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**Mariano Croce.** FWO Pegasus Marie Curie Fellow at the University of Antwerp. His books include *Undoing Ties. Political Philosophy at the Waning of the State* (Bloomsbury Academic, 2015, with Andrea Salvatore), *The Legal Theory of Carl Schmitt* (Routledge, 2013, with Andrea Salvatore) and *Self-Sufficiency of Law: A Critical Institutional Theory of Social Order* (Springer, 2012). His articles have been published, or are scheduled to be published, in top peer-reviewed journals such as the *Canadian Journal of Law and Jurisprudence*; *Cultural Critique*; *Ethics and Global Politics*; the *European Journal of Political Theory*; the *European Journal of Social Theory*; *The European Legacy*; *Law, Culture, and the Humanities*; *Law & Critique*; *Social & Legal Studies*; *Ratio Juris*; *Sociological Theory*. His research interests lie in the areas of political philosophy, social theory, jurisprudence and sexuality studies.  
Contact: [mariano.croce@libero.it](mailto:mariano.croce@libero.it)

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# SOCIAL THEORY AND THE ANALYSIS OF TRANSACTIONS

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**Mariano Croce**

*University of Antwerp*

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## **Abstract**

This article discusses a serious objection to social theories that claim opaque mechanisms and hidden forces operate over social actors' head: they bespeak the theorists' need to confirm their presuppositions whether they are proven or disproven by the phenomena they focus on. The author first explores the way in which Latour has convincingly unearthed this problem. He then analyzes one of Latour's primary polemical targets, Bourdieu's social theory, to show that in reality Bourdieu shared Latour's concerns. The article does so by exploring the nexus between Wittgenstein's notion of rule-following and notion of Bourdieu's *habitus*. Based on this analysis, the author elaborates on the concept of “transactions”, which draws attention to both the actors' discursive performances and the semiotic context where they take place. The article concludes by illustrating the theoretical-political consequences of this methodological commitment.

## **Keywords**

Bourdieu, Latour, rule-following, social theory, Wittgenstein.

## Resumen

Este artículo analiza una seria objeción a las teorías sociales que apoyan los mecanismos apagados y las fuerzas escondidas que, a su vez, influyen en los actores sociales: ellas destacan la necesidad teórica de confirmar sus presuposiciones tanto si ellas son demostradas como si son desmentidas por los fenómenos en los que ellas mismas se centran. En primer lugar, el autor examina cómo Latour ha puesto en evidencia decididamente este problema. Se trata, pues, de uno de los objetivos polémicos principales de Latour, la teoría social de Bourdieu, para demostrar que, en realidad, Bourdieu compartió las preocupaciones de Latour. Este artículo lleva a cabo este objetivo deteniéndose en la relación entre la noción de *rule-following* de Wittgenstein y la de *habitus* de Bourdieu. En la base de este análisis, el autor profundiza el concepto de *transactions*, que atañe a las interpretaciones discursivas de los actores y al contexto semiótico en los que se insertan. Este análisis finaliza con las consecuencias teórico-políticas de este tipo de metodología.

## Palabras clave

Bourdieu, Latour, rule-following, teoría social, Wittgenstein.

## Introduction

There is something we do not know, and the fact itself that we do not know it is evidence that this something is there. Something that makes us do things that we do not see, and that we would not be able to account for if asked. This something cannot but be uncovered by instruments that can hardly be used by us when we act as social actors, and requires expert knowledge and careful observation – an observation that does not need us to agree with its results, because our obliviousness, or even our disagreement, is the best proof for the results the observation provides. This, in short, is a tenet that divides contemporary social theory into somewhat opposed tribes: those who treat the actor's point of view as the residue of structural movements of different sorts and those who take the actor's verbalized statements and conscious beliefs as the only possible object of inquiry. Doubtless, there are many midway views that try to

strike a compromise between these opposed poles, and yet many troublesome questions re-emerge in any of them.<sup>1</sup>

The recent upsurge of Actor-Network-Theory has reignited the debate. In his book *Reassembling the Social*, Bruno Latour chides those whom he calls “sociologists of the social” because they drain the actor of autonomy and heuristic force. He claims that traditional sociology – which he defines “of the social” in that it reifies and hypostasizes a taken-for-granted entity (the social) that is nothing but the projection of sociology itself – conceives of actors as “hapless bearers of symbolic projection.”<sup>2</sup> They are regarded as puppets, pawns on a chessboard, that move in compliance with forces they can neither see nor articulate. Therefore, not only are the actors’ doings governed by invisible social forces; also their discursive performances, when actors are asked about their doings, are theoretically worthless, because the rules, reasons and motives that lie behind actions are opaque, non-transparent. What for Latour is even less commendable is that some sociologists of the social – particularly those who believe sociology should retain a critical edge to help actors see what they will never see on their own – claim that this worthlessness is replete with revelatory force. For when actors object to the description of the sociologist, the latter “considers that the actors’ objections to their social explanations offer the best proof that those explanations are right.”<sup>3</sup> In brief, theory makes the actor blind, speechless, unaware.

