

*Proxy Agency in Collective Action**

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Abstract

This paper gives an account of proxy agency in the context of collective action. It takes the case of a group announcing something by way of a spokesperson as an illustration. In proxy agency, it seems that one person or subgroup's doing something *counts* as or *constitutes* or is *recognized as* (tantamount to) another person or group's doing something. Proxy agency is pervasive in institutional action. It has been taken to be a straightforward counterexample to an appealing deflationary view of collective action as a matter of all members of a group making a contribution to bringing about some event. I show that this is a mistake. I give a deflationary account of constitutive rules in terms of essentially collective action types. I then give an account of one form of constitutive agency in terms of constitutive rules. I next give an account of status functions—of which being a spokesperson is one—that also draws on the concept of a constitutive rule. I then show how these materials help us to see how proxy agency is an expression of the agency of all members of the group credited with doing something when the proxy acts.

1. Introduction

On November 26th, 2007, Dana Perino, the White House spokesperson, announced at a press briefing:

I have a couple of statements by the President—these are in his words. . . . The first is a statement about Russia. The President's words: I am deeply concerned about the detention of numerous human rights activists and political leaders who participated in peaceful rallies this weekend. I am particularly troubled by the use of force by law enforcement authorities to stop these peaceful activities and to prevent some journalists and human rights activists from covering them.

We correctly report this by saying that the administration announced that the President was deeply concerned about the detention of numerous activists and

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political leaders in Russia who participated in peaceful rallies over the 2007 Thanksgiving weekend.¹ I take this to be a literal, non-figurative report. It is not, for example, an instance of *totum pro parte*, substitution of the whole for the part, as when we sing ‘America, the Beautiful’, meaning to speak of the United States. How is it possible that in Dana Perino’s saying something it should thereby be the case that the *administration* announces something?

This phenomenon I call *proxy agency*. In proxy agency, it seems that one person or subgroup’s doing something *counts as* or *constitutes* or is *recognized as* (tantamount to) another person or group’s doing something.² We will refine how to think about this as we go along. In the end, I will argue that this initial way of putting it is misleading.

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.³ Proxy agency does not occur only in the context of group action. It also occurs in the context of individual action. For example, if I give a power of attorney to someone, her signing certain documents on my behalf at a meeting with buyers can count as my closing on the sale of a home. I am interested particularly, however, in proxy agency in collective action, whereby groups appear to act by way of members or subgroups.

Proxy agency is puzzling in itself: how is it possible that what one person or group does licenses saying that a larger group subsuming it (or another group or person) has done something? Proxy agency is puzzling also, however, because it is *prima facie* incompatible with an intuitively compelling, deflationary account of collective agency, according to which what it is for a group of people to do something is for its members individually to contribute to bringing something about.⁴ On this account, if we push a car, paint a house, or poison the environment, it just comes to our all contributing to the car’s being pushed, the house’s being painted, or the environment’s being poisoned. Proxy agency has been taken to be a straightforward counterexample to this view. For example, Tuomela (1995, 142) cites the possibility of a group with an authority structure being able to delegate authority as an example in which a group may do something though not all of its members participate (see also (Chant 2011, 35)).⁵

In this paper, I develop a model of proxy agency that shows how it is possible and how it could be compatible with this deflationary account of collective agency. I concentrate on a framework for thinking about proxy agency and on working through the example of group announcement. It will not be possible to answer all the questions that may arise about the framework in this paper. Each part of the story deserves extensive discussion in its own right, and proxy agency is both varied and complex. However, the application to group announcement will illustrate the usefulness of the framework and provide a model for how to extend it to other cases. I will also not address (here) all the complications that arise for the deflationary account just sketched in application to institutional action.⁶

Proxy agency is a social phenomenon. It occurs only in the context of group action. This is true not only when a person or subgroup acts for a larger group, but also in cases like that of granting a power of attorney to someone. For the kinds of acts that the person possessing the power of attorney can thereby perform involve transactions with others in the framework of a legal system sustained by collective action.

Crucial to understanding proxy agency is the special status of a person or group that acts for another. Not just anyone may exercise a power of attorney for another. Not just anybody can declare war on behalf of the United States. Not just anyone can say something and it be the case that the administration announces something. The proxy agent or group must be authorized to act on behalf of the person or group for which it acts. This gives that person or group, in Searle's terminology, a status function. This is a sign of the social character of proxy agency. For something's having a status function depends upon it or a type under which it falls being generally accepted in the relevant community as having a certain function in social transactions (see §5). In understanding proxy agency, we must understand what having such a status function comes to, and how the possessor of it and the conferring group both contribute, in virtue of that, to the group's doing something when the possessor of the status function acts in appropriate circumstances.

I will argue that the key notion for understanding this is that of a constitutive rule.⁷ Constitutive rules are rules the intentional following of which is constitutive of the activity that they govern. They are typically contrasted with merely regulative rules, which govern activities that can exist independently of whether they are being followed. Robert's Rules of Order, for example, are regulative rules governing an independently existing activity. In contrast, constitutive rules, as Searle put it in a classic discussion, "do not merely regulate, they create or define new forms of behavior"; rules for games such as football or chess "create the very possibility of playing such games" (Searle 1969, p. 33). They are activities that "are constituted by acting in accordance with (at least a large subset of) the appropriate rules," and they "constitute (and also regulate) an activity the existence of which is logically dependent on the rules" (p. 34). As we will see, this is less an absolute contrast than a relative one, for it is entirely relative to the type of activity being governed.

