SOCIAL REALITY AND INSTITUTIONAL FACTS: SOCIALITY WITHIN AND WITHOUT INTENTIONALITY

Robert A. Wilson

1. INTRODUCTION

John Searle's *The Construction of Social Reality* (1995) offers an account of the nature of social reality that complements and builds on the views of language and mind that Searle has developed in his earlier books (Searle 1969, 1983, 1992). It shares with those books a combination of a high level of both philosophical rigor and accessibility, and takes the reader down a persuasive path from the basic questions "What is social reality?" and "What are institutional facts?" to Searle's detailed answer to these questions.

My twofold aim in this paper will be to provide reasons for questioning Searle's answer, and to sketch an alternative way of thinking about the relationships between intentionality and "social facts" or "social reality"—both expressions that Searle uses freely, and what I would prefer to call, in parallel with intentionality, *sociality*. As the title of Searle's book on social reality suggests, his aim is to provide an account of sociality that shows how sociality can be both a construction and a part of reality, how there can be objective facts that we nonetheless play a role in constructing. Institutional facts, which are a focus of his work here and more recently (e.g., Searle 2003), are paradigms of such facts.

I want to suggest that that focus, and perhaps Searle's broader concern to address social constructivism and attacks on realism in epistemology that frames his discussion in *Construction*, results in a view of sociality that is misleading in several important ways, including in how we should view certain forms of nonhuman cognition and in how we should think about the relationship between intentionality and sociality. My argument will turn on the innocuous-sounding point that the two questions listed above—about social reality and about institutional facts—require importantly different answers, and that by focusing primarily on the latter question, the one about institutional facts, Searle presents a skewed answer to the former question, the one about social reality. Let me begin with a brief sketch of Searle's view of institutional facts.

2. SEARLE'S ACCOUNT OF INSTITUTIONAL FACTS IN *CONSTRUCTION*

Searle begins with the contrast between what G.E.M Anscombe (1958) has called "brute facts", facts that are, in Searle's words, "totally independent of any human opinions", and institutional facts, "so called because they require human

139

institutions for their existence" (Searle 1995, p. 2; in what follows, all references by page numbers alone are to Searle 1995). Searle aims to understand how facts of this latter kind are possible by providing an account of their intrinsic nature and by explaining their relationship to other kinds of facts and, ultimately, to brute facts. Searle holds, surely correctly, that these two enterprises concerning institutional facts—the "what" and the "where"—are intimately related. Answering the Kantian question about social or institutional facts for Searle is constrained by the following picture of our ontological situation:

We live in a world made up entirely of physical particles in fields of force. Some of these are organized into systems. Some of these systems are living systems and some of these living systems have evolved consciousness. With consciousness comes intentionality, the capacity of the organism to represent objects and states of affairs in the world to itself. Now the question is, how can we account for the existence of social facts within that ontology? (p. 7)

While the details of Searle's answer are (as details tend to be) complicated, its basic conceptual contours are not.

According to Searle, institutional facts involve (indeed, presuppose, as the quotation above suggests) intentionality. In particular, they involve not simply the intentionality of individuals but a special form that this intentionality takes, *collective intentionality*. In recognizing some forms of intentionality as collective, Searle is not positing any form of "group mind", or a kind of intentionality that can be found outside of the heads of individuals (cf. Pettit 2003, Wilson 2004: Chaps. 11–12, 2005b). But neither does Searle take his view to be reductive in that it eliminates collective intentionality in favor of individual intentionality. Searle takes himself to walk a middle path here insofar as he implies that certain intentional states that individuals have take a *first person plural* form: they are not simply of the form "I intend that p" or "I believe that p" but "*We* intend that p" or "*We* believe that p".

Such collective intentionality is critical to understanding institutional facts, claims Searle, since it plays a crucial role in assigning what he calls *status functions* to particular brute facts. These are functions assigned to brute facts that those facts have and can perform *only* because we have collectively assigned them that function. To use the example that Searle provides in introducing the idea of a status function (pp. 39–41), consider a wall that begins by marking a physical boundary but that comes, over time, to be physically eroded down to some base stones and to serve a symbolic function: marking the boundary of a certain kind of territory. While the wall may have the function of keeping out intruders, as Searle says, "in virtue of sheer physics" (p. 39), once it decays into a line of stones it can maintain this function only by some kind of collective imposition of function. Here we come to recognize mere stones arranged in a certain way as having a particular status vis-à-vis how we might act, and it is our collective recognition of that status function that is the *sine qua non* for those stones so arranged to have that function. Should our collective intentionality shift over time, such that the stones come to be viewed as mere stones again, the

institutional facts about their status as boundary markers will likewise disappear, becoming the basis for historical facts about a small part of previous human culture.

