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Dewey's Social Ontology

*A Pragmatist Alternative to Searle's Approach to Social Reality**

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Italo Testa

My aim in this paper is to reconstruct a model of social ontology in Dewey's work, to make it explicit in the light of contemporary theories, and to present it as a promising alternative to Searle's approach to social reality. In the first part I will characterize Dewey's model as a social ontology based on the notion of habit, and present it as an alternative to intentionalist approaches to social reality. In the second part I will argue that habit ontology offers us an account of social norms that is based on a peculiar understanding of the notion of 'status', and represents an alternative to deontic accounts. In the third part I will claim that Dewey's notion of "public" offers us a dynamic understanding of social institutions and a 'reactive' notion of collective intentionality as an achievement rather than as a presupposition of social practices. In the final section I will summarize some advantages of the Deweyan over the Searlean social ontology concerning our understanding of acceptance, maintenance and transformation of statuses, and of the role played by the 'background'.

1. Is there a social ontology in Dewey?

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a. Historical considerations. Founding fathers of social ontology

First, let me premise some historical considerations. Dewey's reflections on social reality and its specificity emerged in the founding age of social ontology. As is known, the term "social ontology" was first used in a 1910 manuscript of Husserl (*Soziale Ontologie und descriptive Soziologie*)¹ and was also coined independently (*ontologia społeczna*) in 1921 by the Polish legal philosopher Czesław Znamierowski ([1921]. See regarding this Di Lucia [2003, 10-11]); and in 1913 Husserl's disciple Adolf Reinach in his *Die apriorischen Grundlagen des bürgerlichen Rechtes* raised the question of a domain of entities which are neither physical nor psychic nor atemporal ideal objects, but are rather produced, brought forth by temporal "social acts (*soziale Akte*)" (1983, § 3). Although Dewey doesn't seem to use the word "social ontology", it is a characteristic and common feature of his main writings of the twenties – *Human Nature and Conduct*, 1922; *Experience and Nature*, 1925; *The Public and its Problems*, 1927 – that here the question of some kind of entities whose existence depends on human interaction is explicitly posed and developed in the context first of a basic, general social ontology of habit – *Human Nature and Conduct* – and then – in *The Public and its Problems* – applied to the regional field of the analysis of institutional realities (organizations, juridical entities, the State).

b. Socio-ontological frameworks

The idea that Dewey should be included in the list of the founding fathers of a socio-ontological approach can be further developed if we consider that he poses such a question in a way that is specifically framed by conceptual alternatives homologous to those we find also in contemporary social ontology. First, social and political "facts" are understood by Dewey, as he writes in *The Public and its Problems*, as "facts which are to some extent what they are because of human interest and purpose", facts which are "conditioned by

human activity”, and in particular by human “interaction” (1988, 240)². They are, to use Searle’s phrase, “ontologically subjective” (1995, 8), or rather, ontologically intersubjective. As such, social and political facts are to be distinguished from the facts which occur in the domain of “mathematical and physical sciences”, and which are not in the same way dependent upon human interaction (“facts which are what they are independent of human desire and endeavor” [1988, 241]).

Secondly, Dewey attributes to such social facts a reality *sui generis*. In *Experience and Nature* he clearly distinguishes the “things” which are “dependent upon human association and interaction”, both from what he names “physical existences” – that is, physical events – and from “psychical existences” – that is, “mental states” – as well from so-called “ideal” entities (1981, 153)³.

Thirdly, Dewey understands social facts as something that, although ontologically dependent upon human interaction, nevertheless have some objectively knowable properties. In this sense social entities such as corporations have, according to Dewey’s Hegelian expression, an “objective reality” – they are, to use Searle’s phrase, “epistemologically objective” (1995, 8). They exhibit peculiar objectively knowable “properties”, which are to be distinguished from physical properties – and have causal force, since they have “multitudinous physical and mental consequences” (Dewey 1981, 154)⁴.

Fourthly, Dewey in *Experience and Nature* introduces his understanding of social reality – which by the way is not restricted to institutional realities, that are rather a specific domain of social reality – by making two main examples which are currently discussed in contemporary social ontology. The first is an example of what we might call an X-dependent social entity – the sound of the “whistle” of a traffic officer counts as a signal of traffic regulation in a certain context, where a method or rule of cooperation is exhibited by the physical event of the sound (“X counts as Y in context C”, to use Searle’s formula of

constitutive rules [Searle 1995, 28]⁵. The second example concerns what Barry Smith has named “freestanding Y terms” (2003), that is, X-independent social entities, here exemplified with “corporations”. “A corporation”, Dewey writes, “is neither a mental state nor a particular physical event in space and time. Yet it is an objective reality” [1981, 154]⁶.

c. What kind of Social Ontology is to be found in Dewey’s work? Conjoint action as a primary fact

Once we have ascertained that socio-ontologically framed questions are to be found in his work, the next step is to grasp the specificity of Dewey’s approach to social reality. To begin with, let’s consider the way Dewey understands human association. As previously said, objective reality is dependent upon human interaction. Which means that social facts are to be understood in relation to some kind of processes that are specified as interactive processes of association. “Association” is understood in its broader sense by Dewey as a general ontological form, as a “law of everything known to exist” (1988, 250), which applies also to human events. For this reason, according to Dewey “there is no sense in asking how individuals come to be associated” (1988, 250). Thus, interaction itself is taken to be a primitive fact, endowed with our physical and biological structure (compare with Searle 1995, 23). As for human interaction, what is relevant here is what Dewey names “conjoint, combined, associated action” (1988, 257). Conjoint action, acting together, is taken to be a primitive fact, which cannot be further explicated. By stressing the “conjoint”, “shared”, “grouped”, “common”, or else “collective” character of human interaction, Dewey assumes it as a primitive phenomenon that cannot be reduced to “individual” action.