Despite the few, sparse references to his work, many interpreters believe Latour’s straw man has a name: Pierre Bourdieu.<sup>4</sup> Latour mentions Bourdieu’s *Outline of a Theory of Practice*,<sup>5</sup> first published in French in 1972, as one of the “clever attempts” at escaping the Scylla and Charybdis of the structure/agency diatribe.<sup>6</sup> This enduring conceptual opposition pits the actions actors perform against the context where such actions are performed: either actions are viewed as determined by structural variables, to the extent that the actors’ autonomy is presented as a superficial appearance; or the actors

1. The literature on this issue is abundant. See e.g. A. nicely theory in order for it to avoid the pitfall identified by Latour. de by g cum: ariselatter become the standard, as manyKing, “Against Structure: A Critique of Morphogenetic Social Theory”, in *The Sociological Review*, 47, 2, 1999, pp. 199-227; Dnicely theory in order for it to avoid the pitfall identified by Latour. de by g cum: ariselatter become the standard, as many. Elder-Vass, “Reconciling Archer and Bourdieu in an Emergentist Theory of Action”, in *Sociological Theory*, 25, 4, 2007, pp. 325-346; F. Dépelteau, “Relational Thinking: A Critique of Co-Deterministic”, in *Sociological Theory*, 26, 1, 2008, pp. 51-73; M.S. Archer, R. Bhaskar, A. Collier, T. Lawson, A. Norrie (eds.), *Critical Realism. Essential Readings*, Routledge, London, 1998; M.S. Archer, “Routine, Reflexivity, and Realism”, in *Sociological Theory*, 28, 3, 2010, pp. 272-303.

2. B. Latour, *Reassembling the Social. An Introduction to Actor-Network-Theory*, Oxford University Press, Oxford, 2006, p. 10.

3. *Ibid.*, p. 9.

4. See e.g. W. Schinkel, “Sociological Discourse of the Relational: the Cases of Bourdieu & Latour”, in *The Sociological Review*, 55, 4, 2007, pp. 707-729.

5. P. Bourdieu, *Outline of a Theory of Practice*, Cambridge University Press, Cambridge, 1977.

6. B. Latour, *Reassembling the Social*, p. 169.

are viewed as free and autonomous agents, to the extent that structural explanations of regular patterns of behaviour are demoted to unnecessary massification of discrete individual psychologies. Needless to say, Latour is dissatisfied with the idea itself of such an opposition; he believes it does not need to be overcome, it just needs to be discarded. In fact, whether or not Bourdieu's is a clever attempt, it falls through because of the very formulation of the problem. It hinges on an intrinsically flawed frame: the need itself to account for the existence and role of structures betrays a theoretical attitude that only apparently is interested in studying the actor, as it is much more preoccupied with propounding a theory of the social. As a matter of fact, for Latour, Bourdieu's social theory turns out to be the most sophisticated strategy to sacrifice the actor's point of view so as to consecrate the theorist's. The actors are depicted as fully unaware of the mechanisms that govern their actions, desperately incapable of verbalizing the invisible forces that dominate them, bound to reproduce the structuring structures they interiorize into their limited minds and their constrained bodies. Worse, the quintessence of Bourdieu's theoretical hubris lies in his conviction that theory can rescue the dominated. He believes social theory serves to historicize processes of de-historicization that naturalize social hierarchies and veil differentials of power; social theory de-reifies reified taxonomies that force social actors into stigmatizing categories. Historicization and dereification can occur only within an objective, scientific framework, from which one can bring to light socio-historical processes and erode their effects.

Put in this way, Latour is evidently right: social theory, elaborated by the theorist from a God's eye view, is called upon to reveal that which the actor is destined never to see. Not only does this depiction unduly postulate an unbridgeable gulf between the actor's and the theorist's perspective; it also severely degrades the former. Does the actor really need rescuing? How can a set of theoretical outputs be beneficial to irretrievably dominated subjects, whose actions inescapably reinforce the structures that dominate them? And how can theorists free themselves from those structures? How can theory carve out a space where domination cannot penetrate? The lack of convincing answers to these questions is evidence that social perspectives such as Bourdieu's are engaged in a self-centred pursuit: whether in good faith or not, they extol the pre-eminence of socio-theoretical knowledge over everyday ignorance, while at the same time hold theory to be self-immune, as they contend the divergence between the theorist's and the actor's accounts merely corroborates the former.

In this article I would like to claim that things should not be put in this way: much as Latour's criticism is extremely compelling as far as a good deal of social-theoretical

paradigms are concerned, Bourdieu's theory does not fall prey of such a simplistic objectivism. The relationship of the actors' discursive and interactional performances to theory is much more nuanced, and accounts for the crucial way actors contribute to the processes of historicization and dereification that theory can help actors carry out. In this context, however, my primary concern will not be with the status and potentials of social theory as such, but with what its target should be. To this end, I will clarify what drew Bourdieu to get inspiration from Ludwig Wittgenstein's philosophy. I will then discuss an example whose interpretation benefits from the integration between Bourdieu's *habitus* and Wittgenstein's rule-following. This analysis will lead me to tease out what I believe is the heart of both these notions. I will conclude by discussing the notion of transaction, which both draws on and innovates Bourdieu's and Wittgenstein's conceptual tools, and orients theory in order for it to avoid the pitfall convincingly identified by Latour.

## The order of practice and the order of discourse

As I explained above, Latour's contention that social theory should learn from the actor and, to this end, should follow the actor, seems to be irreconcilable with Bourdieu's idea that the interaction among actors is governed by the actors' *habitus*. In effect, Bourdieu's notion of the *habitus* might easily feature in the list of unnecessary social hypostases that theorists devise in order to expose their view of the social, whether or not they really correspond to something in the world. When this happens, the theorist's paraphernalia do not so much account for what they claim to help analyze, as they confirm the theorist's pre-given conclusions, which she projects onto the social entities she studies. More often than not theorists have a penchant for overproducing conceptual devices that fit their pre-given image of the social world.