In developing this idea, I proceed as follows. In §2, I give an account of the structure of certain essentially intentional (esp. collective) action types. In §3, I give an account of the notion of a constitutive rule in terms of this. My analysis leads to some contrasts with Searle's characterization (see note 14), but I argue that it correctly captures the subject of the remarks quoted above. In §4, I use the notion of a constitutive rule to give an account of how an agent can contribute to bringing about an action of a certain type by doing something that is partially constitutive of it. In §5, I give an account of status functions in terms of the concept of a constitutive rule and the concept of a conditional *we-intention* (following the literature, I call agents' group participatory intentions *we-intentions*).⁸ In §6, I apply this in developing an account of the mechanism of proxy agency, concentrating on the example of group announcement, in a simple case. I argue specifically that

proxy agency in collective action only appears to be a case in which what a member or subgroup of a larger group does counts as the group's doing something. It is, instead, the culmination of the contributions of all members of the group to what the group does. The contributions of other members are obscured because they contribute in very different ways to the group action of which the proxy agent's is the culmination, and in ways that depend upon contributing to an action by doing something partially constitutive of it, which involves, inter alia, authorizing the proxy agent or group. In §7, I reply to some objections, especially with respect to whether the account can plausibly be generalized to more complicated forms of institutional action. I summarize in §8.

2. Essentially Intentional Action Types

Many action types are neutral with respect to whether they are intentional or not, both in individual and collective action. For example, pushing a car, kicking a dog, getting drunk, and singing the national anthem are neutral with respect both to whether they are intentional or not, or individual or collective. However, there are also action types which are essentially intentional, both individual and collective.

Table 1. : Essentially Intentional Action Types

Column A	Column B
Playing solitaire	Getting married
Checking	Playing tic-tac-toe
Waiting	Performing a symphony

Action types listed in column A in Table 1 are essentially *intentional* action types. The first is an essentially intentional *individual* action type. Checking (in the sense of examining or inspecting) and waiting may be individual or collective, but are in either case essentially intentional. The action types listed in column B in Table 1 are essentially intentional *collective* action types. They cannot be performed unintentionally, and they cannot be performed, even in principle, by individuals. One cannot get married, play tic-tac-toe, shake hands, perform a symphony, or have a conversation by oneself; nor could those who do so manage to do it unintentionally.⁹ Some essentially collective action types such as rioting are not essentially intentional, and some such as stampeding (when 'stampede' is used as an intransitive verb) are essentially unintentional.

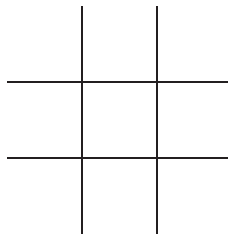
Essentially intentional action types that involve a specific pattern of behavior are the key to understanding constitutive rules. Take playing tic-tac-toe as an example. Playing tic-tac-toe is an essentially intentional collective action type. It takes place in accordance with a collective action plan with roles for more than one individual. The action plan specifies alternating contributions by the participants, constraining choice to a limited range of options, constrained by prior contributions. The action type requires that each participant should aim at a certain final state (a winning position) that only one can occupy. The constraints are expressed in what we call

the rules of the game. If the action plan is instantiated by two individuals *deliberately* with respect to the group they constitute, that is, if they execute successfully we-intentions directed toward it with them as the group, then they count as playing tic-tac-toe.

To clarify, let us lay out a set of (what I will call) purely descriptive rules for tic-tac-toe, that is, a specification of constraints on a form of activity, the joint intentional instantiation of which by two people (with each aiming to achieve a winning position) suffices for playing a game of tic-tac-toe, but which could be instantiated by a pair of agents without their jointly intending to do so. I will call these the “Rules of Play,” though I do not mean by this *instructions* on how to play tic-tac-toe, but a cooperatively neutral description of a collective action type—a specification of a joint action type that doesn’t entail that it is done with a joint intention (Bratman 1992, p. 330). The description nonetheless provides a template for a set of instructions, just as, conversely, a neutral description can be recovered from a set of instructions.

Rules of Play

1. The activity has roles for two agents (players), X and O, who alternate contributions.
2. A player’s contribution consists in marking an ‘X’ for player X and ‘O’ for player O in an unmarked square on an initially unmarked three-by-three matrix (*the board*).



3. X makes the initial contribution.
4. Contributions continue until (a) the mark of one of the players occupies three contiguous squares (including diagonals) or (b) all the squares are marked.

Definitions

1. A contributor has a *winning* position if at the termination of the activity described by 1–4 his mark occupies three contiguous squares.
2. The final state is otherwise a *tie*.

Imagine that two individuals idly mark, in turn, an ‘X’ and ‘O’ on a three-by-three matrix on a chalk board, wandering in and out of a room, neither being aware of the other, since they are never in the room at the same time, in the pattern specified

in 1–4, until the matrix is filled. Though they instantiate the activity pattern, they are not playing a game of tic-tac-toe. Not only are they not playing a game of tic-tac-toe, they are not playing a game, or even playing. Hence, 1–4 express a cooperatively neutral collective action type.

