

POLITICAL COMMITMENT: REASONS TO ACT INDEPENDENTLY OF DESIRE

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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 the understanding that power and the constituent status functions are irremediably tied to collective acceptance and constitutive rules. Notions like 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 have important implications in the fields of legal, political and moral philosophy.

Keywords.- *Policy, deontic power, institutional facts, political commitment, normative rationality, political system, collective acceptance, function of status.*

I. Introduction

In 2003 John Searle published a book titled "*Social Ontology and Political Power*"² and in the same year it appeared under the title "*Ontologia Sociale e Potere Politico*" in the collective volume gathered by Paolo di Lucia, "*Ontologia sociale. Potere deontico e regole costitutive*"³ [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 do we 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?

In order to answer this new question, Searle re-examines the ontological postulates described in his work, *The Construction of Social Reality*, and re-

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²(2003) SCHMITT, F. F. (ed.), *Socializing Metaphysics: The nature of social reality*, Lanham, MD: Rowlan and Littlefield. pg. 195-210

³(2003) SEARLE, John R. "Ontologia sociale e potere politico" in DI LUCIA, Paolo, *Ontologia sociale. Potere deontico e regole costitutive*. Macerata: Quodlibert, pg. 27-44. Cf. SEARLE, John R. 2004, *Libertad y neurobiología. Reflexiones sobre el libre albedrío, el lenguaje y el poder político* [Freedom and Neurobiology. Reflections on free will, language and political power]. Barcelona: Paidós.

establishes the ontological and epistemological distinctions which 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, 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 which depend on the observer are money, property, marriage, language, etc.⁴

Searle adds another distinction to this one, basing it, on the one hand, on epistemic objectivity and subjectivity and on 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. of those who make them or interpret them. For example, saying that “Zapatero is the current President of Spain” is epistemically objective whereas saying “Zapatero is a better president than Aznar, 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 which 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”⁵.

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 which 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

⁴ (2003) SEARLE, John, R., “Ontologia sociales y potere politico” op. cit. pg. 28, and (2004) SEARLE, John R., *Libertad y neurobiología. Reflexiones sobre el libre albedrío, el lenguaje y el poder político*, op. cit. pg. 93.

⁵ Vid. (2004) SEARLE, John R., *Libertad y neurobiología. Reflexiones sobre el libre albedrío, el lenguaje y el poder político*, op. cit. pg. 94

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 which 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 which 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 do 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*, that which makes political organisation possible⁶. 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 with the objective of responding to the question which 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

⁶ SEARLE, John R. "Ontología social e potere politico" op. cit. pg. 30. Vid. (2004) SEARLE, John R., *Libertad y neurobiología. Reflexiones sobre el libre albedrío, el lenguaje y el poder político*, op. cit. pg. 107

government, and members of congress or the Supreme Court) all derives equally from the fact that these entities possess recognised status functions⁷.

In *The Construction of Social Reality* Searle uses the terminology of conventional power to distinguish it from brute power/force although, as he himself admits, the granting of conventional power often involves 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.

With regards to this theory, Oppenheim disagrees with the fact that physical brute force of the strong over the weak must be different from political power⁸. 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 political 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 force⁹.

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 facts¹⁰. Alongside this characterisation, we find another formula which 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 doing something, the propositional content of the status functions of power

⁷ Ibid., pg. 108

⁸ Cf. OPPENHEIM, Felix, E. "Potere Bruto e potere deontico Una risposta a Searle" in (2003) DI LUCIA, Paolo, (ed.), *Ontología Sociale...*, op. cit. pg. 105-107. It is worth reading this brief article by Felix E. Oppenheim about brute force and deontic power in response to Searle when asking: what type of power is political power?

⁹ OPPENHEIM, Felix, E. "Potere Bruto e potere deontico" Una risposta a Searle. in (2003) DI LUCIA, Paolo, (ed.), *Ontología Sociale...*, op. cit. pg. 106-107

¹⁰ 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". ALARCÓN, Carlos, 2001, *Causalidad y normatividad*, (Causality and Normativity) op. cit. pg. 33

is always based on (S makes A)¹¹. 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: 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 powers¹².

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 assignation of a specific status function with consequences in terms of rights, responsibilities, obligations, duties, privileges, consent, punishment, authorisation, permission and other deontic phenomena¹³. 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"¹⁴.