Such a critique would certainly be a nail in Bourdieu's coffin if he thought of the *habitus* as a concrete and observable entity. However, this is not the case. It is certainly true that Bourdieu's characterization of his own conceptual devices is not devoid of ambiguities. He is quite clear that the *habitus* aims to explain why people comply with regular patterns of behaviour, or rather, how regularities come about.<sup>7</sup> In brief, Bourdieu submits the *habitus* is at the basis of social regularities. However, he is less clear on how

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7. See e.g. P. Bourdieu, *Outline of a Theory of Practice*, p. 72.

the *habitus* carries out this job. On the one hand, he describes it as a “durably installed generative principle of regulated improvisations” that “produces practices which tend to reproduce the regularities immanent in the objective conditions of the production of their generative principle.”<sup>8</sup> This quote shows that Bourdieu does not deem the *habitus* to be a causal mechanism whereby structures come to determine people’s actions. Quite the opposite, his insistence on the *generative* aspect points to an interest in accounting for variety and innovation rather than homology and reproduction. On the other hand, however, he provides a theoretically more burdensome account of the *habitus* when he describes it as “structured structures predisposed to function as structuring structure.”<sup>9</sup> In this juncture, Bourdieu seems to be claiming that there is a fundamental (and scarcely flexible) isomorphism between the actors’ interiorized structures and external social structures. In the face of this latter definition, he would be hard pressed to explain how the *habitus* can generate new courses of action if it is always-and-already predisposed to act in keeping with the structures that structure it.

Not unsurprisingly, among interpreters and critics this is still a moot point.<sup>10</sup> Yet I submit we can obtain a more nuanced understanding of the *habitus* if we follow a particular path, that is, Bourdieu’s relationship to the late Wittgenstein. Although the affinities between the two have been fairly discussed in the literature,<sup>11</sup> the interpretation I advance here is slightly different from the ones offered so far. Most interpreters claim that Bourdieu capitalized on Wittgenstein’s two complementary insights about rule-following. On the one hand, rules are not static and pre-determined guidelines for conduct that cause people’s behaviour. On the other hand, rules are independent of the distinction between conscious and unconscious behaviour, because the way in which rules are related to the actor’s actions does not depend on any intellectual performances on the actor’s part. By drawing a constant parallel with language as the archetypal form of rule-following, Wittgenstein depicted the performance of rule-governed actions as

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8. *Ibid.*, p. 78.

9. P. Bourdieu, *The Logic of Practice*, Stanford University Press, Stanford (CA.), p. 53.

10. See e.g. R. Jenkins, *Pierre Bourdieu*, Routledge, London and New York, 1992; T. Schinkel, “Pierre Bourdieu’s Political Turn?”, in *Theory, Culture & Society*, 20, 6, 2003, pp. 69-93; O. Lizardo, “The Cognitive Origins of Bourdieu’s *Habitus*”, in *Journal for the Theory of Social Behaviour*, 34, 4, 2004, pp. 375-401; P. Gerrans, “Tacit Knowledge, Rule Following and Pierre Bourdieu’s Philosophy of Social Science”, in *Anthropological Theory*, 5, 1, 2005, pp. 53-74; M. Adams, “Hybridizing *Habitus* and Reflexivity: Towards an Understanding of Contemporary Identity?”, in *Sociology*, 40, 3, 2006, pp. 511-528; D. Elder-Vass, “Reconciling Archer and Bourdieu in an Emergentist Theory of Action”.

11. See e.g. C. Taylor, “To Follow a Rule...”, in C. Calhoun, E. LiPuma, M. Postone (eds.), *Bourdieu: Critical Perspectives*, Polity Press, Cambridge, 1993, pp. 45-60; J. Bouveresse, “Rules, Dispositions, and the *Habitus*”, in R. Shusterman (ed.), *Bourdieu: A Critical Reader*, Blackwell, Oxford, 1999, pp. 45-63; A. King, “Thinking with Bourdieu against Bourdieu: A ‘Practical’ Critique of the *Habitus*”, in *Sociological Theory*, 18, 3, 2000, pp. 417-433; P. Gerrans, “Tacit knowledge, Rule Following and Pierre Bourdieu’s Philosophy of Social Science”.

the participation in “a form of life.”<sup>12</sup> Famously, he wanted to dispense with an idea of language as an abstract system of signs so as to bring to light the somewhat opposed idea that language is deeply ingrained in unintentional, practical knowledge. This latter idea is linked with the image of a historical group of people bound together into a community by a shared set of complex, linguistic practices. Philip Gerrans observes that this view of rules as embedded in intuitive everyday practices and based on unintentional knowledge provided Bourdieu with *prima facie* suitable philosophical foundations for his dispositional understanding of rule-following as the deployment of socially acquired capacities that presuppose no cognitive mediation.<sup>13</sup>

In short, this conventional reading of the relationship between such towering figures emphasizes Bourdieu’s seizing on the understanding of rules and practical knowledge developed by Wittgenstein in *Philosophical Investigations*. While I believe this view is *in se* somewhat mistaken (though I cannot engage in this discussion here), I would like to make the claim that the stronger affinities between the two lie at a higher, meta-theoretical level.

