

SEARLE VERSUS DURKHEIM

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In *The Construction of Social Reality* (Searle 1995) and subsequent writings that develop its argument (notably Searle 2003 and his contributions to D'Andrade 2006), Searle proposes a general account of social reality, of what constitutes 'social facts.' His purpose is to give an account of social reality in general and of institutional reality in particular. On his account, animals—including human animals—are social, exhibiting collective intentionality, but human animals have institutions, created and sustained entirely in individual minds by collective intentionality (which cannot be reduced to individual intentionality) and enabling them, through the constitutive power of language, to act on desire-independent reasons. Several commentators (notably Gross 2006) have been struck by what they see as a convergence between this account and that of Emile Durkheim, who, one century earlier, set out his account of social reality in his *The Rules of Sociological Method* (Durkheim 1982), whose first chapter asks 'What is a Social Fact?', and in subsequent writings, including his essay on 'Individual and Collective Representations' (Durkheim 1953).

At first blush, there would seem to be a case for this convergence thesis. At the very end of his life Durkheim wrote this:

The great difference between animal societies and human societies is that in the former, the individual is governed exclusively from *within itself*, by the instincts (except for a limited degree of individual learning, which itself depends upon instinct). On the other hand, human societies present a new phenomenon of a special nature, which consists in the fact that certain ways of acting are imposed, or at least suggested *from outside* the individual and are added on to his own nature: such is the character of the 'institutions' (in the broad sense of the word) which the existence of language makes possible, and of which language is itself an example. They take on substance as individuals succeed each other without this succession destroying their continuity; their presence is the distinctive characteristic of human societies, and the proper subject of sociology. (Durkheim 1982: 248)

Searle allows that animals can be social but proposes that what distinguishes human social reality is that it consists in 'institutional facts' and Durkheim writes that 'one may term an *institution* all the beliefs and modes of behavior instituted by the collectivity; sociology can then be defined as the science of institutions, their genesis, and their functioning' (Durkheim 1982: 45). Both see institutions as 'language-dependent' (Searle 1995: 64), and as examples of institutions both cite legal and moral rules and financial systems. Like Durkheim, Searle takes language itself to be an institution: 'linguistic facts are

also institutional facts' (Searle 1995: 72). Both Searle and Durkheim write of individual and collective 'representations' and for both the notion of 'collective representations' plays a central role in accounting for social facts. For Searle, 'all social and institutional reality exists in individual minds together, of course, with all of the material objects and other features of the context in which those minds operate' (Searle 2006b: 59); for Durkheim social life is 'made up entirely of representations' (Durkheim 1982: 34). Both thinkers affirm a belief in the unity of nature (bodily and mental, material and social or cultural). Thus Searle writes that 'we live in exactly one world' and Durkheim that 'there is no realm of nature that is not bound to others' (Durkheim 1953: 23). Both seek to reconcile this with an account of what renders human social reality distinctive. Both firmly maintain that we can attain objective knowledge of social facts. Both adhere to 'realism' applied to both nonhuman and human domains and to a straightforward version of the correspondence theory of truth which for Searle means that 'statements are made true by how things are in the world that is independent of the statement' (Searle 1995: 219) and for Durkheim that 'how the facts are classified does not depend on [the sociologist], or on his own particular cast of mind, but on the nature of things' (Durkheim 1982: 76). And both are engaged in combating what they see as the irrational currents of their times—postmodernism and relativism for Searle, 'resurgent mysticism' for Durkheim (Durkheim 1982: 33).

Nevertheless, Searle roundly rejects the idea that their views converge. Faced with claims that his work exhibits 'unacknowledged and unreconstructed Durkheimism,' that he is 'a Durkheimian at heart' and that his account reexpresses 'what are essentially Durkheimian ideas in an analytic idiom' (Gross 2006: 46, 51), Searle counters that 'the fundamental ontology in Durkheim is mistaken' (Searle 2006b: 62), that Durkheim had 'an inadequate conception of social facts' (Searle 2006b: 57), and that his view 'is not remotely like my view and it cannot be made consistent with what we know about how the world works anyway' (Searle 2006b: 63). Indeed, provoked to take a closer look at Durkheim's work, he writes that the situation 'is much worse than I had originally thought. His conception of social ontology is not only inconsistent with mine, but it is flawed in ways I did not originally realize' (Searle 2006b: 58).