Such an approach may be compared with Searle’s idea that collective intentionality is a primitive, biological structure of our way of being. Still, as we’ll also see later, Dewey’s

approach is somehow different. Dewey rejects the idea that causal explications of human association are required, and includes between them “society-making causal forces” (1988, 251), including individual “mental states” and what he names “collective minds”, “group minds” (1983, 44). Thus, asserting the primitive character of conjoint action is not the same as asserting the primitive character of collective intentionality (nor of individual intentionality). Which means that Dewey uses a broad notion of action, which applies here to life processes, and is not identical with intentional action (which is a subspecies of it).

Still, when it comes to understanding human conjoint action, Dewey assumes a strict socio-ontological approach. The problem here is not to explain how human individuals come to be associated, but rather the specificity of such an association, that is, “how they come to be connected in just those ways which give human communities traits so different from those which make assemblies of electrons, unions of trees in forests, swarms of insects, herds of sheep, and constellations” (1988, 250). And here it is not enough to look at what we share with other physical events, or with biological beings such as other social animals. Organic structures and our biological make-up alone are maybe “conditions without which human beings would not associate”, but aren’t “sufficient conditions” to make a human society (1988, 243).

When it comes to understanding the specificity of human interaction, Dewey’s strategy is twofold. First, he introduces the notion of “habit”, which is the basic concept of his general social ontology. Secondly, when it comes to understanding institutional realities, he gives a habit account of the phenomenon of the “perception of the consequences of a joint activity” (1988, 353), by which he means a kind of collective awareness of the consequences of collective action. The first task is accomplished in *Human Nature and Conduct*, that is, Dewey’s fundamental attempt at a general social ontology. The second task is developed in

The Public and Its Problems, where Dewey analyzes the ontology and the epistemology of social institutions.

d. Habit ontology

Habit is the basic notion of Dewey's social ontology. As previously said, social reality is dependent upon human interaction, which has the form of conjoint action. But habit is the fundamental notion we need to understand what conjoint action is, since human action is always action that happens in the context of prior action. As Dewey writes, "habit is the mainspring of human action, and habits are formed for the most part under the influence of the customs of a group. [...] The dependence of habit-forming upon those habits of a group which constitutes customs is a natural consequence of the helplessness of infancy" (1988, 334-335).

Hence, joint action has to be understood in terms of customs, that is, of established collective habits. This is also the reason why biological make-up is a necessary but not sufficient condition to understand the specificity of human association. The formation of habits is built into our organic nature – in our first nature – and it is sensitive to the affordances of natural environment, but still acquired as a result of a social learning process, since the heart of learning is exactly the "creation of habitudes"⁷ – which leads to the achievement of a "second nature" (another term sometimes used by Dewey to indicate habits, see for instance [1988, 336-337]). The primacy of habit over action is both genealogical and ontological.

By saying in *Human Nature and Conduct* that "man is a creature of habit" (1983, 130), Dewey reconstructs the genealogy of human capacities and activities, meaning that human capacities – from corporeal attitudes up to mental attitudes – have to be developed and executed through habit formations, and that human actions – both theoretical and practical – are always influenced by prior action. But he means also ontologically that habit is the form of our way of being, that is, the basic structure of our social form of life, of our so-called

bodily and mental attitudes, including reflective and critical thought – which has to be understood as higher order, reflective habit (Dewey 1983, 145) –, and of the objective social reality that is dependent upon our human activity. For this reason habituation will reveal itself as the most fundamental socio-ontological operator, since it is the process of habituation that creates social entities in their initial existence, maintains them in their continued form of existence, shapes their form, and has to do with their transformation.

“Habituation”⁸, that is, what Dewey names also the process of “habit-formation” (1983, 130; see also 1981, 213), is the basis of his socio-ontology insofar as this is based on the priority of action and on its constitutive role over the social world and its intentional structure. Since habit is action based on prior action, habituation will be, to say it with the words of contemporary multi-agent systems’ theory, “the process by which actions that are frequently repeated with the same temporal relationships to one another are cast into a pattern” (Baumer & Thomlinson 2006, 3).

e. Priority of habituation over individual and collective intentionality

Let me first stress the consequences that the ontology of habit has on Dewey’s understanding of cognitive and practical intentional activities – beliefs, desires, purposes. Dewey’s idea is that habituation has an ontological priority over intentional phenomena, be it individual or collective ones. Intentional activities are “secondary to habit”, as Dewey writes, meaning that they can be concretely understood only as a “system of beliefs, desires and purposes which are formed in the interaction of biological aptitudes with a social environment” (1983, 3). Which does not only mean that the network of intentional states can function only on the basis of, and be applied in the context of a background of dispositions – as it is stated in Searle’s theory of the “background” (1995, 155-160) – but much more that intentional states

are ontologically dependent upon processes of habituation and have to be logically explained in terms of the latter.

For this reason Dewey refuses as false the alternative between individual intentionality and collective intentionality in understanding joint action⁹. The primitive phenomenon of “grouped action”, according to Dewey, should not be explained by reference either to “individual minds” – individual intentionality – or to “collective minds” – collective intentionality (1983, 45). It is rather that we should proceed the other way around. We should start with an account of conjoint action as a “settled system of interaction”, that is, as a habitualized system of conduct, and then use such a primary notion to give an account of how the facts assembled under the labels of “collective minds”, “group-minds”, and “common minds”, come into existence. From this perspective, the problem of collective intentionality is particularly puzzling only if we make the tacit assumption of the priority of mind over action (see Dewey 1983, 45). Such a problem ceases to be a mystery once we realize that action – in its basic form of grouped action – is prior to internal mental phenomena – be it individual or collective. Hence, according to Dewey’s externalist approach, collective intentionality is secondary to habituation, that is, has to be understood as a custom “brought at some point to explicit, emphatic consciousness”, whereas individual intentionality has to be understood as “individualized mental activity”, (1983, 44) that is, as a particular qualification, an individualization of common action.

f. Recognitive constitution

Habit formation is a process that is naturally rooted in the “helplessness” of infancy, that is, in the relation of dependence on others through which we come into existence and learn to develop ourselves. The relation of dependence on others which characterizes the process of learning is understood by Dewey as a recognitive process¹⁰. But what is important here is

that the cognitive attitudes which are relevant are not to be characterized as intentional ones. The idea of the primacy of interaction over mental phenomena extends here to the idea that the others with whom we interact are “not just persons with minds in general. They are beings with habits” (1983, 43).

