Rivista di estetica

the other(s)

edited by
Massimo Dell'Utri and Stefano Caputo

Rosenberg & Sellier

Rivista di Estetica issn 0035-6212
Direttore: Maurizio Ferraris
Comitato Scientifico: Tiziana Andina, Università di Torino; **Alessandro Arbo**, Université de Strasbourg; **Marco Belpoliti**, Università di Bergamo; **Mauro Carbone**, Université "Jean Moulin" Lyon 3, France; **Roberto Casati**, Institut Jean Nicod, Paris **Jean-Pierre Cometti**, Université de Provence; † **Arthur C. Danto**, Columbia University, New York; **Stephen Davies**, The University of Auckland; **Mario De Caro**, Università di Roma Tre; **Pino De Luca**, Università di Salerno; **Fabrizio Desideri**, Università di Firenze; **Giuseppe Di Giacomo**, Università di Roma "La Sapienza"; **Umberto Eco**, Scuola Superiore di Studi Umanistici, Bologna; **Pietro Kobau**, Università di Torino; **Jerrold Levinson**, University of Maryland; **Giovanni Lombardo**, Università di Messina; **Armando Massarenti**, Università di Bologna; **Giovanni Matteucci**, Università di Bologna; **Pietro Montani**, Università di Roma "La Sapienza"; **Mario Perniola**, Università di Roma "Tor Vergata"; **Jacques Morizot**, Université de Provence; **Frédéric Nef**, École des Hautes Études en Science Sociales, Paris; **Nicola Perullo**, Università di Scienze Gastronomiche, Pollenzo; **Lucia Pizzo Russo**, Università di Palermo; **Roger Pouivet**, Université de Nancy; **Luigi Russo**, Università di Palermo; **Salvatore Tedesco**, Università di Palermo; **Amie Thomasson**, University of Miami; **Achille Varzi**, Columbia University, New York; **Nicla Vassallo**, Università di Genova; **Stefano Velotti**, Università di Roma "La Sapienza"
Redattore capo: Tiziana Andina
Redazione: Luca Angelone, Carola Barbero, Leonardo Caffo, Elena Casetta, Davide Dal Sasso, Vincenzo Santarcangelo, Daniela Tagliafico, Enrico Terrone, Giuliano Torrengo, Vera Tripodi
Segreteria di redazione: Carola Barbero
http://www.labont.it/estetica/index.asp

Corrispondenza, lavori proposti per la stampa, libri per recensioni e riviste in cambio indirizzare a «Rivista di Estetica»
Università di Torino, Dipartimento di Filosofia, Via Sant'Ottavio 20, 10124 Torino
Fax 0039.011.8124543, Tel. 0039.011.6703738, e-mail: tiziana.andina@labont.it

Editore: Rosenberg & Sellier, via Andrea Doria 14, 10123 Torino
Tel. 0039.011.8127820, Fax 0039.011.8127808, www.rosenbergesellier.it
Per abbonamenti scrivere a: abbonamenti@rosenbergesellier.it oppure usare www.rosenbergesellier.it
Per ordini dei fascicoli scrivere a: clienti@rosenbergesellier.it oppure usare www.rosenbergesellier.it

Tariffe abbonamento annata 2014 (fascicoli 55, 56, 57) valide dal 1° marzo 2014
n° 55 Screens (a cura di Mauro Carbone e Anna Caterina Dalmasso)
n° 56 L'altro (a cura di Stefano Caputo e Massimo Dell'Utri)
n° 57 From Intentionality to Documentality (a cura di Peter Bojanic, Elena Casetta e Giuliano Torrengo)

versione digitale	Italia € 82	Estero € 116
versione digitale + fasc. speciale	Italia € 102	Estero € 139
fascicoli stampati	Italia € 103	Estero € 147
fascicoli stampati + fasc. speciale	Italia € 125	Estero € 172
fascicoli stampati + versione digitale	Italia € 139	Estero € 195
fascicoli stampati + digitale + fasc. speciale	Italia € 167	Estero € 226
annate arretrate	Italia € 118	Estero € 148
fascicoli arretrati	Italia € 45	Estero € 56

Effettuare versamento sul ccp 11571106 intestato a:
Rosenberg & Sellier Editori in Torino, via Andrea Doria 14, Torino,
specificando "Rivista di Estetica".

