

言语行为与 制度社会的建构

Speech Acts and the Construction of Institutional Society

宋春艳 / 著





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全国哲学社会科学规划办公室

蔡曙山

春艳的新作《言语行为与制度社会的建构》放在我的面前,其时距我的第一本著作《言语行为和语用逻辑》出版已近20年。回想当年我的博士生导师周礼全先生为我作序,不禁感慨系之。周先生当时感叹说,你的这本书,目前只有几个人能够看得懂,但是10年后,这本书的思想和理论,会为很多学者所研究。我当时感慨,知我者莫如师也。

这 20 年来, 言语行为理论和语用逻辑在中国的发展, 是人所共知的。 在逻辑学界有张斌峰君, 他数十年将言语行为理论和语用逻辑应用于法律 领域,已经蔚为大家。在语言学界, 语用学的研究也是后浪推前浪, 最近 在中国逻辑学会下成立了语用学专业委员会。

在我指导的清华大学研究生中,也是青年才俊辈出。先是有百里挑一的清华大学优秀博士学位论文奖获得者王志栋君,研究课题为"语用要点识别模型研究"(2008),此前和此后还有多位硕士生和博士生以言语行为、间接的言语行为、意向性、语言哲学和心智哲学为题,均取得出色的研究成果。

说到本书作者宋春艳君,在我的研究生中,她既不是先知先觉者,也 不是捷足先登者,但论十年磨一剑、锲而不舍、咬定青山不放松,这个学 问功夫,她是做足了的。

她的这部新作,涵盖了语言哲学大师塞尔(John R. Searle)的语言哲学和心智哲学,从言语行为理论到意向性理论,再到心智哲学和社会建构理论,本书尽已包括。单是厘清这位思想大师前后时期各种理论之间的关系和发展脉络,就具有十分重要的理论意义。难能可贵的是,作者聚焦于制度性事实和制度社会建构,抽丝剥茧,层层分析了制度性事实的含义、特征及其与言语行为的关联(第一章),制度性事实建构的语言基础研究进展及理论困境(第二章),集体意向性与制度性事实建构的心智基础

(第三章),言语行为模式与制度性事实建构的语言基础(第四章),言语行为理性与制度性事实建构的伦理基础(第五章),科学家的言语行为与科学理性的实践转向(第六章),读来引人人胜。

20 世纪语言理论的发展,由浅入深可以分为语形学(包括词法学和句法学)、语义学和语用学三个层级。奥斯汀和塞尔建立的言语行为理论,是 20 世纪最重要的语言理论之一,属语用学范畴。言语行为理论的重要意义和价值,在我看来至少有以下几点:一是"以言行事",即人类通过说话来做事;二是"语言交际",即人类通过言语沟通,协调彼此间的行为;三是"语言建构社会",即人类通过语言来建构整个人类社会并推动社会进步。毫无疑义,言语行为理论对于当前中国社会的运行,也具有十分重要的理论意义和应用价值。可惜这方面的理论,我们研究不多,应用当然也就谈不上。

从认知科学看,人是使用符号的动物,语言是一种符号系统,语言认知是人类认知的基础,在语言的基础上,人类形成思维,产生知识,建构社会,并积淀为文化。语言认知,是理解人类所有其他认知方式的基础。21世纪是脑与认知的世纪,我们不仅要破解人类心智的奥秘,还要推动人类认知能力得到前所未有的发展,推动人类知识和文化的进步。在21世纪人类的发展中,语言认知极为重要。人类心智和认知的奥秘,隐藏在人类的语言之中,揭开人类心智的奥秘,依赖于对语言的理解和掌握。可惜对于语言这个人类最亲密的朋友,我们仍然知之不多。

——在以上两个方面,作者在本书中均有所建树,有所创新,有所贡献,值得祝贺。

作者是我指导的清华大学 2006 级博士生,博士论文题目是"论制度性事实的建构——从言语行为理论观点看",数十年的坚持不懈,辛勤耕耘,始有今日之成就。至于这样的研究是否会有更多的人能够理解,作者倒是可以不必去计较了!

学者是孤独的,非孤独不能成为学者。因为你不能去迎合世俗,所以 你只能孤独前行。

看今日春艳学业之有成,念当年礼全先生之教诲,成诗一首以为 纪念。 111

往昔周公说文章, 曾向荒唐演大荒。①② 于今后辈齐襄力, 再向大荒续荒唐。

丁酉秋月于耕读斋中

① 《红楼梦》乃余平生所爱。最喜雪芹借大荒山无稽崖下一顽石,演幻出那悲金悼玉的红楼梦。成书之日曹公叹曰:"满纸荒唐言,一把辛酸泪。都云作者痴,谁解其中味。"每读至此,余深感佩"荒唐"二字之精妙!岂止《红楼梦》荒唐?言语行为论,语言建构论,甚至钟慢尺缩之相对论,有生于无之宇宙论,哪一个创新理论在创建之初不被指为荒唐?