Now let me specify something I will call ‘canonical tic-tac-toe’, indicated by underlining ‘tic-tac-toe’. The collective action type expressed by ‘play tic-tac-toe’ is: a collective action in which each of two individuals has and is acting successfully on a we-intention to (i) act in accordance with the Rules of Play with respect to the pair of them (one in the X-role and one in the O-role) where (ii) each strives in his role to achieve a winning position. The Rules of Play define a joint activity, as noted, that could occur though it is not a joint intentional action and not recognized as joint action by the participants. The collective action type expressed by ‘play tic-tac-toe’, however, requires that the activity come about as a result of the individuals engaging in it having we-intentions to do so with regard to the pair of them.¹⁰ So the concept of playing tic-tac-toe involves two separable components: one is a set of constraints which specify a form of collective action which could occur without its being intentional, and the other is the requirement that it occur (inter alia) as a result of members of the group jointly intending it.¹¹

It is clear that our prototype for a game of tic-tac-toe is expressed by tic-tac-toe, and that tic-tac-toe is sufficient for tic-tac-toe. There is still the question whether our classificatory practice allows activities close enough to the prototypical game to count.¹² Call the cooperatively neutral description of a prototypical game its canonical description. We consider two types of case. The first I call inadvertent deviation, where, through inadvertence or mistake, participants deviate from the canonical description. In one subcase of inadvertent deviation, neither notices. In another, one or more notice but let it slide. The second I call deceptive deviation, where at least one pretends to abide by the rules but does not fully intend to do so. In one subcase, which I call goal negation, at least one falsely represents himself as aiming at winning. In a second subcase, cheating, at least one intends to violate the rules to gain advantage. Two questions arise. The first is whether our concepts of games like tic-tac-toe, chess, football, tennis, and so on, subsume deviations from the canonical description. The second is whether they could.

Before we address these, it is important to notice that certain deviations from what might be called ideal patterns can be incorporated already in the canonical description of a type of activity. For example, in many games there are provisions about what to do when there are violations of certain regulative rules. In American football there are provisions for penalties for false starts, offsides, delay of game, holding, pass interference, and so on. The games involve not just the players but also the umpire and referees who have their parts to play in the overall activity, and the canonical description specifies how they act when they notice a player is offsides, etc., and then what others do in the aftermath. The rules describing the activity specify overall constraints in a way that incorporates what happens when a referee recognizes that a regulative rule is violated. Violations of these rules are not deviations from the canonical description but occur within the range of variation allowed by it.

In the case of tic-tac-toe these complications aren't present. Therefore, it presents a good test case for whether ordinary game concepts accommodate deviations from canonical descriptions. To address the second question first, it seems clear that we can operate with concepts that are more generous in what counts as an instance of tic-tac-toe than tic-tac-toe. We need only specify the prototypical game and allow as additional sufficient conditions on falling under the concept activities closely enough resembling the prototype. Call this the ballpark interpretation of game-like activities. It is equally clear that we could operate with concepts that picked out just the prototypical games. Call this the strict interpretation. What is important is that the concept of the prototypical game is central even on the ballpark interpretation, for it is the concept of the prototypical game that would guide our classificatory practices. So if we have ballpark concepts of game-like activities, it is because we have strict concepts of such activities.

What of actual practice? I think our concepts of games like tic-tac-toe, and so on, are strict. When we set out to play tic-tac-toe the goal is to instantiate the canonical description, not to instantiate the canonical description plus or minus some deviations from it. Inadvertent mistakes are failures to conform to the intention with respect to the type of activity we aimed to engage in, whether we notice them or not. These failures are not like failures of strategy or tactics in playing to win. Deviation from the patterns described by the rules have to do with the type of activity we intend to engage in, not with how well we engage in it. If this is right, then cheating, since it involves deviation from the canonical pattern, likewise results in a failure to play a game of tic-tac-toe. Goal negation similarly is a failure to intend what is involved in playing the game.

Against the strict interpretation are some patterns of speech that seem to license including deviations from the canonical description under the concept. We might say, for example, that Helen and Bill were playing tic-tac-toe though (a) they made some inadvertent mistakes, or (b) they were new to the game and didn't quite get the rules right. Or we might describe (c) Bud as having only won the game by cheating. Yet how can he have won the game by cheating if no game was played? In case (a), it is compatible with their playing tic-tac-toe that they did not play a game of tic-tac-toe because playing tic-tac-toe, like building a house, is an activity that can occur without its goal being realized. When we ask whether they played *a game* of tic-tac-toe, my reaction is to say: not strictly speaking. In case (b), Helen and Bill intended to play tic-tac-toe and thought they were. But that is not sufficient. For we can correctly say to them: that is not how tic-tac-toe is played. Or even: that was interesting, but it was not tic-tac-toe. What about Bud winning the game by cheating? We can sensibly ask: Was Bud intending to play tic-tac-toe, or was he intending to cheat at it? If cheating at tic-tac-toe were playing tic-tac-toe, there would be no contrast. This indicates that 'cheating at ...' creates an intensional context, like 'pretending to ...'. If I pretend to be a surgeon, it doesn't follow that I am one, but entails that I am not. In fact, cheating (in games) involves a pretense to be engaged in the same activity as the others while not being engaged in it. They intend to play the game. The cheater does not. Bud no more plays tic-tac-toe in pretending to than I am a surgeon in pretending to be one. Furthermore, if we

know that someone cheated at a game, we don't say: although he cheated, he really did win the game. Thus, either 'Bud won the game by cheating' is a loose way of saying 'Bud cheated at the game and appeared to have won only for that reason' or 'by cheating' is a sentential adverb on analogy with 'allegedly', which creates an intensional context. In that case, that Bud won the game by cheating doesn't entail that he won the game.