As we have seen, habituation is the process by which actions are cast into patterns, which form groups of action¹¹. Of course habituation can come in different degrees – from actions that are repeated only once to actions that have a higher degree of habituation (see Baumer & Thomlinson [2006]). In contemporary agent-systems theory this is expressed by saying that a key component of habituation is the ability to recognize some patterns. As for pattern recognition, Dewey’s idea, when he reconstructs the ontogenetic dynamic of habituation, is that on the part of the child its cognitive interaction with adults is not to be grasped in terms of epistemic and practical intentional cognitive acts, but rather in terms of pre-intentional cognitive embodied conduct towards the actions and the reactions of others to its actions, that is, a form of embodied pattern recognition towards what presents itself as a pattern of behavior. It is in this process that intentional states emerge and acquire the form of higher order habits through which other’s reactions to us are somehow internalized and anticipated – intelligence as observation of consequences *as* consequences. And such a cognitive interaction is not just an imitative, repetitive attitude on the part of the learning subject, but includes also a sort of unpredictable plasticity, be it due to casual variations or to unforeseen responses to other’s conduct¹².

Thus, embodied cognitive attitudes are meant to be in some sense constitutive of intentional phenomena – as Dewey writes, they “constitute the self” (1983, 21) and are the nucleus of the formation of experience, giving form both to thoughts and desires. Intentionality arises from habituation, which means that it is constituted also through embodied pre-intentional cognitive interaction – a sort of pre-reflexive perception of the effects of joint action –

which is reciprocal but – arising in a context of dependency – asymmetrical. Furthermore, in Dewey’s analysis intentionality has the form of higher cognitive habitual activity that further monitors other’s reactions to our actions and aims to influence them – that is, “intelligence”, understood as “observation of consequences *as* consequences” (1988, 243).

In this sense, intentional phenomena are not eliminated by Dewey, and are introduced in *The Public and its Problems* to further characterize human association. But they have to be introduced on the basis of the (ontological and logical) primacy of habitual action and on the basis of the formation of a habit whose content is the “perception of the consequences of a joint activity” (1988, 353). Dewey follows such a strategy to introduce both ‘We-intentionality’ and ‘I-intentionality’ – to use two notions taken from Searle’s social ontology – seen as both “inevitable” ways to express the basic fact of joint action. ‘We-intentionality’ arises when the consequences of combined action are not only perceived, but also made object of desire and effort to influence them. ‘I-intentionality’ is again understood on the basis of joint action and characterized as a “distinctive share in mutual action” (Dewey 1988, 330), that is, as an individualized, expressive qualification of mutual action¹³.

2. *A habit account of norms.*

Once habit is introduced as a basic socio-ontological operator, a peculiar approach to social norms arises. According to Dewey, legal norms of common and statute law, and more in general social norms are not to be understood under the model of “commands” or of “prohibitions” (1988, 269). From this point of view Dewey’s criticism of John Austin’s command theory seems also to imply more in general the rejection of a deontic account of social norms, based on their prescriptive character, and understands them rather as “structures which canalize action” (1983, 269) – as banks which confine the flow of a

stream (see also 1981a, 119). Social norms are precipitates of the habituations of our activity – as we'll see, generalities expressed by “judgments of tendency” – which serve to allow some further generalizations and to make its course predictable for those who respect them.

On the other hand, understanding social action on the basis of habit, social practices can be grasped at a ground level which is not essentially normative. Customary habits are according to Dewey, “structural conditions of social activities”, in the sense that “while they constitute the structure of the processes that go on, they are the structure of the processes in the sense that they arise and take shape within the processes” (1988a, 120). This understanding of customs as structural conditions immanent to social processes is consonant with Bourdieu's notion of habits as pre-intentional “structured structures”, which are “predisposed to function as structuring structures, that is, as principles which generate and organize practices and representations that can be objectively adapted to their outcomes without presupposing a conscious aiming at ends or an express mastery of the operations necessary in order to attain them” (1990, 53). Hence, they can produce practices and representations without being essentially regulated by intentional norms nor being the product of implicit or explicit rule-following. This means that the background of habitual practices is not essentially constituted by normative attitudes, but is rather constitutive of normative states, insofar as we get acquainted with statuses which exhibit some norms. This is a point Dewey never fully develops and that we need to make explicit.

The notion of status play an important role in some families of contemporary socio-ontology.

As Searle for instance writes, “my knife performs its function in virtue of its physical structure, but the twenty dollar bill does not perform the function in virtue of its physical structure, but in virtue of its collectively accepted status as money” (Searle 2015, 508).

Hindriks has used the label “status account of corporate agents” to qualify those externalist approaches to social ontology, such as his own and Searle's, according to which “a

collective agent can come into existence by outsiders granting a collection of individuals some kind of status” (2008, 119). Here statuses are essentially understood in terms of rules, normative attributes or deontic properties, and different forms of status account could be distinguished as for how they conceive of those rules. For instance, in the legal model underlying Searlean social-ontology, statuses are something brought about through constitutive rules (Searle 1995, 27-29) – something imposed on, attributed to something by way of a rule expressed by the counts-as locution “X counts as Y in context C”. Whereas authors such as Hindriks think that ‘regulative rules’ of the form “Do X” are more basic in order to account for statuses. But if we now go back to the Deweyan model I am trying to reconstruct, once the priority of habituation is established, statuses will not have to be essentially understood on the basis of norms (be it constitutive or regulative rules). Statuses are rather default positions enjoyed by some actors or objects in an established pattern of habitual interaction, that is, in customs that incorporate an implicit acceptance/recognition of those statuses. This is the ontological glue which makes it possible to understand also how it is that normative statuses – statuses which exhibit norms –, and higher order habits to respond to them arise.

a. Statuses and norms

Statuses, first of all, as Dewey makes clear in § 177 of his *Lectures on the Logic of Ethics* (1895), are modes of being, “states of things”, which exhibit the socio-ontological structure of habit: they are modes of being that are acquired, are the result of a past accomplishment (1998, 77). As such, statuses are enjoyed as something given by those who held them, and define their belonging to some group. One may object that, at least in the case of first time creation of a status, a status can be assigned without there being a prior habit to recognize it.

