

What Are Institutional Groups?*

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1. Introduction

We are all members of some institutional group or another, and we may all be members of different institutional groups at the same time (e.g., someone can be a faculty member, the goalie of a football team and a UK citizen simultaneously). Since being a member of an institutional group involves occupying a certain role assigned with certain normative attributes (viz., rights, duties, powers and responsibilities), our institutional membership shapes to an important extent the way we interact with each other in our everyday life.

Crucially, though, institutional groups cannot exist independently of our social interaction. On the contrary, they exist as particular forms of social organisation. In this paper I present an ontological analysis of institutional groups that elaborates on this idea and shows how, when so organised, we can create more complex and sophisticated social entities, e.g., institutions.

In the following sections, I introduce and argue for three main theses. In §2 I claim that an institutional group is a realisation of a formal group structure. In arguing for this thesis, I improve on Ritchie's ontological structuralism. In §3 I hold that institutional groups can perform intentional actions. This thesis results from an ontological analysis of institutional and proxy agency akin to Ludwig's theory of collective action. In §4 I distinguish between institutions and institutional groups and state that the former are institutional practices. I take up this issue here, firstly, because I consider misleading some of the characterisations of institutions that prominent social ontologists have recently offered (e.g., Searle, Guala and Ludwig), and, secondly, because I think it is important to clarify the way institutional groups create institutions. By following Tuomela, I argue that institutions consist in institutional activities conducive to the realisation (or "satisfaction") of institutional activity types. Since this realisation is carried out by institutional groups, our having an answer to *what are institutional groups?* is a necessary step towards a better understanding of what institutions are and how we create them.

2. Institutional Groups

I introduce in this section a structuralist account of institutional groups. I do so by discussing Ritchie's ontological structuralism about social groups, as developed in her (2015), (2018a) and (2018b). Although she does not consider institutional groups *per se*, she does discuss organised social groups, which I take to be the genus to which institutional groups belong. The thesis I argue for here is

Th 1 An institutional group is a realisation (or an instantiation) of a formal group structure. This thesis improves on Ritchie's structuralist account of organised social groups as it introduces a further distinction, viz., between formal and informal group structures. This

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distinction, I show, represents the structural difference between institutional groups and other kinds of organised social groups. Her account, I argue, does not recognise this difference.

Despite improving Ritchie's account, I am not committed to her view, nor is my goal to defend her project. Although I take it to be worth pursuing (in spite of the objections it has been already subject to, e.g., Epstein 2019, 4901-4904), a further supportive argument will not be given. My contention will be, instead, that her structuralist account is a good starting point for a more detailed ontological analysis of organised social groups.

In any case, my **Th1** results from a much narrower ontological investigation. One that also aims to further our understanding of institutional agency, i.e., the capacity of institutional groups to act intentionally. If **Th1** is true, then this structuralist position will provide us the ontological background against which we can explain how institutional groups can create certain, complex social entities, particularly institutions.

2.1. Organised Social Groups

In contemporary social ontology, almost everything is related to groups. Though not just any kind of groups (e.g., a group of chairs or a group of particles arranged tablewise), but a group of people organised in such a way that they can do something together (*as a group*). The notion of group that interests social ontologists, to put it otherwise, is that associated to group agency. This notion, then, is different from that of a mere plurality of individual agents. A plurality does not act as a group (i.e., it does not perform group actions). A plurality is identical to its members, whereas a group is not. A group can survive a change in its membership, while a plurality cannot.

Yet, the fact that groups (and group agency) are not so easily reducible to individuals (and individual agency), does not lead us immediately to accept that they exist over and above their individual members. The literature on this topic ranges over different ontological positions, viz., from those who deny the existence of groups (e.g., Quinton 1975) to those who attribute them with a mind of their own and are, thereby, able to have all sorts of mental attitudes, such as beliefs, desires and intentions (e.g., List and Pettit 2011).

In this paper I do not address all of these positions. I simply show, following Ritchie, that groups are not (nor reducible to) their individual members. With this, however, I do not mean to support the extreme alternative, viz., that groups are minded entities. To begin with, let me state clearly what pluralities are. A plurality is a mereological sum of individual agents. For example, Mario and Luigi compose the plurality Mario&Luigi, of which they are all and the only essential members. If either of them leaves this plurality, then it no longer exists. If either of them is replaced by someone else, then it no longer exists (though another plurality comes about). Moreover, two pluralities composed of exactly the same individuals are necessarily one and the same plurality, whereas two groups with exactly the same members are not necessarily the same group (Ritchie 2018a, 23-24).

Of course, that Mario&Luigi is a plurality does not mean that it cannot perform certain actions. Indeed, as Ludwig has shown, it can perform plural actions (Ludwig 2016). For example, the plural action sentence "Mario and Luigi carry a table together" seems to attribute to both of them, collectively, an action.¹ What happens in this case is that Mario and Luigi each make a direct contribution to the realisation (or the obtaining) of an action. (Notice here, though, that I am not saying anything as to whether this action is performed intentionally or not). What makes true this plural action sentence, in any case, is that the action (i.e., the event) is performed (i.e., brought about) by both of them acting in a certain way so that the result of their acting is (or amounts to) their carrying the table together (see Ludwig 2016, 138-144).

¹ On the difference between the distributive and collective reading of plural action sentences, see (Ludwig 2016, Ch 9).

Yet, there is nothing special about this. Any plurality can be attributed with a plural action in this very simple way. For instance, my writing this paper and your reading it (however distant in time) can be described as a plural action, say, “our discussing about institutional groups” (with ‘our’ involving the plurality composed by you&me). Any plural action, thus, is exhaustively reducible to (or analysable in terms of) mereological sums of actions performed by a plurality.