Although I believe that the strict interpretation is correct, I think that nothing crucial turns on this, and I will note how things might look on the ballpark interpretation at various points. I will also come back later to the possibility of ballpark interpretations when we come to considering objections to my analysis of proxy agency, where many of the same issues arise. Even if the concepts considered here don't involve ballpark interpretations, ballpark interpretations may be deployed in connection with other essentially intentional collective action types.

The pattern revealed in tic-tac-toe (on the strict interpretation) applies to all essentially intentional collective action types that embed a conception of a cooperatively neutral action plan. These can be analyzed in terms of (1) a pattern of group activity which is neutral with respect to whether it is engaged in intentionally by the group's members (roles defined by rules in roughly the manner above, though the roles may be very loosely specified) and (2) the requirement that its members engage in the activity with *we-intentions* as directed at that activity and group, together optionally with additional requirements like, as in the case of tic-tac-toe, the intention of each participant to win. The same pattern applies to some essentially intentional individual action types such as playing solitaire. Other than being for a single player, solitaire is like tic-tac-toe. It involves a pattern of activity that can be described by a set of descriptive rules (or constraints) and the requirement that an agent be instantiating the pattern intentionally with the goal of achieving a certain final state.

Not all essentially intentional action types, individual or collective, admit of this two-component analysis. Checking and waiting, for example, express no specific pattern of behavior. Checking involves intentionally examining or inspecting something with an eye to finding out certain things about it. Therefore, one cannot check something unintentionally. But since the type of action is defined in terms of its goal rather than in terms of a pattern of activity, it does not have a two-component analysis like tic-tac-toe. Similarly, though waiting often involves holding oneself in readiness in expectation of something, it need not involve any particular pattern of activity. What is involved takes different forms depending on what one holds oneself in readiness for. Waiting for the bus, it is a matter of not moving far from some location, but waiting for a friend to call or for the Second Coming involves no particular activity pattern at all.

3. Constitutive Rules

I turn now to the concept of a constitutive rule. Constitutive rules are rules the intentional following of which constitutes the type of activity in question, such as playing chess or tic-tac-toe. When contrasted with regulative rules, constitutive rules

can take on an air of mystery. What kind of rule is it the following of which brings into existence the type of behavior it governs? I give in this section a deflationary account of constitutive rules in terms of essentially intentional action types that involve a two-component analysis into a pattern of activity and the requirement that the activity be engaged in intentionally.

Thus, tic-tac-toe is analyzable into a pattern of behavior described by the Rules of Play and the requirement that they have appropriate we-intentions with respect to the group they constitute and the Rules of Play as constraining their joint action, with the goal of each being to win. One must think of herself as player X and of the other as player O, and the other must think of herself as player O and of the other as player X; and they must intend to conform their behavior to the rules, each aiming to win. This means that in playing tic-tac-toe the players are conforming their behavior to the Rules of Play intentionally, and it is in virtue of this that they are playing tic-tac-toe. Thus, it follows immediately that the rules that they are following are constitutive rules, rules the intentional following of which conceptually suffices for, and, hence, is constitutive of, the activity type in which they are engaged.

On the strict interpretation, it follows also that joint intentional following of the Rules of Play is required in order for the game to be played. On the ballpark interpretation, joint intentional following of the rules remains sufficient, and so is still constitutively sufficient for tic-tac-toe, but is not strictly necessary. However, even on the ballpark interpretation of games, it remains true, as Searle put it, that the constitutive rules “create the very possibility of playing such games” since the concept of the prototype, for which the rules are both necessary and sufficient, guides classificatory practices, and it remains true that a pattern of activity deviating too much from the canonical description doesn’t count at all as an instance of the type. To indicate how the shift to the ballpark interpretation would affect the following remarks, where I talk about necessary conditions, I add in parentheses a qualifier ‘or close enough’ for the ballpark interpretation.

