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NORMATIVITY AND COLLECTIVE RECOGNITION IN SEARLE'S ACCOUNT OF LANGUAGE AND INSTITUTIONS

ABSTRACT. This paper analyses Searle's theoretical path from speech act theory to social ontology and his central thesis that our speaking and acting in institutional contexts is governed by constitutive rules, from which stem the normative standards for their rational assessment, against the background of certain achievements of post-Darwinian biology concerning the mechanisms of self-regulation governing organism-environment interactions. The question it addresses is how Searle's account of normativity can satisfy the desiderata of the non-reductionism inherent to the "biological naturalism" of Searle's paradigm in philosophy of mind. What is at issue in my paper, more specifically, is whether Searle's theory of language and institutions can account for all our normative standards for the rational assessment of speech acts and institutions or if it is likely to result in a sort of naturalism which I could call, with McDowell's word, "raw naturalism". The thesis for which I argue is that Searle's account of normativity needs to be integrated with another criterion enabling participants in communicative and institutional practices to criticize speech acts and institutional, deontic powers on the ground of their capacity to be "just", or, in other words, to respect others as free and equal¹. So enlarged, Searle's naturalism can account for well-known cases of conflicts between human and institutional rights and duties such as in Eichmann's case.

¹ I use this word here in a deflationary meaning inspired by Austin's use of it (see below) and interpreted in light of Rawls's thesis "that social and economic inequalities are to be.... to the greatest benefit of the least advantaged" (1971, 60) and "attached to offices and positions open to all under conditions of fair equality of opportunity" (ibid., 302). I also refer to the important contribution regarding justice as fairness provided by Amartya Sen (1980) and Martha Nussbaum's (2000) capabilities approach, which, although agreeing with Rawls on the centrality of fairness in the equality of opportunities, has its specific core in the thought that these opportunities first and foremost must be opportunities for all human beings to develop the essential capabilities of human beings and to allow their correct functioning.