But please note that such an assignment is always an action that is influenced by prior action, that is, it happens in the general context of always operative habituation. And more specifically, the first attribution of a status normally happens in a context where other statuses are already given. Furthermore, the status which has been attributed becomes a concrete, actual social status once it is established, that is, once it comes to be the object of habitual reactions.

Secondly, statuses are to be understood according to Dewey as “functional statuses”, insofar as they are instrumental meanings relative to human interaction and the fulfillment of its needs. Statuses are defined in their “making possible and fulfilling shared cooperation” (1981, 142). Thus, the functional role of statuses is tacitly, implicitly recognized in the established system of customs. Thirdly, social norms – including positive law – are to be understood, on the basis of such a model, as specific instances of statuses. Hence, Dewey in his *Lectures on Political Ethics* (1998, 161-162) grasps for instance the distinction between right of things (*in rem*) and right of persons (*in personam*) as a distinction between formed habit (tied to the past, on which we can count mostly without consideration) and reflective habits (related to the future, involving the development to some end, and requiring further reflection). Statuses, even normative ones, have to be understood against the background of customs even when they are reflexively distanced from them.

From this point of view, one could say that the Searlean model of assignment of status functions does not grasp the general core of statuses, but is rather partially shaped by some specific traits of modern statuses. According to Dewey, in older times statuses were somehow predetermined by birth, blood, etc., according to what he names a “physical” model of status (1998, 161). Hence statuses, including normative ones and positive law, were “crystallizations of custom” (1998, 153). In mobile society, where an objective conflict between customs arises, statuses continue to be the basis of social norms: only, they change

their quality, insofar as they tend to become “organic” statuses, that is, according to Dewey’s jargon, statuses which are somehow determined by the reflective habits of the individuals that enjoy them. Here there is a transition from implicit recognition in custom, to “conscious recognition” through reflective habits (1998, 154). The change in the quality of statuses may affect not only their creation, but also their maintenance and change, insofar as individual reflective habits now mediate the social reproduction of statuses: still, this does not mean that status creation and reproduction is no longer a matter of habituation.

b. Corporations and whistles

This is not to deny that, when it comes to understanding institutional realities such as legal institutions, a reference to rules or norms is needed to capture their objective properties and their logic. For instance, when Dewey analyzes legal institutions such as corporations, he understands them as a “concerted method of regulated interaction” (1981, 154). Still, to get this right, we again have to move from the idea that such methods of regulation are forms of habitualized action¹⁴. A corporation, writes Dewey, using again the habit based model of the canalization of action, “is something which may be conducted, facilitated and obstructed, precisely as may be a river” (1981, 154). It is not the prescriptive character of rules that constitutes the social phenomenon: rules are rather means, methods of “liberating and regulating subsequent human intercourse” (1981, 153), whose force can only be grasped on the basis of the empowerment made possible by habituation. And the same can be said about the example of the whistle regulating traffic: here the sound “manifests” and “makes effective” a “rule or method of social cooperative interaction” (1981, 153). But the fact that a rule is exhibited, does not mean that it is the rule that constitutes the social core of the phenomenon: it is rather a “continuous way of organized action” – an habitualized pattern of

interaction – that which makes it possible for the sound to exhibit a rule and to make it effective.

Even though they are not essentially constituted by norms – they do not essentially contain or internalize either unconscious or conscious representations of rules – habits can be rationally accountable, insofar as they are sensitive to certain aspects and affordances of their environment¹⁵ (which could include intentional and normative structures): they are sensitive to the logic of the practices, and thus respond to certain standards of appraisal. But the fact that they may be rationally (even normatively) accountable does not mean that they are constituted by norms. Furthermore, recognition, understood as habituation of cognitive attitudes, may eventually be in some situations a response to pre-existing norms, or even lead to the invention of new norms in order to solve the problems arising from the conflict of present habits and the normative orders they manifest: but here in a Deweyan model the basic ontological phenomenon is the heuristic, plastic process of transition from old norms to new solutions, that is, the transformation of habitual action, rather than the norms themselves, which are rather a means to an end.

c. Does Dewey's habit account of norms face the difficulties of dispositionalism?

One may wonder whether Dewey's account of social practices is a form of dispositionalism, and if this is so, if it can face the usual objections that are raised against dispositionalism. Let's skip the modal problems connected with the notion of disposition and just focus on the problem of rule-following. Based on Kripke's (1982, 22-35) criticism of the dispositionalist response to the 'rule-following paradox', some have objected that the notion of disposition grasps a descriptive regularity, a behavior that conforms to some rules, but can't grasp what it means to violate a rule¹⁶: hence, rule-following cannot be understood descriptively as

empirical conformity to rules and requires a normative account of the oughtness of rules – of their deontic structure.

Let me first note that Dewey explicitly prefers the “habit” talk to the “dispositional” talk and gives some reasons for that (1983, 31-32). First, according to Dewey, it is in general better to use the word “habit” because this is more suited to deploying the structure of social practices. This is due to the fact that the notion of habit better captures the priority of custom – that is, established collective habit – while the notion of disposition mainly refers to individual attitudes to action. Secondly, the notion of habit better conveys the sense of “operativeness”, “actuality”, that is proper of “human activity influenced by prior activity”, while the notion of “disposition”, as well as the notion of “attitude”, is more related to a sense of “potentiality”, of something “latent”, somehow inhibited by some other overt habit. For this reason Dewey would like to confine the use of “disposition” to characterize one specific feature of habits, that is, their “readiness to act overtly in a specific fashion whenever opportunity is presented” (1983, 32).