One way in which Searle sometimes expresses this point about the collective ascription of status functions is by saying that we use *constitutive rules* of the form "X counts as Y" in order to assign a status function to some piece of the physical world and so create an institutional fact. Constitutive rules are the rules that do not simply regulate a preexisting activity but create the possibility of those activities. Institutional facts and social reality are constructed through our adoption of many constitutive rules that assign status functions to parts of the physical world.

The assignment of status functions provides the key to understanding Searle's account of institutional facts and social reality, for it explains how certain kinds of facts are generated through our collective actions, and so how those facts are ontologically related to facts whose existence we can take for granted. By two or more individuals sharing first person plural intentional states, whether they are intentions, beliefs, or desires, that assign status functions, those individuals are able to create social or institutional facts. Such facts form clusters or networks, have a normative dimension to them (either in terms of what they require or in terms of what they allow), and can come to guide the actions of both those sharing the first person plural intentional states that generate them as well as those who simply grasp the social reality that such facts constitute.

After showing how this idea applies to the institution of money and going on, in Chapter 3, to articulate the key role that language plays in creating and sustaining institutional facts, Searle continues in Chapter 4, with a generalization of his basic analysis to institutional facts more generally, listing as amongst the social phenomena to which the account applies "marriage, property, hiring, firing, war, revolutions, cocktail parties, governments, meetings, unions, parliaments, corporations, laws, restaurants, vacations, lawyers, professors, doctors, medieval knights, and taxes" (p. 79). Further interesting details follow in later chapters, but as I have said it is the basic picture of social reality and institutional facts that I'm chiefly interested in here. In that picture, as Searle says (in typically evocative language):

The central span on the bridge from physics to society is collective intentionality, and the decisive movement on that bridge in the creation of social reality is the collective intentional imposition of function on entities that cannot perform those functions without that imposition (p. 41).

With this central span in mind, let us now consider the two questions with which we began—"What is social reality?" and "What are institutional facts?"

3. COLLECTIVE INTENTIONALITY AND INSTITUTIONAL FACTS

Searle is no doubt correct in highlighting the central role that intentionality plays in the creation and maintenance of many kinds of (if not all) institutional facts, including the full range of institutional contexts indicated by the list of

examples above. And it is not simply intentionality but a fairly sophisticated form of intentionality—both higher-order and shared intentionality—that is necessary for there to be social facts of the kind on which Searle focuses, institutional facts. That we are the only species on the planet which has created institutional facts through such forms of intentionality is striking, and Searle has provided a framework for understanding many aspects of distinctively human cultural institutions and culture more generally. But there are reasons to question whether there is enough in Searle's account to adequately answer the question of what institutional facts are and how they are possible, and whether what he does say here answers the broader question of what social reality is.

The first reason concerns the issue of our species' uniqueness in the world as creators of institutional facts. Although our uniqueness in the world is not in doubt, our uniqueness as bearers of the kind of collective intentionality that Searle rightly holds to be necessary for such facts is more questionable. While Searle does not come right out and deny that nonhuman animals have the capacity for the appropriate form of collective intentionality, one that assigns status functions to brute facts, the comments that he does make regarding nonhuman intentionality are skeptical and deflationary about their abilities (e.g., pp. 38–40, 63, 70–71). The question, in a nutshell, is whether nonhuman animals can assign status functions to brute facts. If not, why not? If so, why has this not resulted in the generation of institutional facts?

This is clearly, in large part, an empirical issue. But in determining how to assess the empirical evidence here, we need to be clear about just what form collective intentionality must take in order to be of the sort necessary for the creation of institutional facts. Suppose that we follow Searle in thinking of collective intentionality as first person plural intentionality, "we" (rather than "me") intentionality. The feature of such intentionality that makes for a kind of mental Rubicon between human and nonhuman intentionality, claims Searle, is the ability to

impose functions on phenomena where the function cannot be achieved solely in virtue of physics and chemistry but requires continued . . . cooperation in the specific forms of recognition, acceptance, and acknowledgment of a new *status* to which a *function* is assigned (p. 40).

