that enables the creation of corporations through further Declarations. Constitutive rules are Declarations that specify conditions under which institutional facts are created. Some events, such as getting a goal in football or committing first-degree murder, are institutional facts created by physical actions rather than speech acts. These physical events become institutional facts due to standing Declarations that assign status functions to them. The rule declares that satisfying specific conditions counts as a particular institutional fact.

In creating a corporation, there is no preexisting object transformed into a corporation, unlike simpler cases like the boundary or the king. Instead, the law allows the formation of a corporation through the execution and filing of articles of incorporation. This process creates a powerful entity – the corporation – essentially out of thin air. The corporation's creation involves forming complex power relationships among actual people, such as the president, board of directors, and stockholders, and these relationships persist despite changes in personnel.

The creation of a corporation involves an elaborate set of written constitutive rules and records, making it impossible for humans to maintain corporations without written documentation. The process of forming a corporation illustrates the

implementation of the basic form of creating status functions: "We make it the case by Declaration that the Y status function exists in context C." This ability to create institutional reality through language demonstrates a remarkable human capacity. While we cannot create physical realities like light, we can create complex social constructs like boundaries, kings, and corporations by using declarations akin to "Let this be a boundary!" or "Let there be a corporation!"

9. As seen previously, Ferraris develops a position he calls Weak Textualism, which offers a nuanced ontological perspective asserting that social objects exist solely through acts inscribed on physical supports. This theory, inspired by Derrida's philosophy, specifically applies to social objects, diverging from Strong Textualism which applies to all objects indiscriminately. The central principle of Weak Textualism is encapsulated in the rule that a social object is equivalent to an inscribed act, with these inscriptions materializing on various physical media, including paper, neurons, stone, and digital devices.

This contrasts with Searle's weak realism, which acknowledges the importance of documents and inscriptions but does not place them at the core of social reality. Searle posits that social reality is constructed through the assignment of functions to physical objects via collective intentionality. However, Weak Textualism critiques this view for underestimating the foundational role of inscriptions. It argues that inscriptions are not merely ancillary but are necessary conditions for the existence of social objects. Ferraris suggests that the foundation of constructing social objects lies in social acts preserved through memory, even before they are articulated through language. According to his view, we can imagine social objects being constituted even in the absence of language.

The significance of inscriptions in shaping social reality is evident through the pervasive presence of legal documents, digital records, and personal memories, all of which function as registers of promises and obligations. These inscriptions form the foundation of social reality, without which social objects could not exist. This theory develops into a systematic grammatology that elucidates the construction of social reality through inscriptions and broadens into a comprehensive theory of documentality, exploring the role of documents in institutions, social objects, works of art, and cultural phenomena.

To illustrate the necessity of adopting Searle's different position, I will start with an example presented by Ferraris who imagines a wedding where all the participants suffer from Alzheimer's and it takes place in a world where writing has not been invented[9]. The ceremony proceeds as prescribed (assuming the forgetful participants can reproduce a ritual), and by the end of the ceremony, there is one more husband and wife on the face of the earth. The next morning, the forgetful spouses wake up and wonder who they are and what they are doing. This is why writing, as memory accessible in principle to more than one person, plays such an impor-

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9   M. Ferraris, *Documentalità*, cit., § 3.3.1.

tant role in Ferraris' theory. Suppose there had been a recording somewhere, for example, a marriage certificate. That recording, if accidentally found, would have resurrected the social object. And if the discovery happened after the death of the spouses, Ferraris points out that we would have had a real marriage in which the spouses never knew they had been married.

From philosophical-linguistic perspective, the outcome appears very different. If we consider the ontological nature of social facts, language is the primary and most fundamental social institution, essential for the creation and sustenance of all other social institutions. While it is possible to imagine a society with language but without government, property, marriage, or money, it is inconceivable to imagine a society with these institutions but without language. Language is constitutive of institutional reality, a view that has been broadly accepted since Aristotle.

In particular, the deontology of language is fundamental for the formation of social ontology. Once explicit language is established, it inherently carries deontological elements because explicit speech acts, performed according to the conventions of the language, create commitments that are public, irreversible, and obligatory. This inherent deontology makes language the basic form of public commitment. Without language, such deontology cannot exist. This is true for all speech acts, not just statements, as they create commitments and obligations that contribute to the formation of social reality.

Searle emphasizes that language can operate on two levels: the linguistic and the non-linguistic. On the linguistic level, language is a medium for communication where speech acts, such as statements and declarations, play a fundamental role. These speech acts, especially Declarations, do not merely describe reality but actively create it. For instance, when someone declares, "I promise," the act of promising is brought into existence by the utterance itself.

On the non-linguistic level, language serves as a mechanism that creates and maintains institutional facts and social structures. This performative power of language allows it to establish social ontology. Declarations are essential here, as they not only convey information but also bring about changes in the world by creating new social realities. When a declaration is made, it enacts a new status function, such as a law, a marriage, or a contract, thereby shaping the institutional reality upon which human civilization is built.

The idea is that "we use semantics to create a reality that goes beyond semantics,"[10] meaning that the act of declaring something brings into existence new social facts that carry normative consequences (rights, duties, and obligations). For example, the utterance "I hereby pronounce you husband and wife" not only describes a marital status but also creates it, with all its associated legal and social obligations. Thus, language on the linguistic level involves the creation of meaning through semantics, while on the non-linguistic level, it involves the

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10   J. Searle, *Making the Social World*, cit., p. 14.

creation of social realities through the performative nature of speech acts. This dual function of language underscores its foundational role in the formation and maintenance of social ontology.

In this way, Ferraris' example of the wedding can be valued differently. Firstly, there is an asymmetric dependence: the marriage certificate exists because there was a ceremony, and this new social fact took place because of language and collective intentionality (and, of course, the individuals who share them and act according to the rules). We can imagine a world where marriages happen without documents. But we cannot imagine a world where marriages are celebrated without language and collective intentionality with Assignment of Function and Status Function Declarations.

It is a speech act, not the document, that creates the marriage. There was at least one moment when the marriage of the forgetful took place, a moment when the two were not married and then became married, even if they forgot it a second later. This turning point occurs at the moment when the last sound of the linguistic act is pronounced. It is a human act – through the linguistic and the non-linguistic level of a speech act – that brings about this change. Documents are not the act itself but rather the traces of acts.

Recalling the general principles underlying the creation and maintenance of institutional reality as articulated in this paper – Collective Intentionality, Assignment of Function, and Status Function Declarations (including constitutive rules) – it is difficult not to follow this position. Language, through these deontic mechanisms, is fundamental to the existence and persistence of institutional facts, demonstrating its indispensable role in social ontology.