¹¹ (1997) SEARLE, John R., *La construcción...*, op. cit. pg. 116

¹² (2006) SEARLE, John R. "Social Ontology: Some Basic Principles" in *Anthropological Theory*, Vol. 6 (1), op. cit. pg. 18; Cf. (2005) SEARLE, John R. "What is an Institution?" in *Journal of Institutional Economics*, Volume 1, Issue 01, January pg. 1-22

¹³ (1997), SEARLE, John R. *La construcción...*, op. cit. pg. 112. Cf. SEARLE, John R. "Human Rights" on www.socrates.berkeley.edu/~jsearle/130/HumanRights.doc. This document was posted on the Internet with the date 23rd March 2007 and with the title "Chapter Six. Human Rights". 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. See also the following interesting works: (2006) MILLER, Seumas "Artefacts and Collective Intentionality" in *Techné*, Vol. 9 (2) Winter, pg.52-67; ARTOSI, Alberto "On the Notion of an Empowered Agent" on www.cirfid.unibo.it/~agsw/lea02/pp/Artosi.pdf

¹⁴ (1997) SEARLE, John, R., *La construcción...*, op. cit. pg. 116. 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

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 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”¹⁵. 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 an action implies the creation or destruction of power, that act is in itself an exercise in conventional power. In the destruction of a conventional power “the negation operates on the collective acceptance, not on the content of the acceptance”¹⁶.

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 structure¹⁷.

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”¹⁸. 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 power¹⁹. On the other hand, the role played by the notion of constitutive rules is not clear within the logical structure of

institutionally, thus acting on him by indirectly influencing his behaviour. The latter refer to deontic powers, to ‘demands, obligations, binds, punishments, prescriptions or coercions’ which act on the agent by directly influencing their behaviour. ALARCÓN, Carlos, 2001, *Causalidad y Normatividad*, Sevilla: MAD, pg. 104

¹⁵ (1997) SEARLE, John, R., *La construcción...*, op. cit. pg. 113

¹⁶ (1997) SEARLE, John, R., *La construcción...*, op. cit. pg. 118

¹⁷ (1997) SEARLE, John, R., *La construcción...*, op. cit. pg. 122-23

¹⁸ (1997) SEARLE, John, R., *La construcción...*, op. cit. pg. 123

¹⁹ ARTOSI, Alberto, “On the Notion of an Empowered Agent”, www.cirfid.unibo.it/~agsw/lea02/pp/Artosi.pdf and (2004) ARTOSI, Alberto, ROTOLO, Antonino, and VIDA, Silvia “On the Logical Nature of Count-as Conditionals”, in CERVENINI, C. (ed.) *Proceedings of LEA*. Bologna: Gedit pg. 9-34. Regarding this discussion see also: (2001) ALARCON, Carlos, *Causalidad y Normatividad*, op. cit. pg. 99-109.

conventional power. For Searle, constitutive rules confer power through the attribution of a status and function. The problem is that Searle does not explain how this happens. Although he does offer theoretical elements which justify the mechanisms of assignation of function based on the 'count as' formula, he does not specify how the constitutive rules function as rules which 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 which *enables* him to do something which 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 functions²⁰. As we have had occasion to appreciate, the functions are not intrinsic traits of the world, they are traits which 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', 'symbolise', 'count as' and generally 'signify'. Linked to this notion, we find the concept of *reasons for acting independently of desire*²¹. 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 is in itself 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 ability of the human agents to recognise reasons that are independent of desire and act on them²².

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* which

²⁰ Vid. SEARLE, John R. 1997, *La construcción...*, op. cit. pg. 140-141

²¹ (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío* [Rationality in Action. A theory on free will], Oviedo: Ediciones Novel

²² SEARLE, John R. "Ontología sociale e potere político" in (2003) DI LUCIA, Paolo, *Ontologia sociale. Potere deontico e regole costitutive*. op. cit. pg. 32 (2004) SEARLE, John R., *Libertad y neurobiología. Reflexiones sobre el libre albedrío, el lenguaje y el poder político*. op. cit., pg. 107

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?²³ 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 agent²⁴. 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”²⁵.

The classic model is based on theories of rational decision-making or on the instrumental concepts of rationality and only applies to the first type of reasons, i.e. those which 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 consistent²⁶.

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. With regards to 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 lead 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

²³ (2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” [Form and content in reasons to act independently of desire] in *Revista Laguna*, vol. 10, pg. 88. Vid SEARLE, John R. 2000, *Razones para actuar. Una teoría del libre albedrío*, op. cit. Cf. (2003) RODRIGUEZ GONZÁLEZ, Mariano, “Esa fuerza tan especial del compromiso” [That special force called commitment] in *LOGOS. Anales del Seminario de Metafísica*, no. 36, pg. 283-288

²⁴ Vid. (2001) BEJARANO, Teresa, “Acerca de las razones para actuar de Searle” [About Searle’s reasons to act], in *Thémata. Revista de Filosofía*, no. 26, pg. 259-273

²⁵ (2000) SEARLE, John R. *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg.27-28

²⁶ (2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” in *Revista Laguna*, vol. 10, pg. 88. Vid (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 20-25

presume free will. Without freedom we would not have a reason to undertake any decision making process²⁷.