But the main point here is that habits, according to Dewey, are general “tendencies”, which are expressed in “judgments of tendency” (1983, 36). This indicates that, although they have a descriptive component, they are not to be identified with empirical judgments, since what is described are not particular events, but practical generalities (on the ‘generality’ of habits see also Dewey 1981a, 120). Even though Dewey is sometimes ambiguous on that, due to some empiricist oscillations of his consequentialism, the idea is pretty clearly expressed. And I think that we can understand it better if we make it explicit through some notions developed by Michael Thompson in his groundbreaking book *Life and Action* (2008).

If we characterize social practices in terms of habits, we do not describe them in terms of some observable empirical regularities, but rather we describe a kind of practical generality which pertains to the description of such living processes. The notion of habit appeals to the

description of a form of life, whose generality is neither typological (general concepts obtained by generalization from empirical judgments) nor deontological (oughts), but rather “categorical” (Thompson 2008, 65). This is the typical form of the judgments about process events within life’s forms, that are expressed in natural history about animal behavior (‘The S is (or has or does) X’; for instance, cats have four legs), and in social science about social practices (‘Italians do X’: they have the standing attitude, the habit to do X). If we follow Thompson’s account, these are neither universal judgments, (‘all S are X’), nor universals with *ceteris paribus* that define standard conditions (‘any S is X *ceteris paribus*’) – standard conditions, that, as critics of dispositionalism have argued, depend on the descriptive reports of the observer – nor statistical generalizations (‘most S are X’), nor particular propositions (‘Some S are X’). Such judgments have an internal interpretative form, and are rationally accountable, since they refer to some standard of appraisal (of correctness and defectiveness), but are different from normative judgments, since their standard of appraisal appeals to the habitual structure of the form of life rather than to what ought to be – it appeals to a series of general facts about our form of life rather than to norms.

Such a categorical understanding seems to me to correctly grasp Dewey’s understanding of habit as expressed by “judgments of tendency”. If this is so, then a habit account may escape some difficulties of dispositionalism. According to a habit account, the ontological ground level of social practices is categorical rather than normative. This does not mean that normative judgments and phenomena expressed by them should be eliminated from our vocabulary and from the furniture of the world: the idea is that normative judgments can be deployed on the basis of general categorical, that is, habit judgments, and on the basis of the life-phenomena they express, since it is only here that they can find their context of application¹⁷. While the opposite is not true (categorical phenomena and judgments can stand also where no normative phenomena have emerged). Hence the ontological and

logical priority of general categorical judgments over normative judgments (and phenomena): the latter have as their conditions of existence and of intelligibility the first¹⁸.

This has some consequences also on the question of constitutive rules. In fact, once we have ascertained that the structure of social practices is categorical, we no longer need a model of implicit, or explicit rules in order to define them, nor to distinguish different social practices on the basis of different specific sets of rules. The ontological and logical level suited to characterize human social practices is thus that of a “form of life” which is habitual, that is, has the trait of second nature, and in that regard is a species in the genus of life processes (Thompson 2008, 208), that is, the species of forms of life that develop historically.

Finally, this model seems to imply, as is the case with Dewey, an extended theory of agency.

Agency, understood as life activity, includes in its broadest sense life processes, activities, and is not confined to intentional action. This is the notion of agency that is implied by the habit based notion of action that Dewey uses in *Human Nature and Conduct*, and which has an ontological and logical priority over the more specific notion of intentional agency, which cannot be understood without ontological and logical reference to the first. That’s why the fundamental operator of socio-ontological constitution is habituation.

3. *A habit account of institutions*

a. Collective intentionality as achievement

So far, I have tried to express the general structures of a Deweyan socio-ontology of habits.

Here the notion of institution has only been touched on indirectly, insofar as I have introduced the notion of “custom” as that of established habit. Still, this does not seem enough to achieve institutional realities, since customs aren’t necessarily institutionalized

ones. Why is it that some customs become institutionalized, eventually in a legal and political fashion?

This is a question that concerns both the genesis of institutions and their fine structure, and that Dewey addresses in *The Public and its Problems*. As previously seen, the primitive phenomenon of human association is conjoint, grouped action, and this must be understood as a habituation. But in order to better characterize the specificity of this habitualized system of activities, we have to realize that it incorporates a recognitive habit to the “perception of the consequences of a joint activity” (1988, 353). Dewey’s idea is that, once such consequences are given, and they start to be jointly perceived, this generates a sort of “common interest”, which can lead eventually to awareness of the joint, grouped character of action, and eventually dispose individuals to act in light of this groupness of their action.

Dewey’s terminology is not analytically fixed and from time to time oscillates, but it seems to be pretty clear that he tends to understand collective intentionality in the strong sense as something which is not given as a minimal presupposition, as is the case with Searle¹⁹, but rather that can be acquired through interaction, empowered, and that can empower ourselves; as something dynamic, that can come in different degrees, transform itself, and can vary in different societies and epochs. Even intentional collectivity, thus, has to be understood in terms of acquired action, of collective intentional habits.

b. The genesis of institutions

The introduction of this dynamic notion of strong collective intentionality – if we want to call it this way – seems to be required in order to give an account of the genesis of institutions, understood under the general model of organizations, including legal and political institutions. According to Dewey, institutions presuppose that a form of common perception arises concerning the perception of consequences of some interactions by those who are

affected by them but do not directly participate in them. Such a distinction between those who are directly affected and those who are indirectly affected by the consequences of some human interaction is the basis on which Dewey introduces in *The Public and its Problems* his notion of the “public”. This is the group of those who are indirectly affected in an important manner by the consequences of some interactions. Hence, the public is not something given, but is rather something that comes into existence under some conditions.