Registrazione presso il Tribunale di Torino, n. 2845 del 7.2.1979
Direttore responsabile: Maurizio Ferraris
Proprietario: Ugo Gianni Rosenberg
Stampa: Legoprint per Pde
Finito di stampare: giugno 2014

La legge 22 aprile 1941 n. 633 sulla protezione del diritto d'autore, modificata dalla legge 18 agosto 2000 n. 248, tutela la proprietà intellettuale e i diritti connessi al suo esercizio. Senza autorizzazione sono vietate la riproduzione e l'archiviazione, anche parziali e anche per uso didattico, con qualsiasi mezzo, sia del contenuto di quest'opera sia della forma editoriale con la quale essa è pubblicata. Le fotocopie per uso personale del lettore possono essere effettuate nei limiti del 15% di ciascun volume/fascicolo di periodico dietro pagamento alla SIAE del compenso previsto dall'art. 68, commi 4 e 5, della legge 22 aprile 1941 n. 633. Le riproduzioni effettuate per finalità di carattere professionale, economico o commerciale o comunque per uso diverso da quello personale possono essere effettuate a seguito di specifica autorizzazione rilasciata da AIDRO, Corso di Porta Romana n. 108, Milano 20122, e-mail segreteria@aidro.org e sito web www.aidro.org

© 2014 by Rosenberg & Sellier, Torino, Italia per i testi in forma di periodico e
© 2014 by Rosenberg & Sellier, Torino, Italia per la copertina

www.rosenbergesellier.it

In copertina: testata di Valerio Adami
Copertina: Ada Lanteri, realizzata da Eicon, Torino

Rivista di estetica

n.s., 56 (2/2014), anno LIV
the other(s)
edited by Massimo Dell'Utri and Stefano Caputo

Indice

Massimo Dell'Utri, Stefano Caputo, *Introduction: Ten Trips around the Conceptual Galaxy of Otherness* 3
Diego Marconi, *Other than Whom?* 13
Cristina Meini, Alfredo Paternoster, *The Other "in" the Self: The Sense of Self and the Threat of Relativism* 21
Cristian Muscelli, *L'altro e il tempo dell'immediatezza* 35
Wojciech Żełaniec, *On a Value of Eccentricity* 55
Pier Luigi Lecis, *Noi e loro. Un approccio comunicativo* 65
Maurizio Ferraris, *Otherness: The Prevalence of the Real* 87
Carola Barbero, *Emma and The Others* 97
Alberto Voltolini, *The Depicted Gaze of the Other* 111
Giuseppe Lorini, *Meta-institutional Concepts: A New Category for Social Ontology* 127
Maria Bettetini, *The Ancient Faults of the Other: Religion and Images at the Heart of an Unfinished Dispute* 141

varia

Carola Barbero, *Risposta (tranquillizzante) a una nota critica (e a un grido di allarme)* 163
Valentino Della Casa, *Volontà di potenza come volontà di naufragio: quando il superamento passa dall'autodistruzione* 169
Michele Di Francesco, Alfredo Tomasetta, *Immaginare e sperimentare. Gli zombie e il problema della coscienza fenomenica* 179

Igor Evlampiev, Pëtr Kolychev, *L'influenza delle idee di Lev Tolstoj sul pensiero di Friedrich Nietzsche durante il lavoro sul trattato* L'Anticristo 209
Venanzio Raspa, *L'estetica dimenticata: la vicenda della scuola di Graz* 217
Achille C. Varzi, *Fictionalism in Ontology: The 2011 Paolo Bozzi Lecture* 253

recensioni

Leonardo Caffo, *Filosofia dell'animalità* di Felice Cimatti; *Il bonobo e l'ateo* di Fran de Waal 271

n.s., 56 (2/2014), anno LIV
the other(s)
edited by Massimo Dell'Utri and Stefano Caputo

Indice

Massimo Dell'Utri, Stefano Caputo, *Introduction: Ten Trips around the Conceptual Galaxy of Otherness* 3
Diego Marconi, *Other than Whom?* 13
Cristina Meini, Alfredo Paternoster, *The Other "in" the Self: The Sense of Self and the Threat of Relativism* 21
Cristian Muscelli, *L'altro e il tempo dell'immediatezza* 35
Wojciech Żełaniec, *On a Value of Eccentricity* 55
Pier Luigi Lecis, *Noi e loro. Un approccio comunicativo* 65
Maurizio Ferraris, *Otherness: The Prevalence of the Real* 87
Carola Barbero, *Emma and The Others* 97
Alberto Voltolini, *The Depicted Gaze of the Other* 111
Giuseppe Lorini, *Meta-institutional Concepts: A New Category for Social Ontology* 127
Maria Bettetini, *The Ancient Faults of the Other: Religion and Images at the Heart of an Unfinished Dispute* 141

varia

Carola Barbero, *Risposta (tranquillizzante) a una nota critica (e a un grido di allarme)* 163
Valentino Della Casa, *Volontà di potenza come volontà di naufragio: quando il superamento passa dall'autodistruzione* 169
Michele Di Francesco, Alfredo Tomasetta, *Immaginare e sperimentare. Gli zombie e il problema della coscienza fenomenica* 179