When a plurality acts intentionally, though, things get more complicated. Let me return to this point later (see §3 below). For now, the only point I want to emphasise is that groups are not pluralities. There seems to be something distinctive about the former that makes us think of them as having additional properties – beyond that of just being arbitrary collections of people, as Ritchie puts it (2018b, 2). In this respect, I take her ontological analysis of social groups to help us identify what that is. In a nutshell, that the group consists in a collection of people who satisfy (or are taken to satisfy) either a certain socially constructed feature (e.g., being black or being lesbian) or the requirements for occupying a role in a socially created group structure (e.g., the role of goalie or sweeper in a football team).²

Ritchie calls the first “feature social groups”; and the second “organised social groups” (2018b, 9-19). Women, black men and LGBTs are paradigmatic examples of the former; a group of friends, the UK Supreme Court justices and the French women’s National Football Team, on the other hand, are of the latter. Although this distinction has been challenged on different grounds (e.g., Epstein 2019, 4901-4904), I take it here at face value. It is not my business, in other words, to test it against any objections. What I want to do, instead, is to focus on the second kind of social groups that she recognises, viz., organised social groups, and show that, after introducing a further distinction, we can use it to account for the ontology of institutional groups. To do so, I need first to present her view.

According to Ritchie, an organised social group is a structured whole, i.e., a realisation of a social structure (2018b, 9-10). With this, however, she does not mean that organised social groups are identical to their social structure. A social structure is a *type* of social organisation, whereas the organised social group is a *token* of it. What makes the latter exist (at a certain time at a certain possible world) is that some individuals instantiate (at that time at that possible world) the social structure. I clarify what ‘instantiation’ means below. In any case, the idea of the group being a realisation (or instantiation) of a group structure prevents us from taking groups to be fictional entities (i.e., uninstantiated types of groups) (Ritchie 2018a, 27).

Now, since this kind of groups have certain social structures, they are not identical to the individuals who instantiate them either (i.e., unlike pluralities, organised social groups are not identical to their members). For example, a certain collection of individuals standing at a certain distance from each other does not instantiate a group structure (unless, of course, this organisation, i.e., their being standing at that distance from each other, is socially created, e.g., because they are playing a game which requires them to be standing at that distance from each other). If they only happen to be so standing (e.g., because they are waiting for a train to come), their ‘organisation’ is only causally produced (perhaps as a result of intentional actions). Yet, there is no type of social organisation here that this collection of individuals instantiates by their standing at that distance from each other.

“On [Ritchie’s] view both members and structure are relevant to a group’s synchronic and diachronic identity conditions” (2018b, 8). Although this is the expected result, the fact that organised social groups are not identical to either their members or their structures, taken individually, explains why group agency is a complex social phenomenon. Firstly, because group agency (or the capacity of groups to act) is not simply analysable in terms of group structure: Types of groups do not act, but only tokens of them do. And secondly, because group

² On the difference between *socially constructed* features and *socially created* group structures, see (Ritchie 2018a).

actions are not reducible to individual actions: Although groups act through their members, since groups are not identical to them, something special about the latter's actions makes them constitute group actions. When discussing institutional agency in §3, I shall address this puzzle directly.

To understand Ritchie's structuralism, then, it is crucial to have a clear idea of what social structures are and what role they play. For Ritchie, "a social structure is a structure that is constitutively dependent on social factors" (2018b, 6) and that captures the "functional organization" of the group (2018b, 10). Let me unpack this.

A social structure consists in certain roles (or positions) and the relations between them. Those roles are defined in terms of relations to other roles and the conditions (or requirements) for role occupancy (Ritchie 2018b, 4). For example, a faculty member is someone who occupies a role, e.g., a lecturer, in a group structure. To occupy this role, it is expected that the person satisfies certain conditions, e.g., to have relevant qualifications for teaching and pursuing independent research.

The relations that hold between roles, on the other hand, can be characterised as deontic powers, viz., rights, duties, powers and responsibilities, that one carries as role-occupant (Searle 2010, 9). These powers determine normatively the types of actions that group members *qua* group members may, may not, ought to and ought not to perform. For example, the relation between a lecturer and the Dean of the faculty is a normative relation which specifies, amongst others, the power of the latter to require from the former an academic report, and the obligation of this to comply with the requirement. By specifying the deontic powers associated to a role, we can determine what kind of normative relation holds between this and other roles, e.g., if it is symmetric or asymmetric (Ritchie 2018b, 4).

That social structures consist in roles and relations, however, is not enough to individuate them, i.e., to distinguish them from other kinds of structures. Two other aspects are important. Firstly, they must relate social entities (particularly individuals, but it can also be other groups); and, secondly, they must be not only causally, but constitutively dependent on social factors, e.g., beliefs, desires, intentions, habits, practices, etc. (Ritchie 2018b, 6).

Ritchie characterises *constitutive dependence* in terms of a disjunctive view:

A structure S constitutively depends on social factors just in case:

- (i) in defining what it is to be S reference must be made to some social factors or
- (ii) social factors are metaphysically necessary for S to exist or
- (iii) social factors ground the existence of S (or the fact that S exists). (idem)

By the obtaining of any of these disjuncts, we have that the structure (i.e., the type of organisation which consists in certain roles and relations) is a social creation. Thus, to the question *what brings into existence a social structure?*, Ritchie would answer that (partly at least) its being constitutively dependent on beliefs, intentions, habits, practices, and the like.

This disjunctive view of constitutive dependence is meant to make room for all the different forms in which a structure can be socially created, where this does not just mean socially causally produced. The structure of a football team is socially created in this sense, whereas the structure of a plurality of individuals who find themselves standing at a train station is not (notwithstanding this may be the result of a series of actions – perhaps intentional – that cause them all to be there).