As becomes clearer in Chapter 3, where Searle is articulating the role of language in creating social reality, the "specific forms of recognition, acceptance, and acknowledgment" that he seems to have in mind here are those that generate *deontic commitments* in a sphere of rights and obligations (see esp. p. 70–71). Language, or something like language, is necessary to operate in such a deontic domain, claims Searle.

If Searle is correct about this, then the reason that nonhuman animals cannot assign status functions to brute facts is that they lack language or some language-like form of expression and communication. This entails that they cannot have the kinds of individual thoughts, and so the kind of collective intentionality,

both with a deontic component, necessary for the creation of institutional facts. It will thus be true that their behaviors and actions are not governed by constitutive rules of the form "X counts as Y", but this is a consequence of their lacking the right kind of prior intentional capacities.

I think that this reason for denying nonhuman animals the capacity to ascribe status functions to brute facts is not a good one, and that Searle is in fact mistaken to think that nonhuman animals lack this capacity. Let me pick up on what I see as a dialectical weakness in Searle's position here, and use that to introduce a puzzle about this way of articulating the relationship between collective intentionality and institutional facts that, in turn, helps to identify a problem for Searle's broader view of institutional facts and social reality. I begin with an analogy, one not all that removed from our topic.

Consider the issue of whether nonhuman animals have the social capacity *to play*, as many ethologists and behavioral ecologists claim they do (Bekoff and Byers 1998). Arguably, social play shares key features with behaviors that might be considered putative examples in which status functions are ascribed: it is a joint action that arises from the individuals involved recognizing and accepting that action as an instance of play, and would not count as play were such recognition and acceptance absent (Bekoff and Allen 1998). But suppose now that, faced with putative examples of social play in nonhuman animals that satisfy these criteria, one were to insist that the psychological capacity necessary for *genuine play* needs to include a capacity to generate deontic commitments, things that can, cannot, and must be done as part of the action's counting as play, and that are (or can be) articulated as constitutive rules governing play. One could then claim that this allows us to demarcate human play from nonhuman "play", since even if there is something that looks very much like genuine play between many nonhuman animals, it lacks a critical part of the overall intentional profile that genuine play has.

The question we would surely want to pose here is what the basis is for insisting on such a psychologically enriched notion of social play. In the context of a dialectic with someone who is perfectly happy to defer to ethologists, behavioral ecologists, and others who study animal behavior in talking of animal play, it will not do to respond by simply appealing to the alleged nature of play. That would clearly beg the question at issue. Nor would the situation be changed significantly by pointing to uncontroversial features of *human* play that perhaps require the capacity for deontic commitments, such as deferral to a referee or umpire, or the idea of fairness in play. For clearly the question at issue is not whether nonhuman play is as elaborate or as sophisticated as human play—I do not know of anyone who would claim that it is—but whether there is a core behavioral capacity or a capacity for action that is shared by humans and at least some nonhuman animals that is called "play" or "social play". Even in the human case, we require a conception of play that applies paradigmatically to those whose lives are replete with play—children—and much the same problem arises here as with the case of non-human animals.

This brings us to the role of language both in generating deontic commitments and in the social phenomena of interest. In the case of human social play, language clearly does play a role, not simply because lots of our play involves literally playing with language (jokes, irony, wordplay), but also because we typically initiate and terminate play with linguistic utterances ("Let's play!", "Enough!", "I give up!") and use language as a means of maintaining and directing the play action. Insofar as there are forms of human play that essentially involve language, these will simply be forms of play that are unavailable to nonlinguistic creatures. But is language crucial to social play *per se*? Play is not simply behavior, but behavior generated by a kind of shared intentionality. In us, that shared intentionality leads to or includes certain articulable norms of play, and these regulate both play behaviors and what we might think of as institutions of play—explicit games being the most obvious example. Perhaps language plays a crucial role in the creation and maintenance of such institutions, as Searle suggests, and perhaps it plays such a role in the explicit articulation of the norms of play. But it is difficult to see what further, crucial role language could have in social play *per se*, or in the shared intentionality that produces it.