The same goes for any similar activity, like playing chess, or playing solitaire. The crucial thing is that the concept of the activity admits of an analysis into two components, an activity pattern which is describable as occurring in accordance with descriptive rules, and the requirement that it be instantiated intentionally, individually or collectively, depending on whether it involves one or more agents. All constitutive rules then are constitutive rules *relative to a particular activity type*. They are constitutive rules for that activity type simply because our concept of it requires (i) that it be an activity pattern described by the rules (or close enough) and (ii) that the pattern result from those rules being followed intentionally (or close enough).¹³

A constitutive rule then is not a special type of rule. It is not a kind of rule one has to follow in order to create a social or institutional fact. It is rather a rule that is constitutive relative to a type of behavior because that type of behavior is defined so that it occurs if the rules are followed intentionally (or close enough) and does not occur otherwise.¹⁴ It is clear that there is nothing else it could come to. For one thing to be conceptually constitutive of another, it has to be that the

concept of the latter includes it minimally as a sufficient condition for something to fall under it. For the intentional following of a rule to be constitutive of a type of activity, it must be that the concept of the type of activity itself specifies that the rules describe the behavior because they are being followed intentionally. So the rules that are constitutive rules are also descriptive: they are constitutive relative to an action type because that action type specifies that it occurs if they are followed intentionally (or jointly intentionally for collective action). It follows that for any set of rules describing a pattern of activity, there is an action type relative to which they are constitutive rules. Nothing special about the content of the rules makes them constitutive. It is the content of the concepts of activities relative to which they are understood as constitutive that makes them constitutive for that type of thing. This can be seen by the contrast with regulative rules. Regulative rules are not merely descriptive, for rules like Robert's Rules of Order are regulative only if there is an agreement in a group to use them to conduct a type of activity that can be characterized independently. But it is easy to see that any set of regulative rules is constitutive relative to some further action type. Suppose we call a meeting that is intentionally conducted in accordance with Robert's Rules of Order a *parliamentary* meeting. Then relative to that collective action type, Robert's Rules of Order are constitutive rules, for their being followed suffices for the activity type to occur and (given our definition) no such activity can take place without the rules being followed intentionally.

The key idea is that a descriptive rule relative to one type of behavior becomes constitutive when we form the concept of that type of behavior being produced (in the right way) with the intention of realizing the rules. It is open then that the descriptive rules may describe a pattern of behavior which itself involves components that are described as being done intentionally, as long as the pattern may be instantiated unintentionally. Those rules are constitutive relative to a further action type in which the pattern of intentional behavior is itself undertaken intentionally. Thus, constitutive rules may mention action types that themselves involve constitutive rules for both individual and collective actions, and it is clear that this plays a central role in how we construct more complex from simpler forms of institutional activity.

4. Constitutive Agency

One can be an agent of an event in different ways. When I close the door, I am an agent of the closing because I cause the door to close. When I clench my first, I contract my forearm muscles. The clenching is the primitive action. The muscle contraction is what I bring about by doing that. I am an agent of the latter by doing something that it is a necessary component of, for I do not clench my fist if I cut off my hand and use the other hand to close the fingers into the palm. Sometimes we are agents of events by way, not of causing them or their being parts of things we do, but by doing things that are partially or wholly constitutive of them. This is what I have in mind by constitutive agency. Many of these cases involve constitutive rules, though not all. For example, when an audience applauds after a performance, each individual member's clapping contributes to their doing that, not by causing

it but by partly constituting the applause. In this case, the applause is the aggregate of the clapping of the members of the audience; each individual's contribution is a part of it. Each individual's contribution is constitutive of it because what each does contributes to making what the audience does an instance of what is required by the concept of applause.

However, there is a special mechanism when doing something that partially constitutes an event in following constitutive rules. Examples are a judge's passing a sentence on a defendant in a courtroom by uttering certain words, an umpire calling a strike, in appropriate circumstances, by saying 'strike!', someone's shaking hands with another by extending his hand in a certain way so as to grip the other's hand, carrying on a conversation by making a remark in response to another, or playing chess by moving a piece in a certain way in a certain context. In all of these cases, the agent does something that both (a) contributes to instantiating a type of collective action by being partially constitutive of it and (b) is constitutive of a particular type of action that is a component of that collective action. He does this by virtue of following a constitutive rule—that is, intentionally acting in accordance with it—so that in following it, what he does partially constitutes the type of action to which he contributes.¹⁵

When someone moves the king pawn forward two squares to open in chess, he causes the pawn to move two squares forward. But this does not in turn cause the game of chess to be played, though it is a necessary condition for the next event in the play of the game to occur. It rather partially constitutes the play of the game. This is because playing chess is an essentially intentional collective action type. It is defined by there being a series of actions (moves) made alternately by two agents (players) who are intentionally abiding by the rules of chess as constituting a collective action type—that is, with we-intentions directed at their instantiating the joint activity type the rules express—with each having the object of winning. Thus, when one makes a move in accordance with the rules, what one does is part of what makes it true that, as a matter of the concept of playing chess, the series of actions of the two agents fall under that concept. In this sense what the one does is partially constitutive of the play of the game of chess. At the same time, the concept of a move in chess is the concept of just such a contribution, and it requires for its instantiation its taking place in the context of the action type to which it constitutively contributes. Thus, when in the context a player moves a piece with the appropriate intention, what he does constitutes a move in chess, at the same time that it helps to constitute the play of a game of chess.

Return to the judge who issues a sentence for a defendant who has been convicted. The judge intentionally plays a certain role in an essentially collective intentional action type, namely, a trial, the processing of the case against someone charged with a crime. Sentencing is a constitutive contribution to the instantiation of that action type, like castling in chess, making a touchdown in football, or throwing a strike in baseball (see also note 14). The trial in turn contributes to the instantiation of the complex institutional action type of the administration of a legal system. The processing of such a case can be given a two component analysis of the sort indicated in §2, although the rules are much more complex.