With this, we have that a social structure is a type of social organisation that relates social entities and that is constitutively dependent on (as opposed to simply causally produced by) social factors. Now, if we have a social structure (i.e., a type), then we can have an organised social group (i.e., a token). As already mentioned, this happens when the social structure is instantiated (i.e., when the roles are occupied at a certain time at a certain possible world). Yet, instantiating a social structure is not something that individuals do on their own. This is rather

a collective action (in some cases, it is also an intentional collective action). For example, if Hegel, Marx and Engels instantiate (possibly intentionally) a social structure (e.g., the social structure of a football team), then this instantiation is something that Hegel, Marx and Engels do together (i.e., collectively). It is not that Hegel instantiates the social structure, or that Marx instantiates the social structure, etc. They collectively instantiate the social structure by each occupying the corresponding roles. Their instantiating this structure is, in other words, a plural, rather than an individual action.

Nevertheless, although it is a plurality which instantiates a social structure (at a certain time at a certain possible world), this again does not mean that the organised social group is identical (or even reducible) to this plurality. This is so, because it is always possible for a different plurality (e.g., Hegel, Marx and Adorno) to instantiate the group structure, without this implying any change in the group. What is more, even if Hegel, Marx and Engels were the very same members of two groups (e.g., the football team and the chess club), since these groups have different structures, this would not make these groups one and the same group.

Although quite schematic, all this should give us an idea of what Ritchie's structuralist account of organised social groups is. Her account, I believe, is very promising and can help us understand better the ontology of structured groups. Nonetheless, it is not yet fine-grained enough to accommodate a further distinction between organised social groups. Particularly, her account (as it is) does not explain the nature of institutional groups (as distinct from other organised social groups). The reason she falls short of noticing this may be that her main purpose is to distinguish between feature and organised social groups, but not to go any further as to find that different kinds of groups may fall within each of those general categories.

Be that as it may, what I think is missing from her account is a distinction between *formal* and *informal* group structures (i.e., a distinction between two forms of social organisation). Once properly distinguished, we can explain the structural difference between institutional and other organised social groups. I presently discuss this.

2.2. The Formal Structure of Institutional Groups

In this subsection I give some reasons to support **Th1** (i.e., that institutional groups are realisations of formal group structures). To begin with, let me introduce a distinction between two kinds of organised social groups, viz., social and institutional groups. The former, e.g., an ordinary group of friends, a mob, or a group of street musicians, are groups organised according to a certain informal group structure. By this, I mean two things. That the group structure is informally (as opposed to formally) created and that it is informally (as opposed to formally) instantiated. Let me explain.

An ordinary group of friends, for instance, has a certain group structure (i.e., roles and relations) upon which its members can perform certain group actions. This structure, however, is informally created: It is based (or constitutively dependent) on common beliefs about what it is to be someone's friend. Importantly, though, no official creation is required here, i.e., no authoritative act specifying the conditions for being someone's friend must be priorly performed. Additionally, when some individuals instantiate this structure, they do not do it by making explicit through any formal process of recognition their collective attitudes of acceptance towards occupying the corresponding roles (e.g., by signing a contract or paying a registration fee);³ rather, they do it simply by taking each other as friends (e.g., by caring and carrying some other good feelings towards each other).

Yet, this group, despite its informal structure, is not a plurality. That is, it is not identical to its members. Let us suppose that the group has four members (at a certain time at a certain

³ On 'collective acceptance', see (Tuomela 2002, Ch 5).

possible world), viz., John, Paul, George and Ringo. Since the group structure imposes requirements for role occupancy, viz., the conditions for being someone's friend, it is always possible for the group of friends to have more members at a different time, e.g., Yoko, or to lose some of the current members, e.g., John, depending on whether Yoko is taken to be another friend or John is dismissed, respectively. In any case, though, it would be a mistake to think of any of these changes as implying a group change. Occupying a role, however informal, is something that can happen at some point, but that can also no longer happen.

Depending on the group structure, however, a change in membership can prevent the group from continuing existing. For instance, a couple, which has an informal group structure (socially created based or constitutively dependent on common beliefs, practices and, ultimately, attitudes about what it is to be someone's partner) establishes roles that, once occupied, the role-occupants become essential members. Think, e.g., of Grace and Jill. As a couple, both are the only and essential members of this group: If either is replaced by someone else, e.g., Laura, then there is another couple. Also, if Laura joins Grace and Jill, then the couple ceases to exist. Nonetheless, since this feature is due to the group structure (rather than just to the fact that Grace and Jill actually occupy the corresponding roles), the group is still not (nor reducible to) a mere plurality. A full account of social groups should deal with this and other distinctive features (for a more complex analysis of groups, see Epstein 2015 and 2019).

Of course, social groups can become institutional (without this meaning that all actual institutional groups are social groups that became institutional). This happens when their group structures and their corresponding instantiations acquire a formal character. For example, a group that plays football in a street every other weekend can become a proper football club, or a couple can become a married couple, or a community can become a nation-state (with its own legal system), etc.

The reasons for institutionalising a social group are several (and practically impossible to classify them all). For instance, although an unmarried couple may perform a great number of group actions (e.g., celebrating anniversaries), it may not be able to perform some others (e.g., adopting a child) unless it becomes institutional, that is, a married couple (in Ukraine, e.g., foreign citizens can adopt only if they are married couples).