② 1998年批作《言语行为和语用逻辑》出版。忽一日,凤凰卫视《锵锵三人行》指内地一作者,其著作仅三五人能懂。乃讥曰:若一书仅几人能懂,岂非荒唐?此种著作有何意义?妻问曰:此议乃指君乎?余笑答:实不知其所指也。余著非畅销书,岂可人皆懂耶?若指余著为荒唐,则余幸甚,因与曹公齐名矣。

自序

语言是通达心智最为便捷的通道,也是连接道义和规范的必然桥梁。虽然借助于语言或文字来建构制度并不是什么新鲜事,但将语言的使用看作一种行为,将制度建构的过程看作言语行为成功执行的过程,却是在有了言语行为理论之后才成为现实。言语行为理论的引人将制度和社会建构论研究从宏观的社会层面延伸到微观个体的语言和心智层面,从对制度的静态分析延伸到制度的动态生成。我在本书中通过研究制度生成过程中主体的道德自律与外在制度他律对建构合理性的双重保障,实现了微观个体德性伦理与宏观制度伦理的统一,从而为以德治国和依法治国相结合提供学理支撑。

以往关于制度本体论或者制度伦理的研究,大多对语言在制度生成中的角色和作用认识不够,更没有认识到人类建立制度的语言能力是天性和教养共同作用的结果,其实质是忽视了人类独有的言语行为理性。其产生的负面结果有二:一方面是忽视了人作为建构主体的道德自律性,另一方面是将人的内在道德自律性与外在制度他律性割裂开来,最终造成了将社会的演化与人的演化割裂开来的后果。事实上,一切社会制度的建构都离不开语言。那么,语言为什么能够在制度的生成中发挥着重要作用呢?这主要归因于语言的符号表征和伦理规约功能;并且,作为语言伦理规约功能来源的言语行为理性和语言能力一样,是天性和教养共同作用下形成的一种社会性智能,因此制度建构的合理性由内在层面的个人先天理性和外在层面主体间性作用下的习俗或者法律共同保障。语言在制度的生成中又是如何发挥作用的呢?不是所有的语言都能建构制度,只有一部分特定的语言被恰当地说出或宣告后,由于说话人的身份、地位等因素而获得集体认可和接受后才逐渐成为制度。

一切依赖制度而进行的人类活动,都是制度性事实,包括那些在基本制度下建构次级制度的行为。因此,制度性事实是制度社会的基本构成要素,通过对制度性事实建构基础的研究可以发现制度社会是如何形成的。

本书从制度性事实的建构来阐释制度社会的建构,一方面期望能够通过对制度性事实建构中言语行为和意向性行为的内在规范性与主体间性的交往理性双重保障的阐释,更新传统的制度伦理观,另一方面也尝试揭示个体层面的语言、心智和伦理与群体层面的制度和社会秩序的深层关联,以此维持整体主义和个体主义方法论的张力。

本书首先对制度性事实构建过程进行了逻辑上完备的"心智-语言-伦理"三维审视,然后从制度性事实的可理解性视角出发,通过对科学实在论的辩护论证了科学理性实践转向的合理性。为了回应时代问题对理论的要求,本书还讨论了法治中国建设中公共理性缺失导致的问题及公共理性对法律制定者和监督者的不同要求,以及科学实践理性转向背景下公众参与科技创新及创新文化的构建等问题。

诚然,并不只有语言参与了制度性事实的建构,但没有语言就不可能 产生规范人类行为的制度,而其他作用因素则被囊括进言语行为背后的集 体意向性作用的"背景"之中。由于制度是群体协商后达成的共识,那么 集体意向性是否存在成为关键。为了论证"语言是集体心理的创造"和 "制度性事实建构的合理性是独立于个人欲望、符合公共目标的理性",本 书提出了"集体意向性是一种基本的意向性存在方式"的理论假设,并运 用认知心理学、认知语言学和神经生理学等自然科学的研究成果来为此辩 护。在研究中本书采取了温和的自然主义立场,通过现有的自然科学研究 成果,尝试从个人的自我意识、意向、言语行为到制度和社会秩序的生成 进行连贯性的理论建构,并通过制度性事实建构过程的合理性(即程序上 的合理性)来论证制度构建的合理性和制度的"善"。这既是对架起自然 科学研究与社会科学研究桥梁的一个尝试,也可能深化制度伦理的研究并 为以德治国和依法治国相结合提供学理支撑。