With regards to the second supposition, Searle maintains that rationality does not consist of following rules. To 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”²⁸. 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 content²⁹.

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”³⁰. 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”³¹.

With regards to 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 which 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 from desire serve to judge and subject the desires themselves to criticism³². 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

²⁷(2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 89. (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 25

²⁸(2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 35. We will return to this point further on.

²⁹(2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 89

³⁰(2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 35

³¹(2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 36

³²(2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 90. (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 42-42

'ought' express reasons for action. Saying that someone ought to do something implies that there is a reason for them doing it"³³.

Lastly, with regards to 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 conflict³⁴.

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 meaning³⁵, 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 "factitive". From this he deduces that reasons are factitive 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 in order to take part in a deliberation and 4) they are always related to other reasons"³⁶.

The work *Rationality in Action* provides us with new concepts and outlines various distinctions which later 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

³³"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)"

³⁴ (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 45; (2002) LIZ GUTIERREZ, Manuel, "Forma y contenido en las razones para actuar independientemente del deseo" op. cit. pg. 90

³⁵ 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 which make up his theory of intentionality: prior deliberation, prior intention and intention-in-action.

³⁶ (2002) LIZ GUTIERREZ, Manuel, "Forma y contenido en las razones para actuar independientemente del deseo" op. cit. pg. 92. Vid. (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 121-126

distinction is related to total reasons and partial reasons³⁷. 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 fit³⁸. The motivators may be internal and external, the former being desires, hope, fear, shame, pride, disgust, thirst, hunger and 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 objective³⁹.

In short, we create reasons for acting independently of desire by creating external motivators which involve us, whatever our desires may be. In the case of social and political institutions, we recognise, as reasons to act, the status functions to which we are committed⁴⁰ in social reality, sometimes including those beyond our desires⁴¹. 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”⁴².

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 which may go against their own 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 create and voluntarily create a reason for myself. The free exercise of the will can bind the will and

³⁷ “Total reasons would be sets of factitive entities and partial reasons would be part of a total reason” (2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 91.

³⁸The 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”.

³⁹ (2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 93. (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 140

⁴⁰ This is the way Searle defines commitment: “Commitments are factitive entities which meet our condition for reasons for action. A commitment has propositional content and an upward direction of fit.” (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 201

⁴¹ SEARLE, John R. 2000, *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 221 and ss; (2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 94

⁴²(2002) LIZ GUTIERREZ, Manuel, “Forma y contenido en las razones para actuar independientemente del deseo” op. cit. pg. 93. (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 142-143

this is a logical point which 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 prudential reasons. He has not bound his will by an exercise of his freedom"⁴³.

The social world in general and the political world in particular are full of factitive entities which 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 which count as obligations, duties, demands, commitments and 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 which 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 which 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 on 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 deontic power. This notion, by the way, is at the source of an intuition which 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

⁴³ (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 226

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 which are independent of our desires.

Though it is true that 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 interests⁴⁴.

3.1. Towards a model of normative rationality

Let us return again 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 rules⁴⁵. 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, have the ability to create certain practices which would not exist without said 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 which 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 in itself incoherent. For Searle, unconsciously following a rule would

⁴⁴ OPPENHEIM, Felix, “Potere bruto e potere político. Una risposta a Searle” in (2003) DI LUCIA, Paolo, (Ed), *Ontologia sociale...*, op. cit. pg. 106

⁴⁵ (2000) SEARLE, John R., *Razones para actuar. Una teoría del libre albedrío*, op. cit. pg. 35.

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 it⁴⁶. 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 understood 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 individuals⁴⁷. This set of illocutionary links respond 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 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 which is not a causal interpretation of itself: it is the explanation based on the 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, the 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 action.

⁴⁶ (2001). SEARLE, John, R. "Neither phenomenological description nor rational reconstruction: Reply to Dreyfus" in *Revue Internationale de Philosophie*, no. 217, Vid (2002) NOGUERA FERRER, José Antonio, "Racionalidad y normas sociales en la teoría post-analítica de la acción" [Rationality and social rules in post-analytical theory of action] on www.selene.uab.es/_cs_gr_saps/catala/autors/xxnoguera.htm

⁴⁷ (2001) SEARLE, John R., *Actos de Habla. Ensayo de Filosofía del Lenguaje* [Speech Acts: An Essay in the Philosophy of Language], Madrid: Cátedra, pg. 137-160. (2001) ALARCON, Carlos, *Causalidad y Normatividad*, op. cit, pg. 87 and ss.