Regardless of which reason(s) motivate(s) the institutionalisation of a social group, my claim here is that this institutionalisation occurs when the group structure and its instantiation get formalised. The informal group of football players that becomes a formal club satisfies this condition. While informal, the group membership of this group is determined, e.g., purely in terms of reciprocal attitudes, viz., shared beliefs about each other being interested in playing football every other weekend. Because this membership is specified by a socially created group structure, the social group (as we saw above) is not a mere plurality. However, when it becomes institutional, this group is officially (as opposed to simply socially) created. By this, I mean:

(i) that the group structure has been created by an authoritative act (i.e., by someone or some group exercising the power to create certain roles and relations). Thus, unlike the informal structure of social groups, the formal structure of institutional groups require a certain authority to exist (i.e., to be created). To be clear, by 'authority' I do not mean (only) legal or political authority, but an individual or group which is collectively recognised as having the power to create a group structure (Searle 2010, 102-104). As such, then, there is not anything extraordinary about this authority. For example, the group itself can agree that joining the club will require filling in a form and paying a registration fee. They can also agree that the money collected will be used mainly to rent a proper football ground and other facilities. Assuming that they give a name to this club, e.g., the Footy Club, they (i.e., the plurality then instantiating the informal group structure) will thereby causally fix its reference. That is, their naming the club "the Footy Club" will start its causal chain of reference (Ludwig 2017a, 166). In this case, the informal group is the authority that creates the formal group structure of the Footy Club,

whose instantiation (at a certain time at a certain world) will require the satisfaction of the authoritatively created membership requirements (viz., filling in a form and paying a registration fee).

As mentioned above, however, not all institutional groups are institutionalised social groups (i.e., social groups that become institutional); there also are institutional groups which are created from scratch by other institutional groups. For example, the current UK Supreme Court justices is an institutional group whose structure was authoritatively created in 2005 by the House of Lords and the House of Commons approving a Constitutional Reform Act, likewise the institutional group that now carries out the activities of Tampere University was authoritatively created in 2019 by the merger of the University of Tampere and Tampere University of Technology, after this merger was approved by the Finnish Parliament in 2017.

Additionally, there are mixed cases, i.e., where the creation of a formal group structure involves both a social and an institutional action. The Royal Society is a good example. It was founded in 1660 by “the Invisible College” (an informal, social group) when granted a royal charter by King Charles II.

Anyway, whether a group structure is the result of an institutional rather than a social action, or the result of a certain combination of both, the important thing to notice here is that what makes the structure of institutional groups different from that of social groups is that the former is formally (i.e., authoritatively) created.

Perhaps when Ritchie says that certain social structures are overt (as opposed to covert) and intentionally (as opposed to unintentionally) socially created (2018b, 7), she tries to accommodate this feature. That is, she may say that exercising this authoritative power amounts to intentionally creating an overt social structure. However, I think this is not enough. Both formal and informal structures can be overt, in that it is openly known that they are constitutively dependent on social factors (e.g., the informal structure of an ordinary group of friends is as overt as the formal structure of a football club), and both can also be intentionally created, in that they are the product of intentional actions (e.g., the informal structure of an unmarried couple is as intentionally created as the formal structure of a married couple). The difference between them, instead, is that they have different structures, some have formal and others informal structures.

(ii) that the group structure is formally instantiated. That is, that the individuals or groups that take on the corresponding roles do so by making explicit their collective acceptance attitude through performing certain actions, e.g., by signing a contract, filling out a membership form, making an oath, etc. These actions, unlike those required for a collective agent to instantiate an informal group structure, are formally or officially regulated (e.g., by academic or legal rules). One cannot be a UK Supreme Court justice or a lecturer just by being taken to be so, but only by fulfilling all the academic or legal requirements to occupy the corresponding institutional role.

Ritchie also seems to be aware of this, especially when confirming that structures can be intentionally or unintentionally instantiated (2018b, 7). Yet, as before, this is not enough to distinguish between social and institutional groups. Both the informal structure of social groups and the formal structure of institutional groups can be intentionally instantiated. For example, one participates in the instantiation of the informal structure of a group of street musicians as intentionally as one does in the instantiation of the formal structure of the Royal Philharmonic Orchestra. The difference between them is that the latter is instantiated by individual agents collectively performing certain formally or officially regulated actions.

This formal instantiation explains why the individuals occupying the corresponding roles in the formal group structure are both internally and externally recognised as institutional group members. There is *internal recognition* when group members take each other as group members. This kind of recognition is enough for a great number of social groups, e.g., friends,

couples and communities. In all these cases, it is not necessary that other people (i.e., non-group members) recognise them as instantiating social structures. There is *external recognition*, on the other hand, when some people are taken to be group members, regardless of their accepting themselves to be group members. Feature social groups, e.g., race and gender groups, seem to ultimately depend on such kind of recognition. One does not need to take oneself as a woman, black or LGBT, for instance, for one to be recognised as such. Since enrolling in institutional groups entails making explicit having a collective acceptance attitude towards contributing to the instantiation of a formal group structure, both group members and external people can take those occupying such roles as institutional group members. For example, whoever occupies the role of USA President or the role of Pope is taken to be an institutional group member (a member of the USA Government, or a member of the Catholic Church, respectively), though not only by other group members, but by non-group members as well.

Being recognised as an institutional group member involves having (and being taken to have) certain deontic powers determined by the corresponding institutional role. Based on these deontic powers, the role-occupier is normatively committed to (not) performing certain intentional actions, which can contribute to the realisation of an institutional group action. To distinguish institutional roles (i.e., roles in formal group structures) from non-institutional roles (i.e., roles in informal group structures), I shall say that the former are associated with *job-descriptions* that specify both the requirements for role-occupancy and the deontic powers attached to it. Thus, we can re-describe now the formal structure of an institutional group as a formal network of job-descriptions.

Think e.g., of a corporation. A corporation consists, roughly, in shareholders, a board of directors, officers and employees. To be a shareholder, an officer (e.g., a Chief Executive Officer or CEO) or even an employee, one needs to satisfy certain conditions. These conditions as well as the deontic powers attached to the roles are (however vaguely) established in their associated job-descriptions. For example, a CEO is responsible for making major corporate decisions, managing the day-to-day operations and resources of the company, being its ‘public face’, etc. So, whoever takes on the role of CEO will hold such responsibilities.