本书是我十年来对语言与制度伦理问题持之以恒研究的结果,其中一部分内容已经以论文的形式发表,书中又做了进一步修改和完善。不过由于本人学识尚浅,无论是研究深度还是广度都还存在不足,欢迎学界前辈和同仁批评指正。

作者 2017年5月20日

Preface

Language is the most convenient channel to access mind, which is also the inevitable bridge of morality and norms. Although applying language or words to construct the institution is nothing new, but to consider the usage of language as a kind of behavior, and the construction process of institution as the successful implementation of speech acts, which only has become a reality after speech act theory born. This research will extend the study of the construction of institution from macro level of society to the micro level of the language and mind of self, and from the static analysis of the institution to dynamically generation of the institution. In this book, I discussed the double protection to the construction rationality by the moral self – discipline and the external legal system, which will achieve a unification of microscopic individual virtue ethics and macroscopic institutional ethics. Therefore this study may provide theoretical support for the combination of virtue and the rule of law in China Construction.

Previous studies on the institutional ontology or institutional ethics, mostly ignored the role of language or paid little attention, and did not realize the human language ability to establish institutions is the result of interaction between nature and nurture. In fact, it is a matter of ignoring the human unique reason in the speech acts, which caused two aspects of its negative results, on the one hand, which ignored the moral self – discipline of the subjects of constructing system, on the other hand, which split apart the people's moral self – discipline and external systems. This book thinks that language is able to play an important role in the generation of the institutions, which mainly due to the symbol representation function and the ethical code functions of language.

Moreover, as a source of functional attributes of ethical code in the Language, the speech acts rationality, like the human language ability, is a social intelligence formed by the combination of nature and nurture. Therefore, the rationality of construction is composed of internal level of personal innate rationality and exteral dimension of customs or legal protection. How does language play a role in the generation of the institution? Not all language can construct the institution, only part of the specific language which is properly stated, for the speaker's social status and other factors to obtain the collective recognition and acceptance, can gradually become the institution.

All human activities that depend on the institutions are institutional facts, including those that construct the subordinate institutions. Therefore, the institutional fact is the basic element of institutional society, through the study of the foundation of the institutional facts, we can find how the institutional society constructs. This book explains the construction of institutional society from the construction of institutional facts. On the one hand, I hope to update the traditional institutional ethics by putting forward the double guarantees of internal moral norms and exteral communication rationality. On the other hand, I also to reveal the deep interaction of individual level of language, mental and ethical and group – level of institution and social order, in order to maintain the tension of holism and individualism.

This book first gives a logically complete three – dimensional review of Mind – language – Ethics to the construction process of institutional facts, and then defense the rationality of the practic turn of scientific rationality from the perspective of the understanding of institutional facts. In order to respond to the theoretical requirements of the times, the book also discusses the problems caused by the lack of public reason in the rule of the law in China Construction, and the different requirements of public rationality for legal makers and supervisors, as well as public participation in scientific technological innovation in the context of the practical turn of scientific rationality.

It is true that not only language is involved in the construction of institutional facts, but it is impossible to construct an institution that regulates human behavior without language, while other factors are included in the "background" of the collective intentionality behind the speech acts. Since the institution is a

111

consensus reached by the group consultation, then the existence of collective intentionality is the key. In order to demonstrate that "language is the creation of collective psychology" and "the construction rationality of institutional facts is independent of personal desire, in line with the public objectives", this book put forward "collective intentionality is a basic existence way of intention", and use many new research results to prove this point. In this study, I adopt a moderate naturalist position, through the new research findings, and construct a theory connecting the personal self – consciousness, intention, and speech acts to the institution and social order. At last, I try to demonstrate the construction rationality and the good of the institution by the showing the construction process rationality of the institutional facts. That is not only an attempt to set up a bridge between natural science research and social science research. At the same time, it may also deep the research of institutional ethics and provide theoritical support for combining morality and rule by law in China Construction.

It had taken me 10 years to study the relation of language and the institutional ethics, and this book is the phase fruit. Some of which has been published in the form of the paper, and the book make further changes and improvements. However, for the seek of my shallow and the rapid progress in knowledge, I feel nervous to show it to the readers. I sincerely welcome academic predecessor's and colleague's criticizations or corrections for the next reprint.