The same is true of examples such as that of territory marking, which Searle discusses cursorily. While territory marking operates via olfaction in many species, it is a far cry from operating "in virtue of sheer physics", as erecting a wall around an area functions to mark a boundary and keep out intruders. In some species of animal olfactory cues are tied directly to particular behaviors in stimulus-response fashion, the olfactory detection of oleic acid by worker ants and the subsequent ejection from the nest of any ant so scented being one example sufficiently well-known to have become a mainstay of the philosophical literature (e.g., Allen and Hauser 1991; Sterelny 1995). But this very much *isn't* how territory marking works in psychologically more sophisticated animals, such as canids. (If it were, as Colin Allen pointed out to me, territory *defense* would seem puzzling, since territory *marking* would suffice to repel intruders.) Particular scents are used for different purposes by canids, and the patterns that these form depend on further contextual variables, such as whether the animal is dominant, whether it forms part of a mating pair, and where the animal is in the territory, such as at a junction or a periphery (Allen, Bekoff, and Crabtree 1999). Whether scented objects serve to mark a territory for an individual wolf or coyote, both for an individual marking the territory and an individual observing a territory boundary so marked, depends on a range of social variables, including on its being treated as a territory by others. When there is evidence that scents are so treated, individual species members treat them as such, and when there is not, they are mere scents. Just as stones that appear in certain kinds of patterns are typically signs of past human presence and intention (and those in wall-like patterns more specific signs), so too are similar scents detected on spatially separate but related objects typically signs of past animal presence and intention. But whether those signs become the basis for the recognition of something more specific, such as a territorial boundary,

depends in part on the collective recognition of that boundary. There is nothing about certain scents themselves that means "Beware! Territory here!"; rather, they come to take on that kind of significance or status in virtue of species-specific collective recognition. Territory marking and defense in at least some animals seems to be, *contra* Searle, a fairly clear example of the ascription of status functions in the absence of human institutions.

Reflecting on these two examples also highlights the tight coupling between the character of the collective intentionality that Searle thinks is required for there to be institutional facts, and those institutional facts themselves. On Searle's view, there is a relatively narrow gap between the individual psychological capacities necessary for participation in a world of institution facts and the creation of those facts themselves, and this provides the basis for explaining our uniqueness as creators of institutional facts. Nonhuman animals fail to create such facts because they lack some crucial aspect of those capacities, claims Searle. In terms of Searle's notion of status functions, non-human animals cannot assign status functions to brute facts because they lack a crucial shared psychological capacity for doing so. I shall move on now to probe this putative relationship between collective intentionality and institutional facts, at least insofar as those facts are representative of a larger class of social facts or social reality.

4. WHAT IS SOCIAL REALITY?

So far, I have used the analogy to social play to question the appropriateness of a view, such as Searle's, that insists on a psychologically-enriched profile of the participants in a social action that (we agree) requires shared intentionality and, in some sense, norms governing play action, but for which Searle seems to require something like explicit norms that can be articulated in a language by the participants in constitutive rules. That additional requirement seems inappropriately stringent in the case of social play, something that not only non-human animals but that infants and very young children appear to engage in, and the suggestion is that it is likewise too strong a constraint to impose on the capacity to assign status functions as well. But I want to use the example of social play in another way now: to question whether a view that offers what I have called a tight coupling between psychological capacities and institutional facts is likely to have the resources for answering both of our questions, "What are institutional facts?" and "What is social reality?" This introduces a second reason to question the adequacy of Searle's account of both institutional facts and social reality.

Whatever we say about the examples of social play and territory marking in at least some animals, it seems hard to deny that such play is social in a sense relevant to the question "What is social reality?". Play is interpersonal, it involves participants who have at least second-order intentionality, and it requires at least some level of shared intentionality, we-intentionality. (That is

no doubt part of what makes it *fun*.) Interactions having these features are typical of many behaviors that we find in human and nonhuman communities, including both cooperative and competitive interactions, behaviors that are aggressive or defensive, and those that involve resource acquisition or protection or by contrast that seem frivolous and unconnected to the struggle for existence. Some of these, such as grooming and alliances in primates, social play and territory marking in canids, and collective food sharing in bats, have been studied in detail. The question is where they fit in Searle's framework, given that they do not involve *institutional* facts, and that they may or may not involve the psychological capacities that Searle thinks necessary for the creation of institutional facts.