The defendant here is an object acted upon by agents who participate. He is also allowed a role in the proceedings, with provisions for what to do if he refuses to “play the game.” His being a defendant is his having a certain status function.¹⁶ At a certain point, the judge, to play his role, must make a decision, within certain guidelines (make a move within certain constraints, with a certain goal in mind), namely, with respect to how the defendant is to be treated forthwith by the criminal justice system. He utters certain words at this point with the intention of making a contribution to the instantiation of the relevant intentional collective action type (i.e., processing the case). Here he follows a constitutive rule. In doing so, he does something that is a necessary part of a sufficient condition for the relevant action type to be instantiated. At the same time, his uttering those words with that intention constitutes his sentencing the defendant because sentencing is the concept of that move in the game. So his utterance act contributes not just causally but constitutively to bringing about of the relevant action type as a whole, and to the particular move (sentencing) within the larger action type, which is his constitutive contribution at that point.

Constitutive rules then make available a form of constitutive agency in which someone contributes to an action type constitutively because the type of thing to which he contributes is defined so that what he does in intentionally following the rules is or contributes to a sufficient condition for its occurrence. In the social realm, this comes to intentionally doing one’s part in a collective intentional action type partly characterized by an activity pattern brought about jointly intentionally by those engaged in it.

5. Status Functions

A status function is a property that an object, event, person, or group has in virtue of, roughly speaking, people so treating it, or being prepared to so treat it, and by virtue of which it plays a certain role in social transactions. That a certain piece of paper is a dollar bill is its having a certain status function. That someone is a member of Congress or the President of the United States involves him or her having a certain status function (a status role). Searle coined the term *status function* in the following passage.

The radical movement that gets us from such simple social facts as that we are sitting on a bench together or having a fistfight to such institutional facts as money, property, and marriage is the collective imposition of function on entities, which—unlike levers, benches, and cars—cannot perform the functions solely by virtue of their physical structure. . . . The key element in the move from the collective imposition of function to the creation of institutional facts is the imposition of a collectively recognized *status* to which a function is attached. Since this is a special category of agentive functions, I will label these *status functions*. (Searle 1995, p. 41)

The mode of imposition, according to Searle, is collective acceptance or recognition of something as having the function. Something has a status function when the “performance of the function requires that there be a collectively recognized status

that the person or object has, and it is only in virtue of that status that the person or object can perform the function in question” (2010, 7). Again: “I can say that for the status functions to actually work, there must be collective *acceptance* or *recognition* of the object or person as having that status” (2010, 8).

We can give a deeper account. The two core ideas in the concept of a status function are that some object or thing or person has a certain social function, a function in certain social transactions, and that it has that function in virtue of its having acquired a certain status among a relevant group of people by way of their attitudes toward it.¹⁷ Status functions then are always relative to some group of agents.

To see what this comes to, let’s work backwards from the idea of social transactions to that of a status function. A social transaction is an instance of collective intentional behavior. Not all but many social transactions involve things that have status functions. Something that has a status function plays, or is treated as something ready to play, a specific role in a type of social transaction. The function is derived from rules governing the kind of transaction that make reference to something playing a certain role in the transaction, such as money. The concept of money is the concept of something that plays, or is to play, a certain role in certain kinds of social transactions. Money is, *inter alia*, a medium of exchange, for example, used in buying and selling, investing, paying wages, and so on. The role is defined by the rules for using money in such transactions. Whatever plays the relevant role counts. But a specification of the role in the rules is not yet a specification of what (in the world) is to play the role. Since the relevant social transactions involve coordinated intentional use of things in the role, nothing has it apart from how people are prepared to use it. The particular things that play the role of money, dollar bills and coinage, have that function in virtue of having a status in a community, namely, being such that people are prepared to press them into service in the role of money. Thus, status functions connect the role with particular objects to be used in the role: the status connects the function to the object.

What’s involved in treating something as having the relevant role? Take an example. In the case of tic-tac-toe, something’s being a board, which is a status function, depends upon two individuals deciding for the space of a game that something with the right shape will so count. What this comes to is their adoption of certain intentions with respect to the token in question, intentions with respect to how they are to behave in the play of the game with respect to it in the light of the various contingencies involved in how play unfolds. In other words, they develop conditional *we-intentions* with respect to it.

What are conditional *we-intentions*? A conditional intention is a commitment to a contingency plan, a plan to do something on certain conditions obtaining. It is not an intention to make a conditional true. I can do that if I make the antecedent false. But I don’t carry out a contingency plan by making sure the contingency doesn’t obtain.¹⁸ The conditions have to be relevant to action and unsettled from the standpoint of deliberation. The conditions may provide reasons for action (positively related to action), or their failure may undercut the possibility of action or provides reasons against (negatively related to action).¹⁹ If in one’s control, one

must not intend to determine them (or they aren't unsettled). Whether or not in one's control, they must be practically epistemically accessible. For example, I may intend to leave the party if it gets too loud. Here the condition provides a reason for leaving the party, and, while not in one's control, one can tell when it obtains. Or I may intend to study at the library if it is open. The library's being open is not a reason to go, but its not obtaining undercuts the possibility of action, and, while not in one's control, one can find out whether it obtains. Conditional intentions may be generalized. For example, one may intend to neither a borrower nor a lender be, or to buckle up whenever one gets in a car. Bratman aptly calls these generalized conditional intentions *policies* (1989). A conditional we-intention is just a conditional intention whose content is appropriate for a participation in joint intentional action. A generalized conditional we-intention is a policy involving participation in joint intentional action.