Song Chunyan May 20, 2017

目 录

绪	论 …		1
	_	问题缘起 ·····	1
	<u> </u>	论述框架	1
第一	章	制度性事实的含义、特征及其与言语行为的关联 2	.5
	_	制度的含义和特征 2	2.5
	=	制度性事实的含义及其与原始性事实的区别与关联 3	1
	\equiv	制度性事实的特征4	12
	四	制度性事实与言语行为的内在关联及相关概念辨析 4	16
第二	音	制度性事实建构的语言基础研究进展及理论困境 5	50
<i>7</i> 77 —	-		
	-	行为式的理论溯源	0
	_	行为式和塞尔的制度性事实建构论的理论困境6	50
	Ξ	适应方向与建构制度性事实的言语行为类别 6	55
第三	章	集体意向性与制度性事实建构的心智基础	11
		语用行为中的自我意识与意向性 7	7 1
	_	意向、意义与语用效果	16
	\equiv	言语行为与集体意向性	33
	四	集体意向性作用的背景条件	39
第匹	章	言语行为模式与制度性事实建构的语言基础)3
	_	言语行为参与制度社会建构的前提性条件)3
		言语行为参与制度社会建构的宏观模式 10)1

	\equiv	言语行为建构制度性事实的微观模式	118
	四	言语行为建构制度性事实的逻辑框架	126
第五	童	言语行为理性与制度性事实建构的伦理基础 ······	136
×1	_	制度性事实建构中言语行为理性的概念界定	
	_	言语行为和意向性行为的内在规范性要求	
	三	交往行为中主体间性的外在理性要求	
	四	公共理性情怀与法治中国建设	
第六	章	科学家的言语行为与科学理性的实践转向 ·····	165
	_	科学实在论面临的挑战	166
	\equiv	科学家的言语行为与科学事实的建构: 以库恩的范式理论	
		为例	174
	\equiv	科学事实的客观性与科学理性的实践转向	185
	四	科学理性实践转向与创新文化构建	192
第七	音	结 语	199
<i>,</i> 0	_	研究结论	
	_	存在的问题和进一步研究计划	
参考	文献		205
术语	索引		224
后	记		227
/ ⊢			

Contents

Introduction / 1

- 1.1 The Orgin of the Issue / 1
- 1. 2 A Research Framework / 21
- The Meaning, Characteristics and the Relationship with the Speech Act of Institutional Fact / 25
 - 1.1 The Meaning and Characteristics of Institution / 25
 - 1. 2 The Meaning of Institutional Facts and Its Distinction and Relation with Brute Facts / 31
 - 1.3 The Characteristics of Institutional Facts / 42
 - 1. 4 The Internal Relationship between Institutional Facts and Speech Acts and Its Relevant Concepts / 46
- 2. The Research Progress and Theoretical Predicament of the Language of the Construction of Institutional Facts / 50
 - 2. 1 The Origin of the Performatives / 50
 - 2. 2 The Performatives and the Theoretical Dilemma of Searl's Theory of the Construction of Institutional Facts / 60
 - 2. 3 The Direction of Fit and the Classification of Speech Acts / 65
- 3. Collective Intentionality and the Mind Basis of the Construction of Institutional Facts / 71
 - 3. 1 Self consciousness and Intentionality in Illocutonary Acts / 71
 - 3.2 Intention, Meaning and Illocutionary Effects / 76

- 3.3 Speech Acts and Collective Intentionality / 83
- 3.4 The Background Conditions of Collective Intentionality / 89
- 4. The Model of Speech Acts and the Language Basis of the Construction of Institutional Facts / 93
 - 4. 1 The Prerequisite Condition of the Speech Acts to Participate in the Construction of the Institutional Society / 93
 - 4. 2 The Macro Model of the Speech Acts to Participate in the Construction of Institutional Society / 101
 - 4. 3 The Micro Model of the Construction of Institutional Facts by Speech Acts / 118
 - 4. 4 The Logical Framework of the Construction of the Institutional Facts by Speech Acts / 126
- 5. The Speech Acts Rationality and The Ethical Basis of the Construction of Institutional Facts / 136
 - 5. 1 The Definition of the Concept of Speech Acts Rationality in the Construction of Institutional Facts / 136
 - 5. 2 The Intrinsic Normative Requirements of Speech Acts and Intentional Action / 141
 - The External Reasonality Requirements of Inter subjectivity
 Communication Action / 152
 - 5. 4 The Public Rational Feelings and the Rule of Law in China Construction / 158
- 6. The Speech Acts of Scientists and the Practical Turn of Scientific Rationality / 165
 - 6.1 The Challenge of Scientific Realism / 166
 - 6.2 The Speech Acts of Scientists and the Construction of Scientific

- Facts: A Case Study of Kuhn's Paradigm Theory / 174
- 6. 3 The Objectivity of Scientific Facts and the Practical Turn of Scientific Rationality / 185
- 6. 4 The Practical Turn of Scientific Rationality and the Construction of Innovation Culture / 192

7. Conclusion / 199

111

- 7.1 Research Conclusion / 201
- 7. 2 Existing Problems and Future Study / 204

Bibliograph / 205

Subject Index / 224

Postscript / 227