A lecturer is also a role associated with a certain job-description, which establishes as a requirement for occupying it, e.g., to have expertise and proper qualifications for teaching as well as for undertaking research projects. It also establishes the deontic powers related to it, e.g., the obligation to supervise students’ research activities, and the right to receive a fair payment. By generalising, we can say that the institutional roles and relations that correspond to a certain formal group structure are normatively determined by the whole network of job-descriptions. This network, in other words, establishes the normative boundaries within which the institutional group members can perform certain actions, including their contributing to the obtaining of group actions. This is perhaps a case of what Thomasson identifies as the function of social group concepts, viz., “to give normative structure to our lives together” (2019, 4830).

3. Institutional Agency

In this section I explain and argue for the following thesis:

Th 2 Institutional groups can perform intentional actions

Although a platitude, this thesis (and the more general: Groups can perform intentional actions) has been under the philosophical spotlight since the origins of analytic social ontology. My purpose here, however, is not to present, let alone examine, the different accounts that social ontologists have offered. Instead, my focus is only to answer *what is it for an institutional group to act intentionally?* from a very well-developed theory of institutional agency, viz., the one that Ludwig has introduced in his (2014, 2017a; and 2017b).

While considering his theory, nonetheless, I also raise an objection: His notion of we-intentions does not distinguish between people acting in informally organised social groups from those acting in formally organised social groups. For the latter, I claim, a more robust notion is required, viz., the one that Tuomela labels “we-mode”.

To start seeing the problem of institutional agency, let me state again the puzzle I mentioned in the previous section. As follows from the structuralist account of institutional groups that I presented above, this kind of groups consists in a formally created group structure that is formally instantiated by a collective (or plural) agent (at a certain time at a certain possible world). Thus, its properties (including the agency property) must be related to both the group structure and the collective agent (i.e., the group members). Taken separately, these two elements do not account for its capacity to act intentionally. Firstly, because a group structure, which is a type of group organisation, does not act, but only a token of it does. Secondly, because the group is not identical to its members, which means that the fact that group members are agents and can perform intentional actions does not itself ground the fact that the group is an agent and can perform intentional actions (e.g., the fact that Rachael and myself are currently the only members of the Social Ontology Research Group or SORG, is not enough to ground the fact that, when she and I go for lunch together, the SORG also goes for lunch).

The approach I take here to discuss this puzzle follows Ludwig’s deflationary theory of group agency, viz., that we can attribute intentional actions to groups, though they are not genuine agents (in the sense that individual agents are). This theory, I show, is still compatible with the structuralist account of institutional groups that, following Ritchie, I submitted above.

3.1. Institutional Intentions

Although we may think that Ludwig has a different understanding of institutional groups than the one I have here, upon closer examination, it should not be difficult to appreciate that we indeed share a common background. He takes institutions to be “systems of status roles”, and those roles to be “a special type of status functions [...] in which the collectively accepted function is expressed in part through its occupier’s intentional expression of her agency in that role” (2017b, 271). I contest his characterisation of ‘institution’ below (§4), but for now let me just highlight our commonalities.

Both Kirk and myself take institutional groups as concrete (as opposed to abstract) objects: They are realisations or systems of group structures. Both rely on institutional roles to explain institutional membership: For him, an institutional group member is an agent occupying a certain status role, which is attributed with a certain collectively accepted function; for me, an institutional group member is an agent occupying a role in a formally created group structure, which is associated with a job-description that establishes both the requirements for role-occupancy and the deontic powers attached to it.

Working on this and his theory of institutional agency, I presently show how institutional groups can perform intentional actions. The first thing to discuss is what it is for a group to be an agent, i.e., able to perform intentional actions. To do this, as Ludwig acknowledges, we require a notion of we-intentions (2017b, 275). To say, e.g., that we intend to bake a cake together (as a group), we are ascribing a certain shared intention to the group, viz., that the group bake the cake. “The group then bakes the cake intentionally (as a group) when it carries out its shared intention successfully” (idem).

Ludwig’s notion of shared intention boils down to this:

Shared or joint intention in a group is just a matter of each member of the group having a we-intention directed at the group doing a particular thing together (2017a, 22).

Thus, in the case of our baking a cake together (as a group), we each intend to do something that contributes to the obtaining of our baking a cake together. When this obtains, we can say that we bake a cake together, i.e., that there is an event (viz., our baking a cake) such that all and only each of us are the sole agents of it.⁴

One can be an agent of an event in different ways, e.g., by causing it to happen (directly or indirectly), by doing something that constitutes it (in whole or in part), by producing something that is conceptually sufficient for it to be the case, etc. (Ludwig 2016, 76).

What matters here, however, is that when we do something together (as a group), we do it based on our we-intentions. Ludwig has an account of collective intentionality that distinguishes we-intentions from I-intentions purely based on their content, viz., we-intentions are addressed to a shared content, e.g., a joint plan (2017b, 275). I challenge the application of this account to institutional agency below. But before, let briefly present another element of his explanation of institutional group action.

A group can do something intentionally or not. For example, a group can push a car up a hill intentionally (if each group member has appropriate we-intentions addressed to a shared content, viz., that the group push the car up the hill) or unintentionally (if they do not have any relevant we-intentions towards realising this group action, but still they are all and the only agents which contribute to its realisation, e.g., they were all pushing a car but without noticing that they were all pushing the same car). Although many group actions admit of these two possibilities, some do not. Playing chess, playing tennis, having a conversation, getting married, etc. are the kind of group activities that can only be collectively intentionally performed. There is no way we can play chess without doing it intentionally. The reason for this, as Ludwig has clearly shown, is that playing chess is an essentially intentional collective activity type, which can only be instantiated by a group following intentionally the constitutive (and regulative) rules that define it (2017b, 276).