The gist of Searle's critique is that Durkheim

fails to distinguish social facts in general from the special subclass of institutional facts, he thinks that social facts are essentially coercive, and he thinks that they exist outside of individual minds. He says that the essence of social facts is that they are 'external to the individual and endowed with a power of coercion, by reason of which they control him.' This is exactly the opposite of my view. I think we need to start by distinguishing social facts in general from institutional facts, that human institutions are in large part enabling and empowering and that the collective intentionality which creates and sustains them is entirely in individual minds. (Searle 2006b: 57)

Searle writes that his most important point is that Durkheim has no account of deontology, of the deontic powers that are 'the glue that holds society together'

(Searle 2006b: 64). These are created by the assigning of status functions; these consist in 'rights, duties, obligations, responsibilities and so on' (Searle 2006a: 20), which in turn create desire-independent reasons for action. Durkheim, Searle claims, 'gives no evidence of understanding this point': namely, 'that there is a class of functions that can *only be performed in virtue of the collective acceptance of a deontic status*, and not in virtue of physical structure alone' (Searle 2006b: 64). Moreover, despite his recognition of the importance of the social character of language, Durkheim (alongside recent sociological theorists, notably Habermas, Bourdieu, and Foucault) failed to see how institutional facts 'require linguistic or symbolic modes of representation or they cannot exist' (Searle 2006b: 65).

Searle spells all this out at length. He examines, in particular, Durkheim's use of analogies to establish the independence and exteriority of social facts—the *sui generis* level of the social—and his claim that this derives from 'the association of minds' (Durkheim 1953: 26). He argues that the analogies Durkheim adduces to support this claim fail—the living cell's relation to chemical particles; the hardness of bronze lying in neither copper, tin nor lead; the liquidity and other properties of water being absent from its component gases; and the independence of mental states from their neuronal substratum of brain cells. The picture, says Searle, is inadequate because

the relation of individual minds to collective intentionality is *constitutive and not causal*. The collective intentionality is constituted by what is in individual minds. It could not work otherwise. The explanation of human behavior requires intentional causation, but intentional causation can only work if it is internalized in individual minds. Collective intentionality can only function causally if it is constituted by what is in the minds of individuals. For Durkheim it is impossible to explain the mechanisms by which social facts 'constrain' individuals, because the collective representations are not in individual minds. (Searle 2006b: 62)

And he argues that the constraint, or coercive power, that Durkheim sees as distinctive of social facts 'covers over too many distinctions,' failing to distinguish between regulative and constitutive rules, between deontic desire-independent reasons for action and social forms of coercion, and between, for instance, feeling an obligation and being subject to the pressure of a crowd emotion.¹

Searle's response to Durkheim's work raises a series of intriguing questions. First, there are exegetical issues. Is Searle in any respects *unfair* to Durkheim? Does he mischaracterize what Durkheim wrote? How divergent *are* their views? And are there plausible ways of reading Durkheim that would render them less so? And second, there are substantive issues. How convincing is Searle's critique? How deep does it go? And can we construct a convincing Durkheimian response?

¹ These last points are explored in the introduction to Lukes 1973.

I

In all this, is Searle unfair? In two cases, he plainly is. In the first place, he writes that Durkheim 'fails to distinguish social facts in general from the special subclass of institutional facts' (Searle 2006b: 57) but, as we have seen, Durkheim did draw just such a distinction, and he does so in several places (including the preface to the second edition of *The Rules*). Second, Searle criticizes Durkheim's famous maxim that social facts should be considered as things, arguing that in doing so, he contrasts 'things' with 'ideas' and that he fails to see that 'we can have an epistemically objective science of a domain that is ontologically subjective' (Searle 2006b: 63). But Durkheim explicitly states—repeatedly and ever more explicitly throughout his career—that social facts consist in 'representations and actions' (Durkheim 1982: 52); and in 1908 wrote that 'in social life, everything consists of representations, ideas and sentiments' and that 'all sociology is a psychology, but a psychology *sui generis*' (Durkheim 1982: 247). He does not contrast 'things' with 'ideas', but rather with *preconceived* ideas, deriving from prejudices or intuitions or ideological doctrines, in advance of empirical research. He writes that to 'treat phenomena as things is to treat them as *data*' (Durkheim 1982: 69). Chapter 2 of *The Rules* sets out some sensible procedures for achieving such objectivity. Moreover, the maxim should be understood in its historical context. Impressed by the successes of German social science, Durkheim was urging that education in Third Republic France should be *à l'école des choses*, to induce in students a proper sense of the complexity of their social and political world, the better to predict and control it.