First, there have to be indirect consequences of some interactions, and it is such consequences which identify the group of those who are concerned. Secondly, a sort of joint perception of such consequences has to come into existence in those who are affected by those consequences. Third, such a joint perception can be implicit, tacit, or evolve into explicit, conscious awareness, and aim at influencing and in some way governing those indirect consequences that affect the group.

Please note that the public is here understood as a kind of collective intentionality which is not defined either formally or substantially, but rather in a reactive way, since the public is identified by a sort of all-affected principle (and as such is interaction-dependent, but not essentially intentionality-dependent). According to Dewey, the coming into existence of a more or less sophisticated public is a genetic and also structural presupposition for there to be institutions. Institutions are hence understood as more or less codified forms of organizations of the joint action of the public, through which those who are affected aim at canalizing and controlling the indirect consequences they are exposed to. Institutions are thus introduced under the general model of organizations – legal and political institutions are specific instances of organization – and the latter understood as common methods of regulation of the courses of interaction.

Such a genetic reconstruction of the presuppositions of institutions makes it clear that institutional facts can be systematic consequences of facts that do not require collective

acceptance by those who are subjected to those institutions²⁰. As we have seen, the notion of “public” has as its presupposition that there are indirect consequences of some interactions – which could have the form of causal interactions, systemic economic processes, such as economical crises, whose existence does not depend on the acceptance by those who are affected by them. In this sense we could say that institutions are dependent on human interaction, but up to some point they are not intentionally dependent upon them.

Furthermore, we have seen that the coming into existence of a public – and thus of institutions – has as its presupposition that a joint perception of the shared consequences arises, which engenders a common interest and concern. Thus, some form of collective recognition is somehow presupposed by institutions – the recognition of a common interest. But such a recognition is not the same as, and precedes the sort of acceptance of status functions which in Searle’s model is required for there to be institutions.

In the genealogical model of the public, institutions are simply not born from intentional activity of those affected – since they include between their presupposition indirect systematic consequences rooted in the material structure of interaction. Moreover, they are not simply born from conscious planning – as previously seen, the sort of joint perception of systematic indirect consequences can be tacit. Nor are they regulated in their genesis by the awareness of rational norms and ends. Nevertheless, their development can lead to conscious planning based on rational expectations, rules, and principles. But such rational expectations and rules do not define the essence of institutions, but are rather habitualized means through which the public organizes itself and aims to control the consequences of some courses of action. For these reason institutions are understood by Dewey as incorporated collective habits – customs which embody collective intelligence and thus liberate and empower our collective action rather than as “systems of constitutive rules”, as posited by Searle (2010, 10). This is not to deny the fact, as Searle puts it, that institutional facts – maybe with some exceptions – carry powers, duties, or rights. But the genealogical

reconstruction gives us a reason not to conflate this fact with the identification of the essence of institutions with such deontic powers.

4. *Some criticism of Searlean social ontology from a Deweyan point of view*

a. Acceptance and statuses presuppose habituations

If we take the latest version of Searlean socio-ontology, its basic notions seem to be:

interaction, collective intentionality, assignment of status functions, acceptance/recognition, linguistic declarations (including constitutive rules). A more restricted list, offered by Searle himself in *Making the Social World*, includes only collective intentionality, assignment of status functions, and linguistic declarations (2010, 10). As we have seen, interaction (understood as joint action) and habit are the basic notions of Deweyan socio-ontology, and habituation is the fundamental operator of socio-ontological constitution. Collective intentionality is not ignored by Dewey, but is rather reconstructed on the basis of the habit account. Hence, both collective and individual intentionality are here understood as secondary phenomena that are socially constituted, as social facts, whereas according to Searle they figure as biological presuppositions of social facts.

As for acceptance/recognition, such a notion plays a fundamental socio-ontological role in the constitution of status functions by Searle (2010, 8 and 57-58), but there is no theory as to whether it should be understood in terms of intentional attitudes or else background capacities and practices. For Dewey, recognition appears already at a level that precedes the problem of the assignment of status functions (which is tied in with pre-reflexive forms of customary acceptance by default, and in mobile societies, with individualized conscious recognition) since forms of pre-intentional recognition are already introduced in order to

grasp habitual interaction, and also to understand the emergence of the public. Moreover, the notion of “status” plays an important role for Dewey for understanding the social world – in particular in *Experience and Nature*, and in his *Lectures on Ethics and Political Ethics*, where the fact that something is being taken collectively as something – as having a certain status – is seen as constitutive of socio-ontological objects. Here again the phenomenon of being taken as something is related to some kind of shared recognition, but related to the pre-reflexive customary disposition to accept rather than be understood as a form of intentional assignment – be it the imposition of status function on preexisting objects (the constitutive rules “X counts as Y in C”), as in Searle’s Model I (developed in *The Construction of Social Reality*), or the expression of linguistic declarations (“We (or I) make it the case, by Declaration, that the Y Status function exists in context C”), as in Searle’s model II (later developed in *Making the Social World*). Such habits of acceptance are compatible with the existence of freestanding Y terms (it is not by chance that Dewey discusses the matter of corporations), and are not to be understood as essentially linguistic powers – they can occur in a pre-linguistic way – nor to be modeled on deontic norms, which are rather secondary with respect to the categorical structure of habits.