For any status function, there is a corresponding collective intentional action type characterized in terms of rules constraining behavior in which something plays a certain role in the activity. Particular things count as falling under that type only if (a) they have whatever features are in general necessary for them to play the role and (b) enough individuals to form an appropriate group for instantiating the activity type have the relevant conditional we-intentions with respect to them. Status functions may be attached to things for a one-off use (the Sexton hanging lanterns in the belfry of the North Church as signals to Paul Revere), or to particular things (a royal seal), or things as falling under a type (a dollar bill) for use in recurring types of transactions.²⁰ In virtue of the latter, things may have status functions even if they never fulfill those functions in relevant social transactions. For example, new dollar bills at the Philadelphia mint are dollar bills even if they never go into circulation and no one ever lays eyes on them, in virtue of the policies of individuals with respect to the types under which they fall. In this case, the type is being produced according to appropriate specifications at an official U.S. Mint.

The conditional we-intentions that sustain the status functions of objects that are not currently being so used are generalized conditional we-intentions, policies. These all have the same basic form, which can be expressed by the following sentence: if it is appropriate to engage in rule constituted action of type T, then such and such specific objects, or (alternatively) objects with such and such properties, are to play the role R specified in the rules for the action of type T. This expresses a policy to treat objects with properties P in the way specified by the rules for the collective action type T, as appropriate for the part of the intender, in conditions appropriate for engaging in rule constituted action of that type. For example, we have policies with respect to how to use US currency in various denominations in cash transactions as buyer or seller in jurisdictions where US currency is legal tender. This is expressed in our ready use of currency to play specific roles in economic transactions. Since money has many uses and forms, spelling out fully the policies we have for using currency would be extremely complex. But among the policies that people who use US currency have is: when making a cash purchase, provide the seller with US currency to cover the purchase amount, on the understanding that the seller's part is to provide the item purchased and appropriate change. These

are recurring types of social transactions. They are by nature collective intentional action types with recognized roles (buyer and seller). We know how the currency is to be used in such recurrent social transactions. We are prepared to use it in those ways in those circumstances, and this is the expression of a generalized conditional we-intention.²¹

6. Proxy Agency

We now apply these materials to proxy agency. The idea is first to get a clear view of the mechanism in a simple case that could plausibly model the initial introduction of the institution. In this section, I concentrate on the simplest case of a spokesperson for a group, in which all members of the group explicitly agree, under conditions of mutual knowledge, that a single person will say something (utter certain words), the content of which they have agreed upon, directed at a certain audience, to convey to them a message they all accept and to which they wish to signal their commitment. The audience agrees to the arrangement by which the group conveys to them its commitment to the content of the utterance. The person designated by the announcing group speaking at the appropriate time and place to the appropriate audience, acting under that agreement between the announcing group and audience, constitutes the group's conveying their message to the audience.

In this transaction, there are *two agreements*, one between two groups, an announcing group and its audience (or within a larger group subsuming them), and one within the announcing group. The spokesperson plays a certain role in the social transaction between the two groups in virtue of the announcing group's agreement among themselves that she is to play that role. She has a status function in virtue of that, and in appropriate circumstances what she says to deliver the agreed content has a status function derived from her status. This works, however, only because of the knowledge and agreement of the intended audience with respect to *the general arrangements* for the announcing group to convey its commitments to the audience. For a status function is a property an object has in virtue of people so regarding it (in the sense sketched above) that enables it to play a certain role in a social transaction. This has to include all who participate in the social transaction. The announcing group's authorization of an individual plays its role only in the context of an action plan that specifies its function relative to a collective action by a larger group.

The status the group confers on their spokesperson is crucial to the role that what she says is supposed to play. Her playing that role, and so her doing something that constitutes the group's conveying their agreed message, depends upon her having that status. In the simplest case, that status is something that they confer on her by explicit mutual agreement. The basic idea is this: all members of the announcing group, in so conferring a status function on the spokesperson and thereby on some of her acts, official announcements, are agents of the announcements, though the spokesperson who takes care of the final transaction with another group is, as we might say, its executive agent.

But how can a group's authorizing some subgroup to do something on the whole group's behalf make the whole group an agent of what the subgroup does? The two

key ideas here show that there is something misleading about the characterization that underlies this question. The first idea, developed above, is that agents can be agents of an event not only by making a causal contribution to bringing it about but by doing something that partially constitutes the event type in virtue of their following constitutive rules—as when the judge’s uttering something counts as sentencing a defendant. The second idea is that an action like a group announcement involves an authorized agent, whose authorization is essential to the group’s making an announcement by way of what its spokesperson says. Let’s see how this works in detail.

Speech acts are not in the first instance things we conceive as being done by groups but rather by individuals, for speech acts have sincerity conditions. For assertions it is belief, for questions or commands it is desire, for promises it is intention. Groups per se do not literally have beliefs, desires or intentions.²² Therefore, the concept of a group speech act must be an analog of the concept of a speech act as it applies to individuals. To mark this distinction, when I intend to be expressing the group speech act concepts in the following, I will underline the relevant speech act verb or noun.