A third case where unfairness can be alleged is less obvious. Searle writes: 'At no point does he say, as I do, that all collective representations exist only in individual minds' (Searle 2006b: 59), and yet, in all fairness, he also cites Durkheim writing, in *The Division of Labor* that the collective or common conscience is 'only realized in individuals' (Searle 2006b: 61). He might also have cited Durkheim asserting that 'society comprises only individuals' (modified in a footnote to asserting that they are 'the only active elements in it') and then adding that therefore 'social life can have no other substratum than the individual consciousness' (Durkheim 1982: 39, 46). As we can already see, the issue to which these quotations allude is central to Searle's critique of Durkheim and much hinges on what Searle means by existing 'in individual minds' and Durkheim by 'substratum,' but what does seem obvious is that Durkheim, while repeatedly insisting that social facts are external to individuals, also clearly recognizes that they are also internal to, or internalized by them.

How important is it that Searle is mistaken in claiming that Durkheim does not acknowledge the subclass of institutional facts? That depends on how Durkheim understood 'institutions.' How different is his conception from Searle's? If different enough, then the convergence thesis is refuted. And the same goes for Durkheim's conception of 'representation.' Searle comments that Durkheim's diverges decisively from his own, because Durkheim's

'collective representations' cannot exist in the minds of individuals. In my view, all collective intentionality exists only in the minds of individuals. And it is not enough for a theorist to use the word 'representation', he has to specify exactly the propositional contents and various other features of the logical structure. (Searle 2006b: 66)

What these last two instances show is that we must be alive to the possibility, indeed likelihood, that Durkheim and Searle diverge by virtue of using the same terms in significantly different ways. And this is all the more likely, and significant, for two reasons.

The first is that the two authors have quite distinct purposes and projects in mind. Searle's concern is, by developing his theory of speech acts and theory of mind, to identify, as a philosophical enterprise, the distinguishing features of human social reality in order to show how this fits into the one world that 'consists entirely of physical particles in fields of force' (Searle 1995: xi). This leads him to reject theories which postulate further realities. On the other hand, he aims to answer 'the challenge of sociobiology' with its 'implicit message . . . that human beings are not different from other social animals and that the terms in which we need to understand human social behavior are essentially biological and above all evolutionary' (Searle 2006a: 6). And he also wants to insist, against those who want to make sociology seem like a natural science,

how different it is from the natural sciences. Sociology and the other social sciences are largely concerned with human behavior. The behavior in question consists in large part of actions done for reasons, and often the actions occur within humanly created institutions. But these facts, that actions are done for reasons, and thus subject to constraints of rationality, and that sometimes the actions are done within human institutions, together imply that the behavior in question is performed under the presupposition of free will, and empowered by systems of humanly created deontologies. (Searle 2006c: 124)

Durkheim's concern, by contrast, was indeed to establish sociology's credentials as a natural science. *The Rules*, intended to provide that rationale and guiding principles for future research, was directed both at the hostile and the skeptical and at fellow scholars and future collaborators. These would engage in specialist studies in a way that would ultimately transform the various social sciences into the systematically organized branches of a unified social science. They would be ever more deeply penetrated by 'the sociological idea', which implied that 'social facts are solidly linked to each other and above all must be treated as natural phenomena, subject to necessary laws' (Durkheim 1982: 195). Durkheim also wrote that 'social phenomena are only distinguishable from other phenomena by virtue of their greater complexity' (Durkheim 1982: 148). On the other hand, as we have seen, he assumed that sociology must have a subject matter peculiarly its own that would not be 'confused with that of biology and psychology' (Durkheim 1982: 50) and he was ever more insistent that its domain consists in 'representations and actions' (Durkheim 1982: 52). Furthermore, he stressed that his purpose was not 'to anticipate the conclusions of the discipline by stating a philosophical view' of the nature of social reality but

merely to indicate how, by outward signs, it is possible to identify the facts that the science must deal with, so that the social scientist may learn how to pick out their location and not to confuse them with other things. (Durkheim 1982: 43)