One option is simply to deny that such behaviors are, in the relevant sense, parts of social reality at all. In terms of Searle's initial dichotomy between brute facts and institutional facts, this would be to recognize them as brute facts. Some facts, one might say, are brute facts about the social world, such as who interacts with whom, what percentage of a population engages in a certain behavior, or what an individual's ranking is amongst his or her peers. None of these need involve human institutions and so need not be institutional facts, and need not presuppose the kind of collective intentionality necessary for there to be such facts. Thus, the Kantian question of how what we might call *brute social facts* are possible does not arise, or at least does not fall within the range of Searle's account of social reality, and how it is possible.

At several points Searle himself suggests this kind of response when he *stipulates* that the expression "social fact" refers to "any fact involving collective intentionality" (p. 26, cf. also p. 122, and his 2003, p. 198). All of the social phenomena that I have identified above do, I think, involve collective intentionality, at least conceived simply as first person plural intentionality, although they may not involve the more complicated forms that such collective intentionality can take and that, let us suppose, is necessary for the creation and recognition of institutional facts. Searle could look to exclude them by denying either that they involve collective intentionality or collective intentionality of the right kind, making them social phenomena that are interesting in their own terms, perhaps, or to someone else, but (apparently) not within Searle's own purview.

This option, whether or not it is one that Searle himself means to adopt, is ill-advised. What it does, in effect, is to construe social reality narrowly and in its most extreme form collapse the question "What is social reality?" into the question "What are institutional facts?". But for anyone working seriously in the social or behavioral sciences, even those who are focused exclusively on institutional facts, the institutional domain is a proper subset of the social domain and not coextensive with it, something that Searle himself recognizes (e.g., pp. 26, 121). This is not simply because of a concern with understanding nonhuman social behavior (although that is a concern of some, even in the social sciences), but because even in the human realm the kinds of interactive behaviors of which social play is typical can and do take place both inside and outside of institutional contexts. Examples that are species-typical for *Homo sapiens* include

social play and other forms of joint attention, cooperative endeavours that range from sharing one another's company (say, on a walk) to undertaking long-term projects that require a division of labor (such as raising children together), and telling one another stories or our sharing our narrative histories with one another.

Since members of our species now live in a world full of institutional facts (in Searle's sense), including those involving cultural artifacts, religious practices, formal rituals, and technological innovations, many of these interactive behaviors—perhaps even most of them—are mediated by institutional facts. We can jointly attend to a movie rather than play together, can share each other's company not only during a walk but also on a cruise or at dinner, can undertake joint projects that draw on technological wonders ranging from the pen to the computer, and can tell one another stories not simply face-to-face but at a distance through mobile phones and the internet. Our social lives are permeated with institutional facts, true, but my point is that this is an institutional overlay to a preexisting social realm, an extension of capacities and abilities that are presupposed by, rather than exhausted by, the institutional forms in which they are manifest. And some of these capacities and abilities are *social* (or psychosocial), not simply psychological, in nature. They are interpersonal, other-directed abilities that are manifest in our direct interactions with one another, even in a world crammed with institutional facts.

So simply denying this range of examples as part of social reality is not a real option. A second and more plausible option is available, however, for someone taking Searle's general approach to social reality and institutional facts faced with examples of non-institutional sociality. Rather than simply denying that such examples are social by stipulation, one could maintain that our best bet for coming to understand them is by focusing on their manifestation in behaviors and actions that involve institutional facts. Institutional facts exemplify a broader realm of social facts, and by understanding them—how they are possible—we will understand that broader realm, and how it is possible. We might think of institutional facts as paradigmatic social facts, or as representing in a particularly perspicuous way what is problematic or puzzling about social facts. Either way, there is an *epistemic* justification for the focus on institutional facts. Since Searle himself conducts much of his general discussion using the terms "social reality", "social phenomena", and "social facts", but the details of his account are focused on institutional facts, this option may be one that Searle himself finds attractive.

Yet the perspective that I have sketched also indicates something unsatisfactory about this second response to the examples I have presented, and I think this can be revealed in terms of Searle's own explicit framework. As we have seen, Searle is clear that institutional facts require a collective psychology of a certain kind, and goes so far as to identify social reality as a kind of (part of, subset of) what we might call *intentional reality*, the part of reality that involves intentional facts. But while we can concede that this is true of institutional reality,

it is not true of social reality more generally. Even on Searle's own hierarchical representation of where institutional reality fits in the overall ontology of common sense (p. 121), it is clear that there are social but non-institutional facts, and that there are several features distinctive of institutional facts that are not shared by intentional and social facts more generally: they involve the ascription of status functions and are often linguistically mediated. Thus, while a focus on institutional facts may help us to understand some aspects of both intentionality and sociality, an exclusive focus on them would be like trying to understand mammals but focusing on monotremes, or birds by focusing on penguins. In particular, while concentrating on institutional facts may allow us to understand the sense in which some forms of sociality are constructed (in the sense that preoccupies Searle), it also obscures the equally important sense in which there are forms of sociality or social reality that are *not* constructed. It is with these in mind that I want to conclude with some thoughts about the place of sociality vis-à-vis both intentionality and institutional reality.