Thus, when we play chess, we each are constitutive agents of an essentially intentional collective activity token. ‘Constitutive agency’, as we saw above, is only one of the different ways we can be agents of an action. This is my focus for the rest of this paper. Being a constitutive agent of an essentially intentional collective activity token means that one intentionally makes direct (or unmediated) contribution to the performance of the joint intentional action by partially constituting it by following the relevant constitutive (and regulative) rules (Ludwig 2014, 84-86).

Since following these rules is something we do intentionally, this is where our we-intentions become crucial. What ultimately grounds our performing an essentially intentional collective activity token is that we have appropriate we-intentions addressed to our making direct contribution to the realisation of a joint activity, e.g., our playing chess by partly constituting it by following appropriate constitutive (and regulative) rules, i.e., the rules that define what playing chess is.

This general framework is meant to account as well for institutional group actions. Ludwig considers ‘trial’ as “an essentially collective intentional action type” (2014, 85). This type of action, I take, is institutional, in that its constitutive (and regulative) rules are formally or officially (rather than simply socially) created. Participating in a trial, to put it otherwise, requires following certain formal rules. The people playing a role in a trial, e.g., the judge, the clerk, the barristers, the solicitors, the witnesses, the jury, etc. are all participating in bringing about an essentially intentional collective action token by following legal rules (i.e., the rules that formally define what a trial is).

Again, since following these rules can only happen intentionally, we can attribute to those people appropriate we-intentions, i.e., they each we-intend to make a direct contribution to the

⁴ For simplicity, I am leaving out tense and other important qualifications. See (Ludwig 2016) for a detailed, logical analysis of plural action sentences.

performance of a trial by partly constituting it by following the trial rules. Another example will be an academic group organising a workshop. Let us say that this academic group organises a workshop on social action. For this institutional group to do so, and given that organising a workshop is an institutional essentially intentional collective action type, the institutional group members must do it by each intentionally making direct contribution to the obtaining of an event that counts as (or constitutes) their organising the workshop. They each, then, we-intend to perform certain actions (e.g., booking a room, sending out invitation letters, applying for funding, etc.) that contribute to the realisation of this action type. Their we-intentions, thus, are addressed to a certain shared content, viz., their bringing about (as a group) an event that constitutes the organisation of a workshop.

So far, so good. Ludwig's account of group agency, which builds on his account of plural agency, can also be extended to institutional agency: "Institutional agency ought to be continuous with informal collective intentional activity" (2016, x). Moreover, since accepting plural agency does not commit us to the existence of groups (over and above their individual members), Ludwig ends up with an individualistic account of groups and their capacity to perform intentional actions. Although I do not contest here his individualism (as I mostly sympathise with it), I think there is something important to discuss around his notion of we-intentions when applied to the institutional context. I do so here, though very briefly.

As seen, Ludwig takes we-intentions (and conditional we-intentions) to be some of the building blocks upon which we can explain more complex forms of social organisation, e.g., institutional organisation (2017b, 275). Yet, his notion does not distinguish between we-intentions in informal and formal contexts. For the latter, I believe, we need to consider a more robust notion, viz., a we-mode we-intention. By this, I mean an intention of fully acting as a group member (Tuomela 2013, Ch 2)

When participating in bringing about an institutional essentially intentional collective action token, we each have we-intentions addressed to a certain shared content (viz., that the institutional group brings about an event that constitutes the action token) by following the appropriate constitutive (and regulative) rules (i.e., the rules that define the corresponding institutional essentially intentional collective action type). Yet, there seems to be more to these we-intentions than just their content, viz., they are held (or taken to be held) in a certain way by all the individuals participating in bringing about the institutional essentially intentional collective action token. Let me explain.

As mentioned above in relation to occupying an institutional role in a formal group structure, when the individual takes on the role, she does so by making explicit through a certain formal process of recognition (e.g., signing a contract or making an oath) her collective acceptance attitude towards contributing to the realisation or instantiation of the group structure. Making explicit this attitude is what allows (at least *prima facie*) not only other group members, but also non-group members to recognise her as occupying a role in an institutional group. Since occupying this role comes with having certain deontic powers (established, however vaguely, in its associated job-description), her acting within the normative boundaries of these powers is (taken to be) intentional. When she participates in an institutional essentially intentional collective action as a role-occupant, she does so based on appropriate we-intentions, which are not only addressed to a certain shared content (as Ludwig says), but also held in a certain way (as Tuomela argues). That is, she has we-intentions *qua* role-occupant, which represents a strong commitment to acting as a group member. Since the notion of 'group' is irreducible here, this would be a case against thinking of we-intentions as providing enough resources to build up an individualist analysis of institutional group action that does not require in the analysis any mentioning of groups whatsoever. This, again, is only a hint of an objection, a full development of which goes beyond the scope of this paper.

3.2. Institutional Proxy Agency

No theory of institutional agency would be complete without analysing the special case of proxy agency, i.e., when an authorised individual or group acts for an institutional group. In developing his theory, Ludwig has thoroughly advanced an account of this social phenomenon that appears consistent with his overall project, viz., to explain institutional group action in terms of plural action, where all and only institutional group members (i.e., the plurality instantiating the formal group structure at a certain time at a certain possible world) participate in its obtaining.

Proxy agency (or proxying), as Tuomela presents it, involves an action generation that takes place by another (individual or collective) agent's action (1984, Ch 6). This phenomenon, as Ludwig says, "is pervasive in institutional action" (2014, 75). In his words,

Proxy agency is a common instrument in institutional action. When the Congress passes a Joint Resolution to declare war, the United States thereby declares war. When a corporation's lawyers file bankruptcy papers, the corporation thereby declares bankruptcy. When a jury foreman announces the verdict at a trial, the jury thereby announces its decision. And so on (2014, 76).