Igor Evlampiev, Pëtr Kolychev, *L'influenza delle idee di Lev Tolstoj sul pensiero di Friedrich Nietzsche durante il lavoro sul trattato* L'Anticristo 209
Venanzio Raspa, *L'estetica dimenticata: la vicenda della scuola di Graz* 217
Achille C. Varzi, *Fictionalism in Ontology: The 2011 Paolo Bozzi Lecture* 253

recensioni

Leonardo Caffo, *Filosofia dell'animalità* di Felice Cimatti; *Il bonobo e l'ateo* di Fran de Waal 271

Giuseppe Lorini

META-INSTITUTIONAL CONCEPTS: A NEW CATEGORY FOR SOCIAL ONTOLOGY[1]

Abstract

In *Speech Acts*, John Searle argues that institutional facts presuppose, for their existence, the existence of certain institutions (understood as systems of constitutive rules). In this paper I extend Searle's theory of institutional facts arguing that a further level is needed for the investigation of the structure of institutional reality: *the level of meta-institutional concepts*. The meta-institutional concepts are concepts that go beyond (Greek: *metá*) the institutions of which they are conditions of possibility. An example of meta-institutional concept is the concept of game. In a culture which does not have the concept of game, we could move the chess-men according to the rules of chess, we could also perform a castling, but it would be impossible to *play* chess.

> *It is, of course, imaginable that two people belonging to a tribe unacquainted with games should sit at a chess-board and go through the moves of a game of chess; and even with all the appropriate mental accompaniments. And if we were to see it we should say they were playing chess.*
> Ludwig Wittgenstein, P*hilosophical Investigations*, 1953, I, § 200

1. Introduction: meta-institutional concepts

1.1. In his book *Mind, Language and Society. Philosophy in the Real World*, John Searle defines institutional facts as facts the nature (type) of which is constituted by rules; for this reason he calls them "constitutive rules"[2]. As stated by Searle,

[1] This paper is dedicated to the memory of Hubert Schwyzer (Vienna, Austria, 1935-Santa Barbara, California, United States, 2006).

[2] Cfr. Searle 1965: 223-225, Searle 1969: 33-34.

Rivista di estetica, n.s., 56 (2 / 2014), LIV, pp. 127-139 © Rosenberg & Sellier

constitutive rules «not only regulate, but also constitute, or make possible, the form of activity that they regulate. The classic example is the rules of chess»[3].

For the kind of constitutive rules which constitute the concept (the *eidos*) of their object, Amedeo Giovanni Conte proposed the name "eidetic-constitutive rules". According to Conte:

> The eidetic-constitutive rules are those that determine the connotation of those terms that (in the formulation of the rules) designate the praxemes (the units of praxis) which are governed by the rules. For example the rules of chess are eidetic-constitutive because (and in the sense that) they determine the connotation of terms ("bishop", "castling", "check", …) which designate the praxemes (pieces, pragmemes[4], game situations) of the game[5].

The idea that there are rules which create new types of acts and new possibilities of action can also be found in the work of the Polish legal philosopher Czesław Znamierowski *Podstawowe pojęcia teorji prawa* (*The Fundamental Concepts of the Theory of Law*) published in 1924[6].

According to Searle, «the very possibility of playing chess depends on there being rules of chess». Nonetheless, if we consider the following two facts:

(i) Kasparov won at chess,
(ii) Kasparov is playing chess,

we can see that the situation is somewhat more complex, in the sense that that very possibility does not depend exclusively on constitutive rules.

In fact the nature of these two facts seems not to be completely constituted by constitutive rules.

These two facts, (i) and (ii), presuppose, for their existence, not only the existence of systems of constitutive rules, but also the existence of certain concepts (or semantic structures) that I call "meta-institutional concepts". The meta-institutional concepts are concepts that are conditions of possibility of institutions (and therefore of institutional facts)[7]. The phrase "meta-institutional concepts" refers to the fact that the meta-institutional concepts go beyond (Greek: μετά *metâ*) the institutions of which they are conditions of possibility[8].

[3] Searle 1999: 123. For a reconstruction of the heterogeneous philosophies of constitutive rules, cfr. Żełaniec 2013.

[4] Conte calls "pragmemes" the acts whose type is constituted by eidetic-constitutive rules. A castling in chess e.g. is a pragmeme.

[5] Conte 1988: 252.

[6] See e.g. Żełaniec 2013: 35-37, Lorini and Żełaniec 2013.

[7] Following Searle, by the term "institution" I mean a system of constitutive rules. Cfr. Searle 1969: 51, Searle 2010: 10.

[8] I owe the phrase "meta-institutional concepts" to Miller 1981. Cfr. Lorini, 2000: 311-313, Roversi 2012: 143-144.