In an article called “The Scholastic Point of View”, Bourdieu brings into question the ability of theory to capture practice and account for it. He reckons that the “scholastic vision destroys its object every time it is applied to practices that are the product of the practical view and which, consequently, are very difficult to think of, or are even practically unthinkable for science.” He goes on to say that applying to practice “a mode of thinking which presupposes the bracketing of practical necessity and the use of instruments of thought constructed against practice”<sup>14</sup> is hardly conducive to a reliable understanding of the latter. Put otherwise, Bourdieu’s point is that all too often the theorist believes she is engaging in theory, while in reality she is engaging in meta-theory. In this way, the theorist gets caught in her own conceptual devices, which are allegedly meant to provide a faithful portrayal of practice, while this portrayal is inadvertently pre-adapted to the preoccupations that underpin the theorist’s conceptual framework. In Bourdieu’s eyes, the notions of rules, as it has been developed within structuralism, epitomizes such a serious theoretical flaw. When theorists do so, they apply to the observed actors a conceptual construct that makes *prima facie* sense of the actors’ interactions, but in point of fact projects on them something that has nothing to do with them.<sup>15</sup> In *The Logic of*

12. L. Wittgenstein, *Philosophical Investigations*<sup>4</sup>, Blackwell, Oxford, 2009, §§ 19, 23, 241.

13. See P. Gerrans, “Tacit Knowledge, Rule Following and Pierre Bourdieu’s Philosophy of Social Science”.

14. P. Bourdieu, “The Scholastic Point of View”, in *Cultural Anthropology*, 5, 4, 1990, p. 382.

15. It is worth mentioning, at least in passing, that this understanding of rule is somewhat limited. It only focuses on rules being fixed and stable guidelines for action that are meant to constrain, so to say, the actor’s conduct. I believe a richer

*Practice*, he exemplifies this myopic tendency with recourse to the metaphor of the map: “The logical relations he [the observer] constructs are to ‘practical’ relations – practical because continuously practised, kept up and cultivated – as the geometrical space of a map, a representation of all possible routes for all possible subjects, is to the network of pathways that are really maintained and used, ‘beaten tracks’ that are really practicable for a particular agent.”<sup>16</sup>

It is mostly in this thematic context that Bourdieu’s writings make reference to the late Wittgenstein’s philosophy. For example, in *Outline of a Theory of Practice* Bourdieu praises the latter’s ability to “bring together all the questions evaded by structural anthropology and no doubt more generally by all intellectualism, which transfers the objective truth established by science into a practice which by its very essence rules out the theoretical stance which makes it possible to establish that truth.”<sup>17</sup>

When in this and similar circumstances Bourdieu hints at Wittgenstein’s treatment of rule-following he plainly concerns himself with the *methodological* appropriateness of the theorist’s conceptual instruments rather than with the concrete activities carried out by actors in everyday life. Against the conventional view I sketched above, he is not making a point about the way social practices work, but about the conditions of possibility for the analysis of the way social practices work. To say it with a formula, Bourdieu refers to the *order of discourse*, not to the *order of practice*.

This reading looks all the more tenable if we consider that Bourdieu holds Wittgenstein’s philosophy to possess an unparalleled unmasking power.<sup>18</sup> The core of the Austrian philosopher’s legacy is that most philosophical conundrums arise out of a misleading theoretical construction of the problem, which predefines the research path and distorts the research results.<sup>19</sup> It is because of this methodological conviction (and not because of any allegiances to mechanistic visions of the social) that Bourdieu decided to replace the notion of rules with that of strategies. Like the map, rules provide a seemingly reliable account of practice, but fail to get to grips with what actors really do. Strategies, in Bourdieu’s theoretical framework, is how rules are really practiced against

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notion of rule is an alternative road to unravelling the puzzle I am focusing on in this article. Although I cannot discuss this alternative road, critical contributions in this regard are V. Marzocchi, “A Jurisdictional Concept of Law from a Philosophical (Linguistic-Pragmatic) Point of View”, in *Politica & Società*, 2, 2013 pp. 119-142; V. Marzocchi, “La *lex humana* in Tommaso d’Aquino: *regula et mensura actuum*”, in *Politica & Società*, 3, 2014, pp. 405-428.

16. P. Bourdieu, *The Logic of Practice*, Stanford University Press, p. 35.

17. P. Bourdieu, *Outline of a Theory of Practice*, p. 29.

18. See e.g. P. Bourdieu, *Outline of a Theory of Practice*, Sec. I; Id., *The Logic of Practice*, Book 1; Id., “The Scholastic Point of View”.

19. See e.g. P. Bourdieu, *Science of Science and Reflexivity*, The University of Chicago Press and Polity Press, Chicago and Cambridge, 2004, p. 7.

the background of the context where they are at work. In *In Other Words* he makes this clear when he explains that we can hardly understand what rules are if we miss out on the relationship between the actors' conduct and the space where they interact.<sup>20</sup> More specifically, rules that make sense of people's behaviour are as far from the reality of practice as it is the Wittgensteinian "section of rails invisibly laid to infinity."<sup>21</sup> As Wittgenstein strenuously argues that the practice of following rules is internal to, and thus inseparable from, the process of teaching and learning,<sup>22</sup> to such an extent that rules cannot be grasped outside it, so does Bourdieu argue that rule-governed behaviour has to be scrutinized insofar as it is crucial to the activity of forming and maintaining social groups.