A second reason why the two authors are likely to diverge even in their understandings of the same terms is, simply, the time gap of one hundred years that separates them. For, as Searle repeatedly points out, Durkheim 'happened to live in the prehistory of this study of intentionality' (Searle 2006b: 62), and 'lacked the resources of contemporary philosophy' (Searle 2006b: 58). He lacked 'the conceptual resources even to state' the difference between being constrained by crowd emotions and being obliged by a promise (Searle 2006b: 65). So he failed to grasp other crucial distinctions, notably those between 'observer-relative and observer-independent phenomena' and between 'the ontological sense of the objective/subjective distinction and the epistemic sense' (Searle 2006b: 63).

So is Searle's reading of Durkheim unfair? With the not unimportant exceptions noted earlier, and given its admitted restriction to Chapter 1 and some other sections of *The Rules* and a subsequent 'closer look,' Searle's reading is fair enough. But the indicated restriction raises a most interesting question. Is there a significant gap between what we may call Durkheim's 'official' position, as set out in *The Rules* and other methodological writings and his 'unofficial' position, as exemplified in his sociological writings and his 'unofficial' exists, bear upon the important substantive issues raised by Searle's critique? I shall now suggest that there is indeed such a gap.

If we examine Durkheim's actual explanations in the light of this question it becomes clear that both official and unofficial positions are in evidence there. Consider his three best-known theories: the development of the division of labor as demographic volume and moral density increase along with the growth of markets and cities; the explanation of rising suicide rates by 'the social causes' of suicide, namely insufficient normative regulation (anomie) and/or insufficient social integration (egoism); and the generation and sustenance of religious sentiments and beliefs in collective experiences and their reiteration through ritual and symbolism.

In each of these three cases the official doctrine frames the explanations. Thus, in *The Division of Labor in Society*, he writes that 'everything occurs mechanically' and even describes his hypothesis as stating a 'law of gravitation of the social world,' in which

the partitions that shut off the different parts of society are more and more disappearing by the very nature of things, as a result of a kind of natural erosion, whose effect can even be reinforced by the action of violent causes. Population shifts thus become more numerous and more rapid, and migratory paths are channeled out as these movements occur. These form the network of communications. Such movements are more especially active when several of these paths intersect: these are the towns. Thus social density increases. As for the growth in volume, it is due to causes of the same kind. The barriers the divide peoples are similar to those that separate the various alveola within the same society and disappear in like manner. (Durkheim 1984: 288)

The social factors he adduces as causes are ranged along the continuum he identifies in the first chapter of *The Rules*, from the most 'crystallized' or 'morphological' features of social structure through legal and moral norms to states of the *conscience collective* and currents of opinion. In *Suicide*, after dismissing 'organico-psychic' and physical factors as explanatory, he argues that the book vindicates social realism, proving the existence of 'realities external to the individual' that are 'as definite and substantial as those of the psychologist or biologist' (Durkheim 1951: 37–38, 39). It was, he claimed, important to recognize their reality and conceive them as 'a set of forces which determine our behavior from without, just like the physico-chemical forces to whose influence we are subject.' Indeed, so truly are they phenomena (*choses sui generis*, and not verbal entities, that one can measure them and compare their relative magnitude (Durkheim 1951: 309–310). And in *The Elementary Forms of Religious Life*, he likewise aims to offer an explanation that accounts for religious representations by reference to social causes. Thus he maintains that 'collective representations that refer to sacred beings' are plunged into the very source of religious life—the 'collective effervescences' that periodically occur when 'the individuals are assembled and in direct relations with one another, at the moment when everyone communes in the same idea or emotion' (Durkheim 1995: 350, 349). And he seeks to establish causal connections between structural or 'morphological' social facts and the content of religious belief and ritual and, most audaciously, with the fundamental categories of the understanding and modes of classification.