1.2. The present paper is divided in three parts. In the first part, analysing the fact that Kasparov won at chess (fact (i)), I show that this institutional fact is not completely constituted by the rules of chess, because for it to be possible (in the society where it happens), the concept of victory must exist, a concept that is not constituted, but, much rather, presupposed by the rules of chess. In this part, I argue that the concept of victory is a meta-institutional concept common to other competitive games[9].

In the second part, I analyse the fact that Kasparov is playing chess (fact (ii)) and I show that, much as the fact that Kasparov won at chess, also the nature of this institutional fact (that Kasparov is playing chess) is not entirely created by the rules of chess. In order for it to be possible to play chess, the concept of competitive game is needed. Here I argue that the concept of competitive game, too, is an example of a meta-institutional concept.

In the third part, in the light of the discovery of meta-institutional concepts, I point out that the structure of institutional reality is more complex than it appears in Searle's social ontology. Searle's social ontology needs to be extended. I agree with Searle that institutional facts presuppose, for their existence, the existence of institutions, but I add that some institutions, in their turn, presuppose, for their existence, the existence of certain meta-institutional concepts. I believe that, beyond the level of institutional facts and the level of institutions, a third level is needed for the investigation of the structure of institutional reality: *the level of meta-institutional concepts*.

Let us now analyse in detail the two facts:

(i) Kasparov won at chess,
(ii) Kasparov is playing chess.

2. Victory as a meta-institutional concept

2.1. I start from the first fact: Kasparov won at chess. The fact that Kasparov won at chess is certainly an institutional fact. As Searle argues, victory and defeat in games are instances of institutional facts[10]. Indeed, victory in a game like chess presupposes the existence of the institution of chess. Evidently you cannot win a chess game, if the institution of the game of chess does not exist.

Nonetheless the fact that:

Kasparov won at chess,

[9] Żełaniec 2013: 153 ff. has urged that the concept of victory-in-a-game, though logically superordinate to the specific concepts of victory in a specific game, is not bouletically autonomous or independent with respect to these, that is, it is psychologically impossible to will a victory-in-a-game without willing a victory in a specific game.

[10] Searle 1995: 28, 101.

is structurally different from another institutional fact such as the fact that:

Kasparov has checkmated his opponent's king.

It is important to note that the two sentences "Kasparov won at chess" and "Kasparov has checkmated his opponent's king" could be used to describe correctly the same fact, but obviously in a different ways, grasping different elements of the same fact.

So we can ask: what is the difference between these two institutional facts? I argue that the fact that Kasparov has checkmated his opponent's king is a fact the nature of which is entirely constituted by rules of chess, while the fact that Kasparov won at chess is a fact that presupposes the rules of chess, but the nature of which is *not completely* constituted by these rules.

The concept of victory, indeed, unlike the concept of checkmate, is not a concept constituted by the rules of chess[11]. So we can say that the concept of victory, unlike the concept of checkmate, is not an institutional concept of chess[12].

2.2. While winning at chess is an institutional fact, the concept of victory is not an institutional concept of the institution of chess. Indeed, the concept of victory, unlike the concept of checkmate, is not a concept constituted by the rules of chess. There are no rules of chess that define what victory is in itself, although there are rules of chess defining what constitutes victory in chess.

Unlike the meaning of "checkmate", the meanings of "victory" and "defeat" go beyond the boundaries of the single institution of chess and indeed of any other institution. Indeed, in an institution like the game of chess there are rules which determine the conditions of victory and defeat, and therefore determine the *extension* of the words "victory" and "defeat" in the sphere of the institution of chess. In other words, there are rules determining the conditions of victory and defeat in a chess match: they determine which configurations of chess pieces on the chessboard constitute the victory in a chess match.

But the *intension* of the two words "victory" and "defeat" is not determined by the institution that determines the conditions of victory and defeat (unlike the word "checkmate" the intension of which is entirely constituted by the rules of chess).

On this topic, very interesting is what Ludwig Wittgenstein writes in *Philosophical Grammar*, where he asks himself: «What constitutes winning and losing in a game […]?» And he answers: «It isn't of course just the winning position»[13].

[11] A similar thesis appears in Raz 1975: 121. Raz argues that victory is a value of the game of chess, which is not constituted by the rules of the game.

[12] According to Smith 2003b: 298, the concepts of winning and losing are «basic institutional concepts», «institutional concepts not capable of being further defined on the institutional level». On basic institutional concepts, cfr. also Smith 1990: 55.

[13] Wittgenstein 1974: 293.

Here Wittgenstein seems to allude to the fact that winning in a game does not coincide with the winning position that determines the victory[14]. For example, the configuration of chess pieces on a chessboard determines the victory of a player, but victory is not a mere game-interior state of affairs consisting in a configuration of chess pieces on a chessboard. There is something more and it is in this "something more" that there is the flavour of victory. Victory is *something more* than a simple game situation (for example: the checkmate) that produces it.