Based on what I argued above, I would like to say, at least as a first, provisional result, that Bourdieu and Wittgenstein agree on the meta-theoretical aspect (the order of discourse) but disagree on what the elements are that link rules and regularities (the order of practice).<sup>23</sup> Their shared conviction is that, when theory neglects the context in which the social role of rules emerges more vividly, the account of rule-governed behaviour is inevitably partial, or even misleading. For Wittgenstein, this context is the activity of training, of actors' being trained to react in such and such a way for them to stick to regular patterns of conduct. For Bourdieu, this context is the process of bringing social groups into existence through the linguistic production of symbolic boundaries, as well as the maintenance of these boundaries with recourse to rules – while rules are not mere guidelines for conduct, as they are guidelines that are affixed to (and enhance) a given description of the social world, along with its hierarchies and power differentials.

## The actor and the context: an example

If we return to what I pointed out at the outset, it is easy to understand why Bourdieu's meta-theoretical stance can be regarded as an invitation to follow the actor, as well as to refrain from charging the actor with presuppositions that fit the theorist's conceptual framework. The conviction that the notion of strategies is more reliable than

20. See P. Bourdieu, *In other words. Essays towards a Reflexive Sociology*, Stanford University Press, Stanford, 1990, Chap. 3.

21. L. Wittgenstein, *Philosophical Investigations*, § 218.

22. Although I disagree with some of its conclusions, an instructive book on the relevance of the teaching and learning process is M. Williams, *Wittgenstein, Mind and Meaning: Toward a Social Conception of Mind*, Routledge, London and New York, 1999.

23. It is worth noting at this stage that a less conventional interpretation of Wittgenstein, as I will point out below, shows more affinities than expected also on the order of practice.

that of rules bespeaks the need to trace the actor's movements well beyond the model that a map composed of rules makes available. In plainer terms, to understand an actor's rule-guided conduct the theorist has first and foremost to make sense of the actor's position towards rules; which is to say, how rules are used to produce effects that the notion of rule not only fails to explain but often conceals. An example might be of help.

In the last two or three decades many frictions have emerged between what might be called "kinship-in-the-books" (policy frameworks and legal institutions governing kinship relations) and "kinship-in-action" (actual kinship practices developed in daily life).<sup>24</sup> The recent swath of "new kinship studies" has drawn attention to a variety of kinship formations other than the conventional ones enshrined in Western legal systems.<sup>25</sup> According to many scholars,<sup>26</sup> emerging kinship formations are seriously challenging the conventional family grid and the range of values, hierarchies and power differentials attached to it. Today's family grid is no longer engulfed in what Martha Fineman defined as the "Sexual Family", that is, the state-sanctioned union between two individuals and their progeny.<sup>27</sup> Apparently, the collapse of kinship into the conventional model of the family, lamented by Judith Butler,<sup>28</sup> is being undone.

Frictions are due to the fact that the scenario of kinship-in-action is vast and haphazard, whereas the semantic as well as regulative resources of kinship-in-the-books are as fixed as limited. Many studies<sup>29</sup> provide evidence that, despite the changes I just mentioned, legal regulation in Western countries still clings to a form of biological determinism in its pursuit of a "genetic 'truth'" that links "it to both welfare and rights."<sup>30</sup> On this account, whether or not non-conventional families (such as e.g. same-sex ones or those constructed through assisted reproductive technologies) are being accepted as

24. For a detailed analysis, see F. Swennen – M. Croce, "The Symbolic Power of Legal Kinship Terminology: An Analysis of 'Co-motherhood' and 'Duo-motherhood' in Belgium and the Netherlands", in *Social & Legal Studies*, published online before print September 9, 2015, DOI: 10.1177/0964663915598664.

25. See e.g. J. Carsten, *Culture of Relatedness: New Approaches to the Study of Kinship*, Cambridge University Press, Cambridge, 2000; R. Jallinoja, E.D. Widmer (eds.), *Families and Kinship in Contemporary Europe. Rules and Practices of Relatedness*, Palgrave Macmillan, Basingstoke, 2011; S. Franklin, S. McKinnon (eds.), *Relative Values: Reconfiguring Kinship Studies*, Duke University Press, Durham (NC.), 2012.

26. See e.g. the pioneering work K. Weston, *Families We Choose: Lesbians, Gays, Kinship*, Columbia University Press, New York, 1991.

27. M. Fineman, *The Neutered Mother, the Sexual Family and other Twentieth Century Tragedies*, Routledge, New York and London, 1995.

28. J. Butler, *Undoing Gender*, Routledge, New York, 2014.

29. See e.g. H. Lessard, "Mothers, Fathers and Naming: Reflections on the Law Equality Framework and *Trociuk v British Columbia (Attorney General)*", in *Canadian Journal of Women and the Law*, 16, 2004, pp. 165-211; A. Diduck, "'If only we can find the appropriate terms to use the issue will be solved': Law, Identity and Parenthood", in *Child and Family Law Quarterly*, 19, 4, 2007, pp. 458-480; Y. Joshi, "Respectable Queerness", in *Columbia Human Rights Law Review*, 43, 2, 2012, pp. 415-467.

