

Essentialism, constitutive rules, and the folk ontology of social practices

The idea that certain rules do not merely regulate social behaviors, but rather, make them possible, is mainstream in the philosophy of social science, dating back at least to John Rawls' distinction between rules derived from past experience and rules of a practice, and possibly way beyond.

One important weakness of constitutive rules is the essentialism that they seem to entail about social practices. Kinds of social behavior typically have a great variety of valid instances, many of which lack one or several features otherwise typical of their kind. Furthermore, social practices change through time, often in a very gradual, but nevertheless quite drastic, way. To claim that a rule (or a precisely defined set of rules) allows a practice to exist, either seems to fly in the face of the multiform and mutable nature of social practices, or forces us to rethink what we mean by such sentences as "practice P would not be possible without rule R" - when we know of several valid instances of P existing without R.

A similar line of argument was used by Thomas Hobbes against the notion of fundamental law (that played a crucial role in the English Civil War), or by Voltaire, against the widely held opinion that the Salic law could never be dissociated from the Kingdom of France. If, they basically argued, the State had existed in the past, or could continue to exist in the future, in spite of drastic changes in a "fundamental" law - or its complete abolishment - then that law was not fundamental at all, except maybe in the loose expressive sense of "important and good to preserve".

Contemporary analytical philosophers seem to be forestalling this kind of criticism quite easily. Most prominently, John Searle claims that his notion of constitutive rule is perfectly compatible with the vague and multiplex nature of many social practices. In order to produce an instance of a social practice, one simply has to abide by an important subset of the set of rules that constitutes it - one need not apply a rigid definition. Constitutive rules are perfectly compatible with a non-essentialist view of social practices.

I argue to the contrary, that Searle's position retains more than a whiff of essentialism, and, to the extent that it is not essentialist, jeopardizes the notion of constitutive rule. First, the claim that most social practices are characterised by a stable set of core features still vastly overestimates of the coherence and homogeneity of social practices, many of which have a mostly historical definition, where similarity and core features play only a modest part. Second, if we admit that constitutivity is not a property of individual rules, but something that some rules, some times, may be doing together, we undermine the distinction between rules that are constitutive and rules that merely regulate practices that would exist without them. Claims to the contrary notwithstanding, I argue that in Searle's system, constitutivity is really something that any rule could do, and not a feature that characterizes certain rules as opposed to others.

In order to prove that essentialist intuitions are the key psychological factor that make the notion of constitutive rule attractive, I used techniques developed in the experimental psychology of essentialism. It has been demonstrated that labelling promotes essentialist thinking. I used this effect to induce judgments of constitutivity in subjects. Subjects are more likely to judge that a recipe cannot be properly made when it is made with ketchup instead of mustard, if that recipe is called "the Barratz" rather than just "the recipe". This suggests that essentialist intuitions and judgments of constitutivity are linked together in the folk ontology of social practices.