2.3. As I have shown before, the concept of victory is not an institutional concept of the chess, but a meta-institutional concept of this institution or perhaps of a range of similar institutions. The concept of victory, indeed, is a condition of possibility of certain institutions like the games of soccer (association football) and chess. It is logically prior to these institutions.

Unlike the institutional concepts of checkmate, the concept of victory does not have its own condition of possibility in the institution of game of chess, i.e. in the rules of chess. On the contrary, it is the concept of victory itself that constitutes a necessary condition of possibility of certain institutions such as competitive games.

You cannot play chess without having the concept of victory. Moreover, it is impossible to construct by rules an institution like the game of chess without presupposing the concept of victory.

Unlike the concept of checkmate, the concept of victory is not constituted, but presupposed by the rules of chess. In particular, it is presupposed by Article 10.1 of the F.I.D.E. Laws of Chess:

> The game is *won* by the player who has checkmated his opponent's king.

2.4. Besides, a characteristic of the *meta-institutionality* of the concepts of victory and defeat is their *trans-institutionality*. Whereas the conditions of victory and defeat change as we shift from one game to another, the meaning of "victory" and the meaning of "defeat" remain unchanged. Unlike the concept of checkmate or the soccer concept of goal, the concept of victory is a concept common to all competitive games[15].

3. Game as a meta-institutional concept

3.1. In the first part of this paper, I analysed the fact that Kasparov won at chess. Now I shall examine the second of two above-mentioned facts: Kasparov is playing chess.

[14] As Dummett 1978: 8 writes, «to say for each particular game what winning it consists in is not to give a satisfactory account of the concept of winning a game».

[15] On the victory as essential element of competitive games, cfr. Huizinga 1938, Caillois 1958.

The fact that Kasparov is playing chess, too, is an institutional fact, since it is not possible to play chess without the constitutive rules of chess. But the rules of chess are not a sufficient condition of possibility of playing chess. The idea that the rules of chess do not constitute the *game character* of such an institutional activity is suggested by a thought experiment by Hubert Schwyzer.

> Imagine the following. I have now been in Ruritania some time, and can speak the language tolerably well. One day I accompany my host with his family to a certain building, where a large number of people are sitting in a circle on the floor, murmuring among themselves agitatedly. In the center of the circle is a small table with two chairs, and on the table is a chessboard with chessmen arranged as for the beginning of a game. After a while, two men in elaborate clothes enter the room and seat themselves at opposite sides of the table; whereupon those sitting on the floor fall silent and watch intently. The men at the table then proceed, with what appears to be an air of great concentration, to move the chess pieces around on the board according to the rules of chess. It strikes me, however, that they play a rather wild game, and I can see no consistent strategy in the moves of either player. The excitement mounts until, after an hour or so, white mates black. Then everyone present, including both men at the table, shows signs of extreme relief; they mop their brows, smile and congratulate one another[16].

Continuing with his thought experiment, Schwyzer imagines that, on returning home, he shows his own chess set to his host and he asks him to play chess. But here is the surprising reaction of his host to this request:

> He turns pale, is horrified and appalled, and insists that I put it away immediately. "Blasphemer!" he exclaims. "Did you want to *play* at chess with me? And did you *forge* that chess set?"[17].

Why did Schwyzer's host react in this way to the simple request to play chess? Schwyzer understands the reason of such unexpected reaction when his host explains to him what the practice of chess consists of in Ruritania:

> There is, he says, only one chess set for each community. Chess is enacted once every year by the priest of the community, for purposes of determining the will of the gods. If white mates black, the community and the crops will flourish; if black mates white, there will be trouble[18].

Then, to Schwyzer's question whether the white should always win, the host, even more shocked, responds in this way:

[16] Schwyzer 1969: 456.

[17] *Ibidem*.

[18] *Ivi*: 457.

> Chess is not a duel or a battle. It is a sacred rite. There is no winning or losing at all[19].

3.2. At this point the misunderstanding is revealed: in Ruritania, chess is not a *game*, but a religious *rite* that is enacted only once a year by the priests of the community[20]. The rite of chess is not a form of competition: in the rite of chess, you cannot win or lose, because victory and defeat are no part of the grammar of the rite. Consequently, for the grammar of rite, in Ruritania's chess it does not make sense to talk of strategy[21].

In this thought experiment, Schwyzer focuses on the fact that the differences between the game of chess and the rite of chess are *not* determined by, and not pindownable to, the constitutive rules of chess. Indeed, the activity of the two practices (rite of chess and game of chess) is governed by the *same* rules: the constitutive rules of chess.