In all this talk of social causation, in the three cases cited and elsewhere, Durkheim continually resorts to the use of metaphors and analogies taken from the natural sciences of his time. In *The Division of Labor* it is the organic analogy that predominates, but thereafter the prevalent imagery comes from 19th-century physics, notably thermodynamics. In *Suicide* he writes that for each people there is 'a collective force of a determinate amount of energy, impelling men to self-destruction' and that the strength of such forces can be measured 'as one does the strength of electric currents or sources of light' (Durkheim 1951: 309–310). He uses this language very widely to describe the genesis and operation of collective ideas and sentiments, and the phenomenon of sacredness. So, for instance, 'the extreme ease with which religious forces radiate and diffuse' is compared with the way in which 'the heat or electricity that any object has received from outside can be transmitted to the surrounding milieu, and the mind readily accepts the possibility of that transmission' (Durkheim 1995: 327), and religion in general is seen as consisting in 'religious forces, human forces . . . moral forces' (Durkheim 1995: 421). Indeed, 'behind [religious] beliefs there are forces' and a 'theory of religion must first of all show what these forces are, of what they are made and what their origins are' (Durkheim 1913: 66). And he often described morality as 'a system of forces' which draw all their power of action from representations (see Lukes 1973: 36).

All the foregoing is, obviously enough, evidence of Durkheim's official position. But once we pay close attention to the content of his explanations, another

picture comes into view—a picture peopled by recognizably human actors. It is a picture that is somewhat closer to that sketched by Searle in discussing what distinguishes the social from the natural sciences, namely one in which human actions are typically done for reasons, under rational constraints, often within human institutions, often presupposing free will, and empowered by deontologies.

Why, as populations grow and grow denser and cities and markets develop, do people specialize, in ways that, according to Durkheim, generate social differentiation and the growth of 'organic solidarity'? Only because people respond to the pressures of constraints by seeking out opportunities—acting rationally and making choices, using resources (such as money) and in pursuit of objectives whose very existence presupposes normative structures (such as markets).

Why does the suicide rate rise in the presence of anomie or egoism? Only because vulnerable, suicide-prone people, when norms and stable expectations break down or are lacking, or when they lack significant social attachments, are *deprived* of the sorts of reasons for acting and living in ways that protect them from the desperate extreme of killing themselves (and others from other, less extreme reactions). In short, you could say that Durkheim's explanation of suicide requires the counterfactual presupposition of informal 'deontological' frameworks specifying rights, obligations, responsibilities, and the like, that enable people to live normal, 'healthy' lives and that his theory of suicide is a theory of 'disablement' that occurs when those frameworks break down or weaken.

And, finally, how are we to explain the fact that in all known societies, from the most 'elementary' to the most advanced, people direct their thoughts, their feelings and their ritual practices toward sacred beings (from totems to the gods to God) set apart from everyday life and experience, inducing awe, reverence, and fear and in whose reality they believe? Durkheim's answer is, of course, complex, but it comes down to considering the faithful as reasoning creatures living within normative structures (from clans to churches) and possessing language, and who have distinctive emotional and cognitive needs. They seek and find strength, exaltation, and moral remaking through identifying with their 'society,' rallying around the same sign or emblem (for 'the totem is the flag of the clan'); they seek to render their world, natural and social, intelligible with the materials at hand, so that religion offered 'a first representation of what the relations of kinship between things might be' and 'a first explanation of the world' (Durkheim 1995: 222, 239); and they seek to represent that world, thus understood, imaginatively and aesthetically, in the form of stories and symbols (see Lukes 1973: 462–470).

II

Searle's critique of Durkheim, then, is directed at the official doctrine—or, to be more precise, at Searle's construal of the official doctrine. As we have seen, this is, in certain respects, unfair, in particular in its claim that, since Durkheim

thinks that social facts, and collective representations in particular, exist outside of individual minds, he therefore thinks that they do not exist in individual minds. But Durkheim clearly believed that they do both—that they are both external and internalized. His focus on the exteriority of social facts was a focus on the obvious but sociologically central truth that any given individual is surrounded, preceded, and outlasted by innumerable, intermeshed expectations, and requirements. In their investigations of this truth's manifold implications, sociologists and anthropologists use such terms as socialization, norms, roles, cultural imperatives, organizational and institutional logics, and the like.