Of course Dewey’s understanding of statuses is less refined and fine-grained than Searle’s, and should be developed in a more detailed way. Dewey’s approach has nevertheless some advantages in comparison with some shortcomings of Searle’s approach. Searle’s approach to status is focused on the moment of the creation of statuses – the act of assignment – but has no firm grip on the question of the maintenance and of the transformation of statuses. Statuses are created by declarations – that is, by linguistic acts of collective acceptance: but when it comes to understanding how they are maintained and implemented, it is again collective acceptance that bears the burden of it – they are maintained by continuous acceptance, or else, in the linguistic formulation, by “standing declarations” (Searle 2010, 13). And when it comes to understanding how some statuses change or even collapse, it is

again collective acceptance that bears the burden: they cease to be accepted (Searle 2010, 13-14). All three dimensions – creation, maintenance, transformation – suffer from the same problem. If statuses are created by performative declarations, how come they do not continuously change, depending on the punctual performative acts of individuals or collectives? And in their maintenance, what it is that makes acceptance “continuous”? Can we really understand such continuity on the model of standing linguistic declarations? And if we reject, as Searle does, the absurd idea that such declarations are always explicitly asserted – which would lead to the awkward consequence that what maintains social entities in existence is a continuous linguistic flow – what it is that makes them standing? Let me note here that the very idea of “standing declarations”, understood as implicit, is modeled on standing attitudes, which is another way to name habits. Let’s finally focus on the dimension of transformation. Searle’s appeal to the fact that at some point some statuses cease to be accepted is a rather poor explanation, a sort of Deus ex-machina, because it simply appeals to an ungrounded event, which has no reasons in the dynamics of status constitution, and that ad hoc interrupts the continuity of acceptance. But one should first understand what makes acceptance continuous even in cases where it seems unmotivated, in order to also gain an understanding of the phenomenon of the suspension of acceptance. Hence, there is here no theory of the transformation of statuses, and Searle’s account ends up in a social-statics.

Here the model of habituation would have some advantages, since habit seems more suited to account for the continuousness of maintenance, and hence for the logic of its transformation and eventual collapse. And in fact the notion of habit is implicitly presupposed by many notions of Searle’s social ontology. When Searle writes that, as for social objects, “the object is only the continuous possibility of the activity. A twenty dollar bill, for example, is a standing possibility of paying for something” (Searle 1995, 46), the real thing to be understood is what makes such a “continuous possibility” possible. The primacy of social

acts over objects, and of processes over products, is exactly contained in the standing possibility, that is, in a habitual disposition. And Searle's assertion could well be rephrased as follows: 'the object is only the habitual character of the activity'. Furthermore, the model of habit is suited to giving an account of another feature of social reality, that is, the fact that here status functions are imposed upon another status functions. Such an iteration is not only a logical feature of complex and hierarchically organized societies, but has rather its material correspondence in the iterative structure of habit formation.

Finally, the habit model would have some advantages in treating what Searle names "ad hoc cases" (2010, 19-22), that is, cases where institutional facts are created without there being preexisting institutions. The reason why something might come to be counted as having a certain status without there being preexisting institutions, and hence, in Searle's model, constitutive rules, would be that the condition suitable for creating new institutional facts are already given with habits. Hence there is no need of preexisting norms in order to recognize a line of stones – a ruined wall – as a boundary: it suffices to develop a customary shared disposition to accept it as a boundary to confer on it such a status. Even if this status carries within itself a new deontology of duties and rights, this does not mean that I need a preceding deontology to institute a deontology: habituations are enough.

b. The reduplication of habit into Background and intentional network

Another advantage of a habit social-ontology is that it would avoid the sort of reduplication of levels that is to be found in Searle's theory. Searle first understands statuses on the model of intentional attribution, of intentional acts. But then, in order to account for the permanence of statuses, and the thick characters of social practices – which cannot be reduced to acts of attribution or to declarations – he needs to introduce at another level of the theory the notion of background, understood as "the notion of a set of presuppositions for the application of

intentionality, including a set of abilities”(Searle 2010, 38). The background is here understood as a set of conditions of application for the network of intentional states. Even though the distinction between the network of intentional states and the background is a categorical one, such a distinction is in practice not as clear as it may seem, and background and network seem to be the same thing seen from different aspects. Using habit as a ground notion of a socio-ontology, would avoid such reduplication, while giving a more clear account of some features of the background²¹.

Searle oscillates wildly between a neurophysiologic model of background causation, and a more practice-based characterization, which to my mind is implicitly modeled on some features of habitual action. First, background is understood by Searle as something that operates in a pre-intentional, pre-reflexive way. Second, background is connected with some traits of familiarity, acquaintedness, that characterize our experience; third, the background is taken to be something that deeply structures explicit consciousness; fourth, the background is understood as something projective, plural; fifth, it is understood as something that disposes us to some conduct; sixth, the background has a certain causal efficacy, but subjected to contingencies; and seventh, such causality is neither mental nor brute physical, but rather a sort of causality that has evolved in such a way as to be sensitive to intentional and normative structures, without being constituted by them as conscious or unconscious application (either representation of internalization) of norms (see Searle 1995, 132-136)²². One can easily see that all of these traits of the background can be more coherently understood if we adopt a Deweyan model and understand them as aspects of the account of habitual action, whereas the reduplication between background and network of intentional states leads to obscurities and insolvable problems.

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¹ A copy of the original manuscript has been reproduced here: <http://social.univie.ac.at/varia/>.

² For a consonant socio-ontological use of the notion of “social facts” by Dewey, see also his article “My Philosophy of Law”, where he writes that “social facts or phenomena” are connected with human “activities” as “interactivities”, which means “negatively, that they are not facts of the kind indicated when “fact” is taken to mean something done, finished, and over with; and positively that they are processes, things going on” (1988a, 118). Thanks to an anonymous referee for reminding me of the relevance of this article in the present context. For the use of the notion of “social facts” in contemporary social ontology, see in particular Gilbert (1989).

³ Let’s leave aside here the fact that according to Dewey internal mental states are secondary, that is, do not exist by themselves, but are for their part dependent on objective physical and social facts, whereas ideal “entities” have no ontological domain of their own.

⁴ Here Dewey is concerned with the ‘objective’ character of social facts, that is, with their really existing out there and being no less objectively knowable than physical events.