For our purposes, it is important to point out that Ruritanians (as the tribe described by Wittgenstein [1953]) are not acquainted with competitive games. As Schwyzer tells us, Ruritanians do not know games as tennis, football or chess:

> The only kinds of playing they recognize are (a) "intransitive" playing, or playing *simpliciter*, as in, e.g., "Go and play in the garden, with Johnny, with this ball"; and (b) playing at something (like playing teacher, or soldiers, or cowboys and Indians, mother and father). […] There is no playing that is *eo ipso* competitive: there are no games like tennis, football, or chess[22].

For the activity of playing chess to be possible, (the existence of) a second cultural element, besides the constitutive rules of chess, is needed: the *concept of competitive game*.

In a society where the concept of competitive game does not exist, we could move the chess-men according to the rules of chess, we could also perform a castling, but it would be impossible to *play* chess: in a society like that, it would be impossible to engage in any activity of the nature of a competitive game.

An epistemological thesis corresponds to this ontological thesis about the nature of an institutional activity such as playing chess: if you do not understand what games are (i.e. if you do not have the concept of game), you cannot understand what a chess match is, although you know very well the rules of chess.

[19] *Ibidem*. Cf. Borutti 1983: 108-110.

[20] A similar case is described by Lévi-Strauss 1962: 44. He describes the case of Gahuku-Gama people from New Guinea «qui ont appris le football, mais qui jouent, plusieurs jours de suite, autant de parties qu'il est nécessaire pour que s'équilibrent exactement celles perdues et celles gagnées par chaque camp». They consider «un *jeu* comme un *rite*».

[21] An interesting rule-constituted practice very similar to the rite of chess is the practice of the consulting the poison oracle among the Azande. Cfr. Ahern 1982.

[22] Schwyzer 1969: 457.

A similar kind of impossibility is described in a short story by Jorge Luis Borges: *La busca de Averroes* (*The Averroës Investigation*). In this short story, Borges tells us of an impossible quest, the quest of Averroës – a quest for Arabic words for "tragedy" and "comedy". Averroës tried to translate the Aristotle's *Poetics*, but being closed within the limits of Islamic culture, and not knowing theatre, he could not understand the meaning of the two terms "tragedy" and "comedy".

3.3. Whereas the fact of playing chess is an institutional fact, the concept of game (the concept of competitive game) is not an institutional concept of the game of chess, since it is not constituted by rules of chess. It is logically independent from these rules.

For this feature, we have to differentiate between the concept of game and *institutional concepts* (rule-constituted concepts), such as the concepts of castling and checkmate.

In relation to the institution of chess, the concept of game is not an institutional concept: it is a *meta-institutional concept.* With regard to the institution of the game of chess, the concept of game is meta-institutional, since it is not constituted, but presupposed by the rules of chess.

Therefore, the concept of game is a (necessary) condition of possibility of both the *activity of playing chess* (an institutional fact) and the *game of chess* (an institution).

That the concept of game is presupposed by rules of chess, is made evident by an analysis of the Laws of Chess. The meta-institutional concept of game is presupposed, for example, by Article 1 of the F.I.D.E. Laws of Chess:

> The game of chess is *played* between two opponents by moving pieces on a square board called a "chessboard".

This rule presupposes that chess is a *game*. The word "played" refers to the concept of game, without which this word is meaningless.

3.4. As a meta-institutional concept, the concept of game acts as a condition of possibility as well as a boundary of the norm-giving activity of an imaginary inventor of a new game.

For the inventor of a new game, the concept of game is a limit of his/her power of cultural creation: in the creation of a game, the imaginary inventor must respect the constitutive *game character* of the game[23].

[23] The criterion of inventability is introduced by Crosby 1990: 74 to distinguish, in the institutional world, between "things of convention" and "essential structures". According to Crosby, the fundamental difference between an essential structure and a thing of convention is that while a conventional entity is inventable and modifiable, an essential structure is "uninventable" e "unchangeable".

As Gaetano Carcaterra points out in the book *La forza costitutiva delle norme* (*The Constitutive Force of Norms*), the power of decreeing is not absolute even in the spiritual world:

> Even *the creation of a game has to comply with the requirements of game activity in general.* […] Also the power of cultural creation is subject to certain conditions and meets with limits[24].

The obstacles encountered by the power of creation lie in the "nature" of the object that is created. For instance, in order to create a game practice, you must respect the conditions which are set by the concept of game itself. There is a certain "resistance of the concept" ("eidetic resistance"), which conditions the power of cultural creation.

In particular, this kind of constraints exists for competitive games (chess, football, tennis, bridge). For example, in a competitive game "it must be possible to win" and "it must be possible to lose". In the language of German phenomenologist Adolf Reinach, these are two eidetic laws (*Wesensgesetze*) of the competitive game. This is the reason why the advertising that I once saw on an Irish road "Who plays wins" sounds odd.