30. A. Diduck, "'If only we can find the appropriate terms to use the issue will be solved'", p. 468.

“real” families, the matrix that is being used to grant legal recognition is one that places value on kinship based upon genetics and the set of meanings and values around it. Therefore, non-conventional family formations are being legally and politically legitimized by being presented as apt to form those relationships that are premised upon those meanings and values.<sup>31</sup>

Most of the research I am building on leads to a conclusion that fits the Bourdieusian picture: this paradoxical reinforcement of conventional kinship comes about because of the interplay between two factors. First, a so-called process of “context-stripping” promoted by legal and political institutions: it is much easier to include formerly excluded kinship formations under existing kinship labels and to leave aside the elements of them that do not fit these labels. Second, for this very reason, in order to get the benefits and rights that are attached to certain kinship formations, those who try to obtain these benefits and rights seek to adapt themselves to the legal instruments that have granted legal recognition to those who obtained it.<sup>32</sup> The conjunction of these factors gives life to a conundrum: the conservative character of conventional legal categories that accommodate non-conventional kinship formations gets paradoxically reinforced by the actors’ own use of the legal instruments that grant recognition and protection. Seemingly progressive regulatory innovations are then occurring within the framework of a “bounded renegotiation”:<sup>33</sup> acceptance of new family formation is conditional upon people’s mobilizing the rules and categories that comprise the field of the available normative repertoire.

How can the *habitus* help us decipher this conundrum? The interpretation I offered above was meant to be an invitation to scrutinize how the actors use symbolic and material resources to remould the available description of the social world. To understand how this process works, I suggest looking at legal kinship terminology as a Bourdieusian field where the stake is the reallocation of rights, benefits and responsibilities. The boundaries of this field are drawn by the set of rules, provisions and categories that

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31. I delve into this topic in M. Croce, “Desiring What the Law Desires: A Semiotic View on the Normalization of Homosexual Sexuality”, in *Law, Culture and the Humanities*, published online before print 7.10.2014, DOI: 10.1177/1743872114553070; M. Croce, “From Gay Liberation to Marriage Equality: A Political Lesson to Be Learnt”, in *European Journal of Political Theory*, published online before print 16.04.2015, DOI: 10.1177/1474885115581425.

32. To provide an example among several, in a recent article Robert Leckey elucidates how courts’ reliance on the conventional lexicon of motherhood in order for it to cover the situation of a woman with no genetic tie to the child “makes it likelier that she will be granted custody, an attribute of parental authority which is itself an effect of filiation” (R. Leckey, “Two Mothers in Law and Fact”, in *Feminist Legal Studies*, 21, 2013, p. 7). In this respect, the subsumption of emerging social practices under available categories proves a major vehicle for legal recognition.

33. I discuss the notion of “bounded renegotiation” in M. Croce, “Governing through Normality: Law and the Force of Sameness”, in *International Journal of Politics, Culture and Society*, published online before print 04.12.2014, DOI: 10.1007/s10767-014-9195-6.

are available in state policies, legal codes, judicial rulings and various legal documents (whose relative weight varies in different jurisdictions). This normative repertoire ratifies certain types of relationships, or to be more correct, makes them socio-politically visible and legally speakable, to the disadvantage of the whole gamut of kinship-in-action. Put otherwise, this normative repertoire provides a map that reflects only in part the beaten tracks of kinship practice. Little can be made out of how kinship really works by looking at this normative spectrum on paper, whether it *prima facie* appears more progressive or more conservative.

Evidently, such an account does not hinge on opaque mechanisms being at work to condition people's actions. Quite the reverse, actors who have recourse to the law in order to gain recognition are the primary vehicle of both change and normalization. On the one hand, they mobilize (with lawyers acting by proxy) available legal resources to amend existing policies and regulations so that these might adapt to the changing scenario of kinship. On the other hand, the resources they mobilize are those available in legal codes and legal documents, which inevitably embody pre-existing conceptions of family and kinship. The latter become the standard, as many radical and queer critics lament, because of the conscious activity of those who seek rights and benefits through them. This raises a thorny question: is the defiant and unsettling use of previous meanings and models conducive to a revision and resignification of them? Or is the symbolic weight of these meanings and models so overwhelming that an alleged resignification turns out to be a surreptitious form of self-domination on the part of the dominated? My claim is that a theory building on the notion of *habitus* cannot provide an answer in the abstract; rather, it urges to concentrate on the actors' concrete, context-specific use of meanings and models (e.g. in what ways and with what intentions they invoke marriage and motherhood, and how they couch their claims with reference to them) as well as on the particular configuration of the field where they operate (e.g. on the specificities of a given jurisdiction) to assess whether the actors' action is likely to subvert or to reinforce those meanings and models (and, needless to say, the range of values, hierarchies and power differentials underpinned by them). While in other contexts I tried to offer an answer to this issue by concentrating on concrete legal and socio-political struggles,<sup>34</sup> here I would like to deploy the conceptual grounds of this methodological position.

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34. See in particular M. Croce, "Homonormative Dynamics and the Subversion of Culture", in *European Journal of Social Theory*, 18, 1, 2015, pp. 3-20; M. Croce, "From Gay Liberation to Marriage Equality".

## Focusing on transactions

To begin with, I need to cut deeper into the notion of *habitus* and, to some extent, to add something to it. I have so far said that the *habitus* is the carrier of a methodological concern, one that urges theorists to ward off the misleading projection of their convictions onto the actor and the hasty reliance on abstract models that fail to get to grips with practice. But what is it that the theorist has to look out for? Let me go back to the parallel between rule-following and the *habitus* for a moment. My claim is that neither Wittgenstein nor Bourdieu hold a deterministic understanding of the nexus between rules and regularities. The idea that one's following a signpost<sup>35</sup> is determined by others' having followed the signpost before her does not capture Wittgenstein's notion of following a rule (although he at times uses such terms as "reaction", "training" and "custom"). Likewise, the idea that interiorized structuring structures determine the actor's future choices does not capture Bourdieu's notion of the *habitus*.