⁵ For an explicit socio-ontological analysis of the traffic whistle example, see Dewey (1981, 153): “But there are many other things which are neither physical nor psychological existences, and which are demonstrably dependent upon human association and interaction. Such things function moreover in liberating and regulating subsequent human intercourse; their essence is their contribution to making that intercourse more significant and more immediately rewarding. Take the sort of thing exemplified in the regulation of traffic. The sound of a whistle is a particular existential event numerically separate, with its own peculiar spatial temporal position. A continuous way of organized action is not a particular, and hence is not a physical or psychological existence. Yet the consequences of using the method of adjusting movements, so that they do not interfere with one another, have both a physical and a mental phase. Physically, there is modification of the changes in space which would otherwise occur. Mentally, there are enjoyments and annoyances which would not otherwise happen. But no one of these incidents nor all of them put together form the essence or ulterior meaning of the sound of the whistle; they are

qualifications of a more secure concert of human activity which, as a consequence of a legal order incarnate in the whistling, forms its significance”.

⁶ For the socio-ontological relevance of this idea see this illuminating passage: “What is a Corporation, a Franchise? A corporation is neither a mental state nor a particular physical event in space and time. Yet it is an objective reality, not an ideal Realm of Being. It is an objective reality which has multitudinous physical and mental consequences. It is something to be studied as we study electrons; it exhibits as does the latter unexpected properties, and when introduced into new situations behaves with new reactions. It is something which may be conducted, facilitated and obstructed, precisely as may be a river. Nevertheless it would not exist nor have any meaning and potency apart from an interaction of human beings with one another, an interaction in which external things are implicated. As legal essence, or concerted method of regulated interaction, corporation has its own and its developing career”.

⁷ See Dewey (1988, 335): “The influence of habit is decisive because all distinctively human action has to be learned, and the very heart, blood, and sinews of learning is creation of habitudes”.

⁸ For the widespread use of this notion in Dewey see, for instance (1980, 52-52); (1981, 239); (1988, 370).

⁹ See Dewey (1983, 46): “The problem of Social psychology is not how either individual or collective mind forms social groups and customs, but how different customs, established interacting arrangements, form and nurture different minds”.

¹⁰ This is a point Dewey develops in the lectures on Political and Social Philosophy held in China: see Dewey (1973). On the different dialectical “phases” of the process of “public recognition” analyzed by Dewey in these lectures see Särkelä (2013).

¹¹ According to Dewey, “Habit formation” is a process which shapes “regulated pattern of individual behavior derived from prior experience” (1973, 85).

¹² Dewey refuses to identify habit with repetition and stresses its plastic and creative characters. See Dewey (1983, 32): “repetition is in no sense the essence of habit”. On the Peircian roots of this idea see

Hickman (2007, 274n10). On the practical and political side of this aspect of habit in Dewey see especially Hartmann (2003,181-194).

¹³ “For beings who observe and think, and whose ideas are absorbed by impulses and become sentiments and interests, “we” is as inevitable as “I”. But “we” and “our” exist only when the consequences of combined action are perceived and become an object of desire and effort, just as “I” and “mine” appear on the scene only when a distinctive share in mutual action is consciously asserted or claimed” (Dewey 1988, 330).

¹⁴ See Dewey (1981, 156): “They are means of regulating consequences, through establishing a present cross-reference to one another of the diverse acts of interacting agents”.

¹⁵ On the rational accountability of habits see the analysis offered by Levine (2015). For a confrontation of Dewey’s take on habit with Hegel’s, see Levine (2015a) and my *Art and Routine. First, Second Nature, and Social Criticism in Dewey*, paper given at the conference *Die Kunst der zweiten Natur. Tagung*, Exzellenzcluster „Normative Orders“, Goethe-Universität Frankfurt am Main, 1. – 2. Juli 2016.

¹⁶ For a valuable reconstruction of this kind of criticism in the context of a discussion of socio-ontological issues, see Stahl (2013, 294-301).

¹⁷ This is expressed by Dewey in “My Philosophy of Law” by saying that regulations are “precipitated formulations”, “enactments” of customs that “modify their general character” (1988a, 120), often extending their relatively enduring and stable character.

¹⁸ I don’t mean by that to say that we do not need norms in social ontology. We need to introduce norms at some level of social reality, but habits can explain them. This is due to the fact that categorial descriptions – expressed by habit judgments – at their basic level render standards of appraisal rather than norms in the strict sense. I think we can then deploy normative judgments on the basis of general categorial if we realize that standards of appraisal are value laden. In this sense, as an anonymous referee suggests, the idea should be here that we can have categorial descriptions of value. Hence, normative judgments in the proper sense are not ontologically ground level, whereas values, as Dewey also assumes, are. Let me add that, while taking from Thompson some useful insights, I am at the same

time trying to reframe his logic of organic generality in a Pragmatist – that is, as something subject to change and evolution – rather than in a Aristotelian way.

¹⁹ Comparing Searle’s notion of “collective intentionality” with Dewey’s notion of public, Jerome Propp argues that Dewey’s notion is more complex than Searle’s minimal notion, since it is meant to grasp the sort of collective intentionality that is proper to democratic societies and their peculiar contents (see Propp [2001, 129-134]).

²⁰ Searle affirms that facts which do not require previous collective acceptance, such as the existence of a recession in economy (which can be unknown to the participants in economic transactions), are systematic consequences or “fall-outs” of ground-floor institutional facts which require collective acceptance (see [2010, 21-23 and 116-117]). On the contrary, in Dewey’s conception of the public it is rather ground-floor institutional facts which can be conceived as being somehow consequences of social transaction which can be unknown to the participants in the transactions, and which lead to the emergence of a shared perception of common interests, and eventually of acceptance involving forms of regulation (institutions as functional organizations).

²¹ On Searle’s notion of the “background”, and some of the problems connected with it, see Schmitz, Kobow, and Schmid (2013). For a different pragmatist criticism of Searle’s background, inspired mainly by Wittgenstein, see Margolis (2012), who criticizes Searle for neglecting the role of culture and thus for having a solipsistic take on language.

²² It is interesting to note that, according to Schusterman, Dewey had already developed a two-sided, somatic notion of “background”, based on the one side on the phenomenological “qualitative experience”, and on the other side on “entrenched habits”. See Schusterman (2012, 211-222).