All these cases have in common that at first glance the institutional action (declaring war, declaring bankruptcy or announcing a verdict) does not seem to involve all and only the institutional group members (i.e., the plurality instantiating the formal group structure) doing something intentionally together. Were this the case, we could not account for this kind of institutional actions by only applying the structuralist account developed thus far.

The social phenomenon of proxy agency, however, is not exclusive of institutional contexts. For example, a couple (which is an informal or social group) can agree that one of the partners will decide where to go for dinner tonight. In this case, the partner is a proxy agent *internally* authorised to act for the group. If the couple agrees, instead, that a friend of them will make the decision, then the friend (assuming that she accepts the role) will be a proxy agent *externally* authorised to act for the group. The difference between internal and external authorisation depends on whether the authorisation comes from the group one is a member of.

'Authorising' can be either an individual or a collective action. If you hire an attorney to deal with tax problems, your authorising him to act for you in the appropriate social transactions is an individual action. When a group authorises someone or some other group (or proper subgroup) to act for it, then its authorising is a collective action. In the institutional case, this authorising is formally or officially regulated. That is, there are certain rules that need to be observed in order to *validly* authorise someone or some group to act for an institutional group.

Putting these rules aside, what is key to understanding the role of proxy agents in institutional group actions is that their authorisation is both a causal and constitutive element of what makes them what they are (i.e., individuals or groups acting for an institutional group). Their being this kind of agents, in other words, depends on the authorising institutional group attributing them with a status function in social transactions (particularly, in the performance of institutional essentially intentional collective actions) (Ludwig 2014, 89).

Now, since the institutional authorisation itself is an institutional essentially intentional collective action (which is to be performed according to certain rules), then it can be explained (or analysed) in terms of the general framework introduced above, viz., as all and only the institutional group members making direct contribution to its realisation. When the institutional group authorises someone or some other group (or proper subgroup) to act for it, the plurality of individuals instantiating the formal group structure performs an action that constitutes the institutional group's authorising a proxy agent. Because being a proxy amounts to holding a

role in group action, it is expected that this authorisation establishes (however vaguely) the deontic powers associated with it. Thus, although a proxy may not be authorised to act in a very specific way for the group (i.e., some proxy's actions may not count as intentional group actions under certain, specific descriptions), it may be authorised more generally to perform, still within certain limits, an action or types of action for the group. See (Ludwig 2014, 89-92) for a detailed analysis of a spokesperson delivering a message for a group.

Three more things must be discussed before getting the idea of proxy agency right. Firstly, that authorising the group does not require that all and only the institutional group members agree on who the proxy agent will be and which particular actions it will perform for the group, etc. (Ludwig 2014, 96). In larger institutional groups, it is enough that operative members authorise someone or some group (or proper subgroup) to act for them, while the non-operative members only accept, as in go along with, this authorisation. Secondly, although the proxy agent executes the institutional group action (e.g., giving expert testimony in a courtroom), the action is still attributed to the authorising institutional group (e.g., the Crown Prosecutor). The reason is that the proxy owes its agency property to the authorising group (i.e., its authorisation is both causal and constitutive of its having the corresponding role). When the proxy acts *qua* proxy its action does not constitute by itself the group action; it is only a constitutive (though the most salient) part of it. The prior authorisation is also constitutive of the group action. To put it otherwise, while the proxy agent makes direct realisation of the group action, the authorising group makes indirect contribution to its realisation (Ludwig 2014, 91). Thirdly, a proxy agent can also be authorised to further authorise other proxy agents (Ludwig 2017b, 283). For example, an academic group can hire (thus, externally authorise) a company to organise a workshop; and this company can in turn also delegate (thus, internally authorise) a proper subgroup to organise it. Although, in the end, the organisation of the workshop (i.e., the action under this description) is only correctly attributed to the initially authorising group (i.e., the academic group), it can also be attributed (under a different description) to the subsequently authorised groups (e.g., the company's organisation of a workshop for an academic group).

To conclude this section, let me consider again the objection sketched above regarding Ludwig's notion of we-intentions. As mentioned, what ultimately explains in his theory of collective action that certain individuals are acting collectively intentionally (as opposed to individually intentionally) is that they each have appropriate we-intentions. The difference between we-intentions and I-intentions, says Ludwig, is that the former are addressed to a certain shared content (which is neutral regarding mutual cooperation). In the case of institutional proxy agents, however, a more robust notion of we-intentions is needed. Institutional proxy agents are formally authorised, which means that they make explicit through a certain formal process of recognition their collective acceptance attitude towards taking on the institutional role and acting for the group (according to and within the normative boundaries of the corresponding authorisation). When they do something intentionally for the authorising institutional group, they do it based on their we-mode we-intentions addressed to a certain shared content. This 'we-mode' explains their acting *qua* institutional proxy agents, which involves just as strong a commitment (and accompanied responsibility) as the one that institutional group members have. An institutional proxy agent, in this sense, identifies itself with the institutional group (Tuomela 2013, 11). Again, this kind of we-mode we-intention involves an irreducible notion of group that Ludwig seems reluctant to accept.

4. Institutions and Institutional Groups

In this final section, I take up how institutional groups are related to institutions (e.g., banks, universities and legal systems). I do so with a twofold intention. Firstly, to show that the ontological analysis of institutional groups is only a first step towards the ontological analysis

of our institutional reality. Secondly, to make clear that institutional groups and institutions are not one and the same thing (they actually belong to different ontological categories). The thesis I want to argue for here is

Th 3 Institutions are institutional practices, which consist in tokens of institutional activity types

As I presently show, **Th3** differs from some other characterisations of institutions that prominent social ontologists have offered when analysing our social reality. Although we may accept this diversity as it reflects the different aspects of what these social ontologists are focused on, I think it is important to share an understanding of *what it is* under analysis. To be clear, let me highlight that **Th3** is not about the meaning of ‘institution’, but about what an institution is.