To understand that which I view as the common concern of rule-following and the *habitus* I suggest making two interpretive moves: the first has to do with the role of time; the second foregrounds the part played by actors' discursive exchanges about their own interaction. Only by combining these two elements can we penetrate the crucial role of theory in the comprehension of social action. To pin these moves down, I will first concentrate on rule-following and will then explain how they cast a novel light on the *habitus*.

The first interpretive move is taking both rule-following and the *habitus* as invitations to look at the actors' current actions through the lens of their past history; which is to say, to understand how time affects the present. Both these notions call for a critical inspection of the present in order to assess it against the background of the past and, by doing so, to disclose the possibility conditions for people's present actions. In effect, the centrality Wittgenstein grants the process of teaching and learning (as the epitome of handing over guidelines for action) is nothing other than a way to indicate how actions can be assessed as correct or incorrect with reference to something that has been done before and has established itself as a standard. Accordingly, an action that can be predicated of being correct or incorrect should be regarded as an instantiation of a broader practice. The action is a node within a practical web that sets the reference whereby the action can be understood and criticized. In the famous example of counting in twos,<sup>36</sup>

35. L. Wittgenstein, *Philosophical Investigations*, § 85.

36. *Ibid.*, §§ 185-187.

where the teacher asks a pupil to complete a sequence and the pupil applies the rule incorrectly, there is no room for incompatible interpretations or disagreement over the rule: what has to be done is written in the text of one's practical life, where knowledge gets embodied and turns into an intuitive ability to move in the different fields where this knowledge is produced. Knowledge gets inscribed in one's body and requires no intentional mediation with the rule as an intellectual, cognizable entity. Instead, the rule is but the history that a given action carries with itself and puts in motion as the correct instance of something, as an instantiation of a broader practice. This history provides the external, publicly available<sup>37</sup> standard that only allows to assess whether or not an action was correct.

Here comes the second interpretive move. In fact, one might be tempted to say that, in the end, it is the sedimentation of behaviours, and thus the emergence of regularities, that fixes the rule. If that is the case, the discursive exchange between the teacher and her pupil, along with all the other exchanges between actors, bear no critical and/or reflexive weight at all. The teacher was right when she wanted her pupil to write down "1002, 1004" because there is a well-established practice that mandates so; similarly, the wanderer was right when she went where the arrow pointed to, because all fellow wanderers did and will do the same. On this account, it is the sedimentation of customs that provides standards of correctness for assessing people's actions as instantiations of broader practices. In brief, one's doing something and others' subsequently doing the same thing is the one and only benchmark. This something gets reproduced and mechanically passed along through teaching, until it becomes a structural element of a shared form of life. Doubtless, there are many passages where Wittgenstein seems to go down that road. And yet, I believe this is not the best possible interpretation. To prove this, it is helpful to look at the way Wittgenstein treats the standard metre as the one/ten-millionth of the distance from the equator to the North Pole. It is worth quoting him at length:

What does it mean to say that we can attribute neither being nor non-being to the elements? – One might say: if everything that we call 'being' and 'non-being' consists in the obtaining and non-obtaining of connections between elements, it makes no sense to speak of the being (non-being) of an element; just as it makes no sense to speak of the destruction of an element, if everything that we call 'de-

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37. See *ibid.*, § 265.

struction' lies in the separation of elements. One would like to say, however, that being cannot be attributed to an element, for if it did not exist, one could not even name it, and so one could state nothing at all about it. – But let us consider an analogous case. There is one thing of which one can state neither that it is 1 metre long, nor that it is not 1 metre long, and that is the standard metre in Paris. – But this is, of course, not to ascribe any remarkable property to it, but only to mark its peculiar role in the game of measuring with a metre-rule.<sup>38</sup>

If, for the sake of brevity, we leave aside all the interlocutors Wittgenstein was indirectly polemicizing with while putting down this remark, this quote shows that being a standard is not a natural property of anything. Rather, it is *the way something is treated* that turns it into a standard. On this view, David Bloor makes a point when he insists that a more nuanced notion of “performative citation” is needed to understand Wittgenstein’s rule-following.<sup>39</sup> Based on such a notion, Bloor makes the claim that standards emerge out of a self-referring discursive performances. More specifically, a practice of citing is involved, whereby a given performance becomes a standard because of one’s “commenting on the performances of others, and of one’s self.”<sup>40</sup> In other words, the standard is brought into existence *within and through* the practice of citing and invoking it at the very moment of its first appearance. This is why standards can hardly be the sedimented product of reiterated actions: they are produced within the interaction itself, when people debate over a given performance and tease them out of practice by providing, most often unintentionally, reified, objectified, and transmissible descriptions of them. The important element emphasized by Bloor is that, once a given performance is turned into a standard, it serves as a “medium of self-understanding”, to wit, that in respect to which one performs future actions.

I would now like to explain why these interpretive moves contribute to a better understanding of the *habitus*. On the one hand, time has been shown to be a key feature of people’s actions: what they do is understood and assessed against the background of what they and others have done before. On the other hand, past actions, and the standards they give rise to, are not immobile, objectified entities, but are evoked, mobilized,

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38. *Ibid.*, § 50.

39. See D. Bloor, *Wittgenstein, Rules and Institutions*, Routledge, London, 1997, particularly Chap. 3. Interestingly Bloor contends that to make sense of Wittgenstein’s reference to institutions (see L. Wittgenstein, *Philosophical Investigations*, § 199), it should be contrasted with the notion of institution deployed in the seminal article B. Barnes, “Social Life as Boots-trapped Induction”, in *Sociology*, 17, 4, 1983, pp. 524-545.