Of course, Searle recognizes this truth, writing that much 'collective intentionality is simply inherited, and many, perhaps most, of the institutions we grow up in—families, money, private property, the stock market, and summer vacations—are simply accepted uncritically' (Searle 2006b: 67). He writes that his attempt is to 'describe exactly what is accepted and rejected'; he is not concerned with 'the analysis of particular patterns of acceptance and rejection' (Searle 2006c: 67). But such an analysis would precisely have led him to focus on how the external becomes internal. Searle does not address this, which, he concedes, is 'an interesting area for sociological investigation' (Searle 2006b: 67). This is, I think, because, in his concern to show that collective intentionality is 'not mysterious or inexplicable' (Searle 2006a: 16), he thinks that this requires saying, as he does over and over again, that 'all collective intentionality exists only in the minds of individuals,' that 'social reality exists entirely [*sic*] in individual minds' (Searle 2006b: 66, 59).

He reads Durkheim as claiming that it 'surpasses its substratum and exists in part outside the substratum' and that it is '*the association of individual minds* that results in collective intentionality' (Searle 2006b: 59, 61). To read him thus is entirely understandable, since that, after all, is what he *wrote*. But it is a philosopher's reading. Recall that Durkheim was not doing social ontology: he was setting out methodological rules for sociologists and, in this capacity, using, or rather misusing, analogies to direct their attention to two incontrovertible facts: that 'certain ways of acting are imposed, or at least suggested *from outside* the individual and are added on to his own nature' and that institutions 'take on substance as individuals succeed each other without this succession destroying their continuity.'

Searle is, of course, absolutely right to draw our attention to Durkheim's misuse of his analogies. His explanation of why it is a misuse—that collective intentionality is constituted by what is in individual minds—is innovative and profound. So are the other implications that he has derived from his theory of speech acts and the essentially constitutive role of language, in particular his reflections on the enabling role of social institutions, through the creation and sustenance of deontic powers. He is certainly right that there is no attention paid to all this in Durkheim's methodological writings and thus no theorization of what is involved. It is true that Chapter 1 of *The Rules* is all about the exteriority and the generality-plus-independence of social facts. It is also true that it

contains a confusing and confused discussion of external constraint that plays on quite distinct ways in which individuals can be constrained. And it is true that there is no attempt, no hint of an attempt, to account for the central paradox that has preoccupied Searle: that institutional facts are real but they only exist because people think they exist. Searle writes that he does not 'see that Durkheim resolved the paradox or even showed an awareness that it was a paradox that he had made apparently inconsistent remarks' (Searle 2006c: 123). I agree that Durkheim, unlike Searle, did not resolve the paradox, but I do think that his writings abundantly express it and I disagree that the components of his view of social facts as collective representations are inconsistent. On the reading I have suggested, they are not only consistent but sociologically sound.

Searle resolves the paradox by arguing that institutional social facts, while epistemically objective, contain ontologically subjective elements that are essential to their existence: that, in short, 'these objective facts only exist in virtue of collective acceptance or recognition or acknowledgement' (Searle 2006a: 15, 13). He contends that Durkheim did not grasp the distinctions needed to see this. I maintain, on the contrary, that throughout Durkheim's work we can find highly suggestive answers to a question that is, in turn, raised by Searle's resolution. This is a question left entirely unaddressed by Searle himself. He asks: 'What does "collective acceptance or recognition or acknowledgment" amount to?', but he does not ask how it is achieved.

Searle remarks that by 'collective acceptance' he does not mean to imply approval, that it is intended to capture 'a continuum that goes all the way from enthusiastic support to grudging submission' and that 'perhaps a less misleading term would have been "recognition"'² (Searle 2006c: 123). But this is already to suggest that people may be less or more submissive to the internalization of the shared understandings or collective representations that make the institutional social facts (and hence their deontic powers—rights, obligations, responsibilities, and so on) possible. To embrace that suggestion is surely to accept the case for inquiring into the transmission and inculcation of ideas, from the most concrete and specific to the basic categories of thought, into the mechanisms of socialization, into the conditions under which the recognition of shared norms and integration into shared values break down or are weakened, and into the role of ritual and symbolism in generating and regenerating 'enthusiastic support' for the collective representations that unite communities. These are precisely the inquiries that Durkheim pursued and encouraged others to pursue. In this way, Durkheim can be seen to have at hand a robust response to Searle's critique.