The literature about institutions is abundant, and it is almost impossible to categorise all the different views that philosophers and social scientists have therein developed (though, for an overview, see Miller 2019). Here I shall only consider three of them and claim that the last one fits better the reality of institutions.

Institutions as abstract objects. The first view corresponds to those who claim that institutions are a certain kind of abstract object. With this, however, I do not mean that they intentionally claim that institutions are abstract objects, but only that this follows from their characterisations. For example, in his *What is an institution?*, Searle says

An institution is any system of constitutive rules of the form *X counts as Y in C*. Once an institution becomes established, it then provides a structure within which one can create institutional facts (2005, 10).

If “an institution is any system of constitutive rules”, then it is an abstract object. Rules, that is, are not concrete (spatiotemporally located) objects. They exist as types, but not as tokens. What we report when someone follows a rule is an intentional action or behaviour, but not the rule itself. Under this Searlean characterisation, we shall have problems conceptualising, e.g., what it is for someone to participate in an institution or what it is for certain artifacts or ordinary objects (buildings, tables, cars, etc.) to be part of an institution, etc.

Despite these problems, however, Searle is not alone in thinking of institutions as rules: In several parts of his *Understanding Institutions*, Guala has also claimed that institutions are rules, e.g., “Institutions [...] are rules that people are motivated to follow” (2016, xxv), and “The conception of institutions as rules is intuitive, and fits with our pretheoretical understanding of many paradigmatic institutions” (2016, 4). Again, were institutions rules, conventions, patterns of behaviour or the like, it would not make sense to say, e.g., that we participate in such-and-such institution, or that such-and-such artifact is part of the institution, etc., as we, our actions and those artifacts are concrete, spatiotemporally located objects.

Although true that institutions also incorporate abstract objects, e.g., rules, conventions, statuses, etc., they are not identical to these. For an institution to exist, certain constitutive rules must exist, but the rules do not constitute by themselves the institution: The intentional following of these rules is also required, which in turn implies there being people performing essentially intentional collective activities (which is precisely what I have defended here).

Institutions as organisations. The second view of institutions that seems at odds with our understanding of their ontology, is the one that suggests that institutions are indeed concrete objects, but the kind of objects that are composed by people, viz., organisations. In his *Do corporations have minds of their own?*, Ludwig endorses this view by identifying “institutions as systems of status roles” (2014, 271) and then systems of status roles as organisations (2014, 279).

Although this accounts better than the previous view for the necessary relation between people and institutions, it still gets things wrong. Particularly, it commits a category mistake: Organisations are a particular kind of organised groups, which are realisations (or instantiations) of group structures. They can be attributed with attitudes (e.g., intentions, beliefs and desires) and actions. However, to say that organisations are institutions leaves unclear how particular activities can be part of the latter. The only way to make sense of this is to say that organisations perform those activities. So, e.g., when a group follows the rules of a trial, they are not instantiating an organisation, but a certain type of activity. Although the group is necessary for the instantiation, it does not constitute on its own the activity. Simply put, organisations and institutions belong to different ontological categories, viz., the former, to groups; the latter, to activities (or practices). Making this mistake, as before, implies having problems conceptualising what it is for certain concrete objects (e.g., buildings, tables, cars, etc.) to be part of an institution.

Institutions as practices. The third view I consider here is the one that takes institutions to be (a certain kind of) practices. Tuomela has hinted at this view in several works. For example, in his *Social Ontology*, he says:

Social Institutions [...] basically consist of a *norm* system and a system of *social practices* conducive to the satisfaction of these norms (2013, 214).

This view has also been endorsed by other social ontologists, e.g., Hindriks (2018, 353). Although this requires more refinement, the idea is simply that an institution, e.g., a university, a bank, or a legal system, is an institutional practice. The Bank of Scotland, for instance, is an institution which consists in all those institutional actions that are correctly attributed to the commercial banking company (i.e., the institutional group). As we saw in the last section, the company can also act through a proxy agent, but still the action performed is correctly attributed to the company (i.e., the authorising institutional group). This is the way we can individuate those actions. Moreover, for the institutional group (and its proxies) to perform the corresponding actions, they must follow intentionally the corresponding constitutive (and regulative) rules that define the institutional action types. Their successfully performing those actions, as Tuomela would say, amounts to their realising (or satisfying) the norms that govern the institutional practice.

To conclude, let me just consider three elements of institutions (characterised as institutional practices) to show that this view is not subject to the objections raised against the others. An institution (e.g., the Bank of Scotland, the University of Glasgow, or the UK Supreme Court) is related in specific ways to

(a) some ordinary objects, e.g., tables, chairs, buildings, cars, etc. These objects are constitutive elements of institutions, because institutions consist in institutional groups performing institutional (and social) actions, some of which require their using (or treating) these objects according to certain institutional rules, i.e., by imposing a status function on them.

(b) some abstract objects, e.g., rules, concepts, roles, etc. These objects are also constitutive elements of institutions, because they provide participants with the types of actions, objects, groups, etc., that are to be realised, used, instantiated, etc., in order to carry out an institutional activity.

(c) some individuals and groups. Since the institutional groups that perform the institutional actions that bring about institutions interact with individuals and groups (of a different kind), and those interactions are constitutive parts of the realisation of those institutional actions, they also contribute to the existence and persistence of institutions.⁵

⁵ Thanks to Rachael Mellin for helpful discussion and comments.

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