40. D. Bloor, *Wittgenstein, Rules and Institutions*, p. 33.

negotiated in people's discursive exchanges when they discuss over what they do. These are the two crucial elements that the *habitus* foregrounds. First, the background of a practice gets stoked in people's bodily experience and classificatory principles: the practice does not exist but in the bodies and the shared intelligibility grid of those who practise it. The *habitus* therefore is not a real social entity that can be ostensibly observed, but is that which limits the range of possibilities for a given population in a given field: that which provides them with conceptual categories (often deeply incorporated and engraved in the body) to interpret who they are and what they are doing, as well as with instruments to assess each other's conduct. This is the structured structure of Bourdieu's definition mentioned above. Second, such a conceptual and bodily constraint on people's perceptive and behavioural possibilities is not static and immutable. Quite the contrary, it gets continuously mobilized within people's ongoing interaction: actors' structured structure can become a structuring structure only insofar as they cite and invoke it (or rather, they cite and invoke its contents: past actions and the many forms of knowledge developed around them) as an authoritative source for present actions to be critically evaluated.

If this is true, then the *habitus* is a theoretical approach to the actor's doings rather than something that imposes limits on such doings. It heralds a view that centres on how people in the here and the now create connections between what they do at present and what they did in the past, and reify the past for it to be used as a yardstick. This also means that the past only exists, as it were, in people's present doings and sayings. It is the performative connection between present occurrences and past occurrences that create standards of correctness, since these standards only exist in the actors' discursive performances in the here and the now.<sup>41</sup> These are what I call "transactions", that is, people's performative exchanges over something that they intuitively carry with themselves and that can be continuously mobilized and renegotiated when problematic circumstances arise.<sup>42</sup>

To sum up, while the methodological commitment it relies upon by and large seizes on the Latourian wake-up call to follow the actor, a transactional analysis is primarily focused on two key elements: the semiotic boundaries of the field (in short, how a given

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41. It goes without saying that standards can be written down and fixed in many ways, from informal and unspecialized dress codes to formal and specialized legal regulations. Despite this, my point is that the application of these and other guidelines always depends on people's understanding, negotiating and revising the meanings that comprise them as well as on the historical, contextual variations of the field or practice that regulations claim to govern.

42. A similar but not identical understanding of transaction is provided in F. Dépelteau, "Relational Thinking. A Critique of Co-Deterministic".

field produces, maintains and protects its symbolic and material resources through definition of meanings that operate as an inner sieve and draw the boundaries of the practice or field) and the linguistic construction of what counts as a standard on the part of the actors within a practice or field (how and in what ways actors evoke, mobilize, negotiate and revise standards in their discursive exchanges, whether consciously or not).

## Concluding remarks

I believe there is an important political lesson that partly exceeds the methodological outcomes explored so far, and offers some insights into the way political and legal institutions tend to accommodate new practices (or new understandings of former ones). To point it out, let me return to the example of emerging kinship formations mentioned in the preceding pages.

The discussion above shows that the analysis of transactions (and its drawing on rule-following and the *habitus*) postulates no mysterious, invisible forces that, as said in the lines that opened this article, get people to do something they are bound to be unaware of. The object of study is the actors' very actions and talks. They themselves fix and reify standards by matching present actions with past ones. At the same time, the analysis of transactions is aware that they do not take place in a vacuum: transactions occur in a territory whose boundaries are limited by semiotic and historic constraints. Only the study of people's transaction in counterpoint to the study of the semiotic space where they take place offers a reliable portrayal of the outcome of actors' doings and sayings. Based on this, I believe I can say that in most jurisdictions, while conventional kinship (e.g. marriage, motherhood, parenting) is being used as a means to the end of including non-conventional forms of kinship (respectively, same-sex marriage, lesbian motherhood, poly-parenting), the former is simultaneously reasserted as a standard for determining the correctness of the practice of kinship *tout court*. No doubt, in the performative citation of something as a standard, conventional kinship also gets altered. And yet, although it is not for this article to prove, by analysing the transaction among affected actors, third-party actors and courts, the claim that most judicial rulings inadvertently turn conventional kinship into the standard seems tenable.<sup>43</sup>

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43. Besides the ones mentioned above, two instructive articles in this regard are M. Graham, "Gay marriage: Whither sex? Some thoughts from Europe", in *Sexuality Research and Social Policy*, 1, 3, 2004, pp. 24-31; T. Ruskola, "Gay Rights versus Queer Theory", *Social Text*, 23, 3-4, 2005, pp. 235-249.

In conclusion, the analysis of transactions offers a theoretical approach that avoids the risk of silencing the actors and at the same time introduces elements (such as history and performativity) that only apparently are invisible, but become visible as soon as the theorist (based on the actors' own performative citations) views actions as instantiations of practices. This allows rethinking many seemingly objectivist conceptual tools (such as e.g. symbolic power and hegemonic culture) not as pre-suppositions that the theorist introduces to make sense of practices that, in reality, are up and running without those tools being at work. Rather, they can be read as effects of people's discursive exchanges and their position towards each other. In effect, speaking of actors as if they were equal contributors to a wide set of shared practices is just as wrong as projecting presuppositions on them: this, I believe, is what Bourdieu means when he excoriates the processes of reification and dehistoricization that conceal power differences and hierarchies. By contrast, the analysis of transactions permits taking into account unbalanced and uneven effects of discursive performances that set standards in the various practices and fields. But how this can be done requires a separate article of its own.