4. Two different levels of conditions of possibility of institutional facts

4.1. In the first two parts of this paper, I argued that the concept of victory and the concept of competitive game are a particular kind of concepts that play an important role in the institutional reality: they make possible the existence of the certain institutions (as the game of chess) and then of institutional facts relative to these institutions. For example, without the concept of victory and the concept of competitive game, obviously you can move in conformity to the rules of chess, you can also perform a castling, but you cannot play chess at all, as Schwyzer's thought experiment shows[25].

But what is the significance of the discovery of this new kind of concepts for social ontology?

To answer this question, I would like to start from John Searle's social ontology. His social ontology is basically an answer to a fundamental question asked by Searle: «How are institutional facts possible?»[26]. In other words, as Searle writes, «how to get from electrons to elections and from protons to president?»[27]; how is it possible in a universe consisting entirely of physical particles in fields of force that there can be such things like European citizens, the President of Ital-

[24] Carcaterra 1979: 109.

[25] Lorini 2012b.

[26] Searle 1995: 2.

[27] Searle 2010: 3.

ian Republic, the Juventus soccer team, five euro bills, property rights, English sentences, chess games, tribunals, contracts, political parties, elections?

An answer to this question is already to be found in Searle (1969). Searle argues that institutional facts are made possible by the human institutions understood as systems of constitutive rules. As Searle writes about institutional facts:

> They are indeed facts; but their existence, unlike the existence of brute facts, presupposes the existence of certain human institutions[28].

For example, it is impossible to score a goal (in a soccer game), in the absence of the institution of the game of soccer with its rules. Similarly, you cannot owe a car in the absence of the institution of property, although you can still drive it.

So this is the picture of the structure of institutional reality that Searle draws; it is a two-level picture:

institution

↓

institutional facts

4.2. I believe that it could be interesting to examine a further level of institutional reality that Searle's social ontology leaves out. It is the level of the conditions of possibility of the institutions themselves. As I said, Searle asked the question: «How are institutional facts possible?»[29]. I would like to ask a different question: «How are institutions possible?».

To answer this second question, I think we have to investigate what I have called «meta-institutional concepts», i.e. the concepts, presupposed by certain institutions, that go beyond the institutions of which they are conditions of possibility. It is only the investigation of meta-institutional concepts presupposed by a certain institution that allows to have a complete picture of the conditions of possibility of the institutional facts made possible by this institution.

According to Searle, to understand how it is possible to score a goal in a soccer game, it is necessary to investigate the institution of soccer and its constitutive rules, but, I think, it is necessary to examine also the conditions of possibility of the same institution of soccer and its constitutive rules. At this level, the concept of competitive game and the concept of victory come into play.

For example, as I showed in the first part and in the second part of the paper, for the existence of institutions such as the game of chess, the concepts of victory and of competitive game are needed. Besides, it is impossible to invent a new

[28] Searle 1969: 51.

[29] Searle 1995: 2.

competitive game, if you live in a society like Ruritania's, that does not have the concepts of victory and competitive game.

Moreover, the investigation of meta-institutional concepts reveals another important truth on the ontology of institutions: institutions are not self-contained; they are not a complete and independent unit in itself. They are not self-sufficient from the point of view of their categorical apparatus. Institutions are immersed in a conceptual atmosphere that conditions their possibility of existence[30].

In the light of these last considerations on the conditions of possibility of the institutions, we can enrich the Searle's two-level picture of the structure of institutional reality with a new level: *a level of meta-institutional concepts*:

meta-institutional concepts

↓

institution

↓

institutional facts

This three-level picture of the structure of institutional reality has the advantage of highlighting two facts:

(i) institutions are not self-contained,
(ii) there are at least two different levels of conditions of possibility of institutional facts: the *level of institutions* and the *level of meta-institutional concepts*.

[30] Another aspect of institutions that reveals that institutions are not self-contained is relative to the τέλος (the aim, the end, the goal, the purpose) of an institution. As Żełaniec 2007: 40 states, institutions are not autotelic, they have not a purpose in and not apart from itself. They must have an anthropological significance.