5. THE DOMAINS OF THE INTENTIONAL, THE SOCIAL, AND THE INSTITUTIONAL

Like Searle, I am interested in the question of how institutional facts are possible. But unlike Searle, I do not think that we best answer this question by emphasizing psychological capacities of a certain kind that individuals possess and bracketing or ignoring the broader social or interpersonal domain of which the institutional is a part. Rather, we would do better in answering *both* the question of what institutional facts are and that of what social reality is by trying to understand the relationships between not just the intentional and the institutional, but between the intentional, the social, and the institutional. Pulling apart the social and institutional domains, and so treating the question "What are institutional facts?" separately from the question "What is social reality?", makes for a more complicated story, but one that seems required by the richness of the phenomena in both the institutional and social domains.

   One of the complications that arises in treating the two questions separately lies in the relationship between intentionality and sociality. Despite Searle's stipulation that he uses the expressions "social facts" and "collective intentional facts" so as to be coextensive (p. 122), our previous discussion should lead us to wonder about where aspects of the social world that do not involve collective intentionality fit into Searle's ontology. For not only are there social behaviors that require less than the full intentional profile that Searle views as necessary for the creation of institutional reality, but there seem to be such behaviors that require very little by way of intentionality at all, let alone shared, collective intentionality. For example, species of bird flock and species of fish school, and both are regarded as social behaviors; insects that live in large colonies with a division of reproductive labor are called "social insects"; and again whatever we think of whether the territoriality of animals is established by the ascription of status functions, that behavior is treated as a paradigm social behavior by those

who study it. In short, while there are forms that sociality takes that require intentionality, especially collective intentionality, there are others that do not. For this reason, while institutional facts presuppose intentional facts, social facts in general do not.

As the first indented quote of Searle's that I provided in the paper indicates, Searle himself adopts a fairly traditional, hierarchical, levels-based view of reality, according to which there are distinct physical, living (or biological), intentional (or psychological), and social levels, with entities at "higher" levels being organized systems of entities at immediately "lower" levels. It is testimony to the power of this idea of a hierarchical nesting of levels of reality (or things, facts, processes, etc.) that there has never been a serious competitor to that idea, at least amongst those who accept some measure of realism about the entities identified at the physical level. Recent alternatives seem to reduce to variants (e.g., distinguishing levels from orders, Kim 1998), or simply to denials of the view, together perhaps with a rejection of the conception of an integrated ontology (e.g., pluralism, Dupré 1993).

While I think that the levels-view is misleading in various ways, I am also skeptical of there being a global alternative to it. The best we can do, I suspect, is to identify particular problems introduced by (or that cannot be solved by invoking) this metaphor for the relationship between the many things there are in the world, and then to propose local alternatives to it. Elsewhere (Wilson 2003, 2005a: Chaps. 9–10) I have argued that a levels-view provides a view of natural selection that is misleading in several respects, suggesting that we think of certain kinds of properties of genes, individuals, and groups, and the processes that they feature in, as *entwined* or *fused*, rather than simply present "at different levels of selection". A variant of that idea may be applicable in thinking about the relationship between the psychological, the social, and the institutional, but we need a better sense of what the limits are to the levels metaphor as Searle and others have used it to make sense of social reality.

We have already met one obvious problem for the idea that social facts are a special kind of intentional fact: social facts can be found both "higher" than intentional facts and "lower" than them. There is an evolutionary reason for this, one that may help us to reflect on the relationships between sociality and intentionality in a way that sheds some light on the two questions with which we began, "What are institutional facts?" and "What is social reality?".

The social realm straddles both sides of the psychological or intentional domain because social aggregation is a more pervasive fact about the living world, especially the mobile, multicellular living world, than is intentionality. The fact of social aggregation, a direct product of how most organisms reproduce, means that at least some of one's conspecifics are typically a prominent feature of mobile, multicellular organisms. Thus, finding ways to interact with them constitutes an adaptive problem that such species typically face. Of course, one way to solve that problem is to interact with conspecifics as little as possible, and while some species have found that solution, they are very much a tiny minority.