And perhaps that response can be rendered even more robust by paying attention to what Searle has to say about what he calls 'the background'—the 'capac-

ities and abilities' that render one 'at home in his society', and '*chez lui* in the social institutions of the society', that render one 'sensitive to the rules', the 'motivational dispositions' that 'give sense' to people's beliefs and desires (Searle 1995: 147, 136). Searle has little to tell us about what the mechanisms are that generate and sustain these dispositions, other than that they have 'evolved'. My final suggestion is that here too the Durkheimian move is to explore whether and to what extent these are socially inculcated and reinforced. Just this is suggested by two of the recent sociological thinkers whom Searle criticizes alongside Durkheim, as deprived of modern philosophical sophistication concerning language, namely Bourdieu and Foucault. Both in different ways suggest that socially significant dispositions are inculcated, or as they both say 'inscribed', within human bodies. Thus Bourdieu writes of social agents as 'endowed with habitus, inscribed in their bodies by past experience': social norms and conventions are 'incorporated' in their bodies, thereby generating 'a permanent disposition, a durable way of standing, speaking, walking, and thereby of feeling and thinking' (Bourdieu 1990: 70). For Bourdieu the dispositions that constitute *habitus* are 'spontaneously attuned' to the social order, perceived as self-evident and natural (Bourdieu 2000: 138–139).³ There are, of course, huge, unanswered questions and serious objections that are raised by this picture, not least the lack of any explanatory account of how the social structure gets inscribed into bodies (briefly discussed in Lukes 2005 and at length in Lahire 1998). My point is simply that here too, in its approach to what Searle calls 'the background,' a Durkheimian approach does not stand refuted by Searle's critique but rather offers a response to the challenge it raises.

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² Searle's usage recalls H. L. A. Hart's notion of the secondary rules, or 'rules of recognition' in *The Concept of Law* (Hart 1961). Hart displays a similar lack of interest in how their internalization is achieved.

³ Searle himself comments on the parallel between his conception of the Background and 'Bourdieu's important work on the "habitus"' (Searle 1995: 132).

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SEARLE'S DERIVATION OF PROMISSORY OBLIGATION

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1. INTRODUCTION

In “How to derive ‘ought’ from ‘is’” (Searle 1964), perhaps the most famous among his early articles, John Searle set out to show that what is sometimes called “the naturalistic fallacy”—the fallacy that is allegedly committed by those who affirm that it is possible to deduce evaluative conclusions from wholly non-evaluative (‘descriptive’) premises—is not at all a fallacy. The reason that it is not, Searle claimed, is that there are certain kinds of clearly evaluative statements (in particular, statements about what a particular person *ought* to do) that have the *obligation* to do) that are logically deducible from certain sets of wholly non-evaluative (‘descriptive’) statements (specifically, from sets of statements that include a statement about what that person has *promised* to do). That is so, Searle contended, not only is there no such thing as “the naturalistic fallacy” but those claiming that there is commit themselves to the denial of the validity of a series of logically impeccable inferences (and so become victims of what might be called “the naturalistic fallacy fallacy”).

Searle presented an improved version of his proposed derivation of ‘ought’ from ‘is’ (in effect, of statements about obligations from statements about promises) in the final chapter of his first major book, *Speech Acts* (Searle 1969), arguing that all criticisms of the derivation that in the meantime had been produced have been unsuccessful, and claiming that the derivation is one among the most philosophically interesting by-products of the general account of meaning and speech acts that that book proposes. In outline, Searle’s presentation of the improved version of his derivation proceeds as follows. From a *descriptive* statement to the effect that a speaker X has uttered, at time *t*, a sentence of the form “I (hereby) promise to p”, where p refers to a future action of X, we can infer, as Searle says, the equally *descriptive* statement that X has promised, at *t*, to perform a certain action. This is the empirical assumption that X’s utterance satisfies the conditions that the theory of speech acts specifies as necessary and sufficient for a speaker’s utterance to constitute a promise on his part to perform a future action. But once these two purely *descriptive* statements are in place, Searle contends, they logically necessitate, in conjunction with three analytic (and non-evaluative) statements, a series of clearly *evaluative* statements, and so constitute the thesis that is impossible to logically deduce evaluative conclusions from