References

Anscombe, G.E.M.
– 1958, *On brute facts*, "Analysis", 18: 69-72
Ahern, E.M.
– 1982, *Rules in oracles and games*, "Man", New Series, 17: 302-312
Borges, J.L.
– 1981, *Obras completas*, Buenos Aires, Emecé
Borutti, S.
– 1983, *Significato. Saggio sulla semantica del '900*, Bologna, Zanichelli
Bourdieu, P.
– 1972, *Esquisse d'une théorie de la pratique*, Genève, Droz
Caillois, R.
– 1958, *Les jeux et les hommes*, Paris, Gallimard
Cameron, J.R.
– 1972, *The nature of institutional obligation*, "The Philosophical Quarterly", 22: 318-331
Carcaterra, G.
– 1979, *La forza costitutiva delle norme*, Roma, Bulzoni
Conte, A.G.
– 1988, *Eidos. An essay on constitutive rules*, "Poznań Studies in the Philosophy of the Sciences and the Humanities", 11: 251-257
– 1995, *Filosofia del linguaggio normativo. II. Studi 1982-1994*, Torino, Giappichelli
Crosby, J.F.
– 1990, *Speech Act Theory and Phenomenology*, in A. Burkhardt (ed), *Speech Acts, Meaning and Intentions. Critical Approaches to the Philosophy of John R. Searle*, Berlin, de Gruyter: 62-88
Dummett, M.
– 1978, *Truth*, in *Truth and other enigmas*, London, Duckworth: 1-24
Huizinga, J.
– 1938, *Homo ludens. Proeve eener bepaling van het spel-element der cultuur*, Haarlem, Tjeenk Willink
Lévi-Strauss, C.
– 1962, *La pensée sauvage*, Paris, Plon
Lorini, G.
– 2000, *Dimensioni giuridiche dell'istituzionale*, Padova, Cedam
– 2012a, *Can constitutive rules create a practice?*, "Praxis Filosófica", 34: 139-148
– 2012b, *Castling. A philosophical analysis*, "Teoria e Critica della Regolazione sociale", Quaderno 2011: *Intenzionalità collettiva e figure della responsabilità*: 1-8
Lorini, G. and W. Żełaniec
– 2013, *And Yet there Was Some: Czesław Znamierowski's Social Ontology*, in C. Stancati, A. Givigliano, E. Fadda, G. Cosenza (eds), *The Nature of Social Reality*, Newcastle, Cambridge Scholars Publishing: 182-196
Machery, E.
– 2009, *Doing without Concepts*, Oxford, Oxford University Press
Miller, D.
– 1981, *Constitutive rules and essential rules*, "Philosophical Studies", 39: 183-197

Rawls, J.
– 1967, *Two Concepts of Rules*, in P.R. Foot (ed), *Theories of Ethics*, Oxford, Oxford University: 144-170
Raz, J.
– 1975, *Practical Reason and Norms*, London, Hutchinson
Roversi, C.
– 2010, *Constitutive Rules in Context*, "Archiv für Rechts- und Sozialphilosophie", 96: 223-238
– 2012, *Costituire. Uno studio di ontologia giuridica*, Torino, Giappichelli
Schächter, J.
– 1935, *Prolegomena zu einer kritischen Grammatik*, Wien, Springer
Schwyzer, H.
– 1968, *The Acquisition of Concepts and the Use of Language*, Berkeley, University of California, Ph.D. dissertation
– 1969, *Rules and practices*, "The Philosophical Review", 78: 451-467
Searle, J.R.
– 1964, *How to Derive "Ought" from "Is"*, "Philosophical Review", 73: 43-58
– 1965, *What is a Speech Act?*, in M. Black (ed), *Philosophy in America*, London, Allen and Unwin: 221-239
– 1969, *Speech Acts. An Essay in the Philosophy of Language*, Cambridge (Mass.), Cambridge University Press
– 1995, *The Construction of the Social Reality*, London, Allen Lane
– 1999, *Mind, Language and Society. Philosophy in the Real World*, New York, Basic Books
– 2010, *Making the Social World. The Structure of Human Civilization*, Oxford, Oxford University Press
Smith, B.
– 1990, *Towards a History of Speech Act Theory*, in A. Burkhardt (ed), *Speech Acts, Meaning and Intentions. Critical Approaches to the Philosophy of John R. Searle*, Berlin, de Gruyter: 29-61
– 2003a, *John Searle: From Speech Acts to Social Reality*, in B. Smith (ed), *John Searle*, Cambridge, Cambridge University Press
– 2003b, *The ontology of social reality*, "American Journal of Economics and Sociology", 62: 285-299
Shwayder, D.
– 1965, *The Stratification of Behaviour*, New York, Humanities Press
Wittgenstein, L.
– 1953, *Philosophical Investigations*, G.E.M. Anscombe and R. Rhees (eds), English translation by G.E.M. Anscombe, Oxford, Blackwell
– 1974, *Philosophical Grammar*, R. Rhees (ed), English translation by A. Kenny, Oxford, Blackwell
Znamierowski, C.
– 1924, *Podstawowe pojęcia teorji prawa. Część pierwsza: Układ prawny i norma prawna*, Poznań, Fiszer i Majewski
Żełaniec, W.
– 2007, *Regola costitutiva*, in L. Passerini Glazel (ed), *Ricerche di Filosofia del diritto*, Torino, Giappichelli: 36-47
– 2013, *Create to Rule. Studies on Constitutive Rules*, Milano, Led