Even in species that are sometimes called "solitary", such as orangutans or most species of spiders, offspring are relatively helpless and it is in their evolutionary interest typically to know how to gain protection and food from others, typically their parents, for at least some period of time. Sexual reproduction introduces another basis for sociality amongst the mobile and multicellular, since as crude as some of the strategies for mating are in other species by our own lights, they nonetheless are social in nature, even when they are coercively so.

So sociality is a pervasive feature of the animal world, some forms of which pre-date intentionality and others of which coevolved with particular forms of intentionality. More sophisticated forms of intentionality are layered on more basic forms that coexist with social dispositions and behaviors, and that in turn give rise to more sophisticated forms of sociality. Searle is right, I think, to take some of these forms—those involving institutional facts—to require not simply shared intentionality but shared intentionality of a special sort. Yet such institutional facts and the social reality they constitute are very much the tip of the social iceberg, the part that we can see from our own institution-laden point of view. Such facts arise when organisms with intentional capacities come to collectively represent in certain ways, and they can do that only against a pre-existing background that includes other social phenomena. This is not so much to imply that sociality should be conceptualized at a "lower level" than intentionality as to suggest that we replace such hierarchical thinking with something more like a cycle of social-intentional-institutional facts that dynamically build on one another over time.

While I have introduced this idea in a sketchy evolutionary scenario, the same general conception can be adopted in thinking about ontogenetic development, about everyday human life, and about cultural change in human societies. Consider human development. We are each born with a cluster of innate capacities—physical, intentional, and social in nature—and come to acquire others through these and the experience we have of the world. We do aim to understand what the physical basis is for both the initial capacities and those that we come to acquire over time, as well as the broader relationships that hold between particular physical, intentional, and social capacities. But we are born with sociality, both in terms of our innate orientation towards others and in terms of finding ourselves born into a social world, and the complex interplay between the physical, the intentional, and the social changes our standing with respect to each over time. Human sociality is not a kind of intentionality, although there are particular forms of sociality (such as friendship) that require particular forms of intentionality (e.g., a theory of mind), and that in turn may require specific physical abilities. Conceptualizing these as part of a layered reality can be an impediment to understanding the relationship between "the intentional" and "the social", as I think it is in evolutionary terms.

Searle would be right to point out that none of this—the appeal to non-institutional forms of sociality, the questioning of the levels metaphor, or pointing

to the interplay between the intentional and the social on both evolutionary and developmental timescales—sheds light on the basic problem with which he has grappled. That is a problem about the construction of social facts, a problem that Searle addresses by showing the connection between such facts and collective intentionality of a particular kind. What I am suggesting, however, is that Searle's preoccupation with that problem, a problem that at its core is one about the construction of institutional facts, has left him blind to the greater part of sociality or social reality, and especially its relationship to other aspects of reality, including intentionality.

6. CONCLUSION

I have argued for three chief, related conclusions in this paper. First, in Section 3, I argued that although Searle is right to highlight human uniqueness in the world as creators of certain kinds of social facts, he is wrong to likewise see us as the only creatures with the kind of first person plural intentionality necessary to create such facts. In part this is because Searle builds in more than is strictly necessary to collective intentionality (as the example of play aimed to show), and in part it is because Searle has either not explored or not taken seriously enough some of the relevant literature on nonhuman cognition (as the example of territory marking aimed to show). From Searle's own discussion of status functions, it seems clear to me that a range of nonhuman animals have the intentional capacity to ascribe such functions. Since Searle thinks that they do not, his views direct us to provide an intentional account of their lack. By contrast, if I am correct that they do have this capacity, at least in a rudimentary form, then the question of why only we create institutional reality, or at least the kind of elaborate institutional reality that typifies *Homo sapiens*, needs a different kind of answer. Expressing this in terms that Searle himself occasionally does—in terms of the notion of *culture*—perhaps helps to locate what might sound like an arcane debate between philosophers within a framework that those in the social sciences will recognize. To understand ourselves as distinctively cultural animals, we need to look beyond individual and collective intentionality.

Second, in Section 4, I argued that the view mediating this inference from human uniqueness in one domain—that of social facts—to another—that of collective intentionality—is mistaken. This is the view that the domains of sociality and collective intentionality are tightly coupled. Searle holds this view in part because he requires more than mere first person plural intentionality for institutional facts, namely a form of such collective intentionality that requires the explicit recognition of norms and even language. Perhaps this is required for institutional reality, but this brings out the point that institutional reality is a special part of sociality, not simply the whole of it or even a representative part of it. Not only does the ascription of status functions require a less psychologically enriched set of capacities than Searle thinks it does, but there are large tracts of sociality that seem to fall outside of the purview of Searle's view of the

"construction of social reality". Precisely because of its emphasis on institutional facts, status functions, and a particularly enriched form of collective intentionality, Searle's account has little to say about the forms of sociality that are not constructed in the way in which institutional facts surely are. While Searle himself recognizes the distinction between mere sociality and institutional reality, his bracketing of the former skews the account he gives of the latter.

My final point, articulated in Section 5, is that we need, collectively, to do some serious thinking about the broader relationships between sociality, intentionality, and institutional facts. The questions "What are institutional facts?" and "What is social reality?" are not simply different but different *kinds* of question. The first is what we might call a "puzzle question", a question that might be rephrased as the question of how institutional facts are possible and that is premised on a prior puzzle about how some parts of reality might be constructed yet objective. The second is not a puzzle question at all but a question about a range of phenomena—those I gather under the heading "sociality"— and how they are to be understood. Some of these phenomena, those concerning institutional facts, are puzzling for the reasons that Searle articulates, and there are many sensible and plausible things that he says about them in responding to the puzzle question. But the question about sociality is much broader, and to answer it we need a more sophisticated understanding of the relationship between intentionality and sociality, one that I suspect will take us beyond the levels metaphor that has served as a crutch in this and other areas of philosophy for too long.

REFERENCES

Allen, C. and Hauser, M. (1991). Concept attribution in non-human animals: Theoretical and methodological problems in ascribing complex mental processes. *Philosophy of Science*, 58: 221–240.

Allen, J.J., Bekoff, M. and Crabtree, R.L. (1999). An observational study of coyote (Canis latrans) scent-marking and territoriality in Yellowstone National Park. *Ethology*, 105: 289–302.

Anscombe, G.E.M. (1958). On brute facts. *Analysis*, 18: 69–72.

Bekoff, M. and Allen, C. (1998). Intentional communication and social play: How and why animals negotiate and agree to play. In M. Bekoff and J.A. Byers (eds.), *Animal Play: Evolutionary, Comparative, and Ecological Perspectives*. Cambridge: Cambridge University Press.

Bekoff, M. and Byers, J.A. (eds.) (1998). *Animal Play: Evolutionary, Comparative, and Ecological Perspectives*. Cambridge: Cambridge University Press.

Dupré, J. (1993). *The Disorder of Things: Metaphysical Foundations of the Disunity of Science*. Cambridge, MA: Harvard University Press.

Kim, J. (1998). *Mind in a Physical World: An Essay on the Mind-Body Problem and Mental Causation*. Cambridge, MA: MIT Press.

Pettit, P. (2003). Groups with minds of their own. In F. Schmitt (ed.), *Socializing Metaphysics: The Nature of Social Reality*. Lanham, MD: Rowman & Littlefield.

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

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

Searle, J.R. (1992). *The Rediscovery of the Mind*. Cambridge, MA: MIT Press.

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

Searle, J.R. (2003). Social ontology and political power. In F. Schmitt (ed.), *Socializing Metaphysics: The Nature of Social Reality*. Lanham, MA: Rowman & Littlefield.

Sterelny, K. (1995). Basic minds. *Philosophical Perspectives*, 9: 251–270. Reprinted in K. Sterelny, *The Evolution of Agency and Other Essays*. Cambridge: Cambridge University Press.

Wilson, R.A. (2003). Pluralism, entwinement, and the levels of selection. *Philosophy of Science*, 70: 531–552.

Wilson, R.A. (2004). *Boundaries of the Mind: The Individual in the Fragile Sciences: Cognition*. Cambridge: Cambridge University Press.

Wilson, R.A. (2005a). *Genes and the Agents of Life: The Individual in the Fragile Sciences: Biology*. Cambridge: Cambridge University Press.

Wilson, R.A. (2005b). Collective memory, group minds, and the extended mind thesis. *Cognitive Processing*, 6: 227–236.