This means that the groups that are to speak and the audiences that attend must decide what they are to *count as* a group’s performing an action relevantly similar to a speech act. The purpose of a group’s doing something analogous to individual speech is not only to achieve the usual effects, such as conveying information or getting an audience to do something, but also for the group to take on jointly commitments analogous to an individual’s in performing a speech act. An individual announcement is a public notification. It involves assertion and so belief, but also the intention to make the content available generally in an appropriate community of information consumers. In deciding what is to count as falling under group announcement, we want so far as possible to have analogs of what is involved for individuals. The group must perform a joint action. They must agree on what is to be announced, and so on a message or content to be expressed in a way, or in circumstances, that signals appropriate joint commitment to its content. In the simplest case, they all agree on what to convey. They must intend that the action they undertake make the relevant content available to the relevant audience, in part by way, and on the basis, of the recognition of their intention to do that, on the part of at least some members of the audience. These will be functional requirements on any such act for its fully felicitous performance. Then there must be something analogous to the utterance of a sentence by which the group signals that they have the relevant intentions.

These are design desiderata on group announcement. But there are a variety of ways in which something like this could be achieved, and the announcing group and audience must coordinate on one mechanism for the transaction to come off. A group could make use of pre-existing linguistic conventions to do something jointly analogous to an appropriate utterance act by distributing the production of a suitable sentence token over all the members: one might utter the first syllable, another the second, and so on. But there is a simpler method. The community, which includes the group that aims to announce something, can adopt the

convention that when a certain person suitably related to the announcing group says certain things, under certain conditions, we will count the group as announcing something. The relation the person in question bears to the group is that of being authorized, as we say, to speak for it.²³ This comes to the announcing group's designating a certain person as the one to play the relevant role (spokesperson) in the joint action plan, which includes the appropriate audience. In this way, that person acquires a status function. Then when the spokesperson utters something that expresses the agreed upon content, in the right circumstances, the group counts as announcing the content in question.

Thus, the group's announcement turns out to involve two main stages. In the first stage, the group designates someone to be its spokesperson and provides a message to repeat. To designate someone as a spokesperson is to give that person a certain status function, given the background agreement between the group and its audience about how to treat that person. This ensures that the group, if sincere, has the appropriate beliefs and commitments for the act type they aim to perform. It is crucial to the group's representing itself as accepting what is announced and being responsible for the expectations that it engenders. The second stage is performed by the spokesperson doing his or her particular part in the complex action by uttering, e.g., at a press conference, a sentence that expresses the agreed upon message. This is the last step in the act performed by the group. That utterance by the spokesperson also has a status function, in virtue of agreement in the community on group announcements: it counts as a group utterance, where this expresses a type of thing distinct from the core concept of an individual utterance act. Thus, the designation of the spokesperson is a constitutive part of the transaction between the announcing group and the audience, and the announcing group's agreement that someone is the spokesperson contributes constitutively to the person having that status function. And thus everyone in the announcing group plays a part in the action as constitutive agents of it because it involves not just the utterance act performed by the spokesperson, but the earlier stages of the process that led to that, and which are required for the group to announce something when the spokesperson speaks.

Thus, there is something misleading about the question, 'How can a group's authorizing some subgroup to act on the whole group's behalf make the whole group an agent of what the subgroup does?' For the whole group is not an agent of what the subgroup does: what the subgroup does is the *final stage* in what the group does. The spokesperson performs an utterance act. It contributes to the group announcement. But the spokesperson isn't the sole agent of the group announcement. She performs her (special) part in that, which is to perform a certain utterance act in her capacity as the spokesperson.

So it is, I suggest, in general, in the case of proxy agency involving a proper subgroup. We have general agreements on authorization of subgroups whose actions, as the final stages of a complex action by the group which includes the authorization, count as the group's *completing* an action whose type involves essentially the bringing about of a new social fact, which consists in the fact that a certain essentially collective action type has been performed. Thus, it is not that what the

subgroup does counts as or constitutes the group's doing the thing but rather that what the subgroup does *partially* constitutes the group's doing the thing, and counts as its part (inter alia) in the carrying out of a joint action plan given the prior authorization and its performance in the appropriate circumstances. It is the most salient part, but it is only the tip of the iceberg.

7. Objections and Replies

I have outlined a mechanism for proxy agency in the case of a spokesperson for a group, and suggested how it might generalize. In the simple case I considered, members of the group agree explicitly on who the spokesperson will be and on what message is to be conveyed. They each thereby contribute constitutively to the group announcing what they do when the spokesperson utters the message. Hence, all members of the group are agents of the act of announcing, albeit in different ways. In this section, I consider objections, both to the account in this simple context, and to the possibility of extending it to more complicated sorts of institutional arrangements.

Objection 1: Audience Control. On the account sketched, the agreement of the audience is required in order for a member of the announcing group to have the status role of spokesperson and for anything she says to contribute to a group announcement. Hence, the appointment of the spokesperson isn't just up to the announcing group but requires the agreement of the audience as well, which is absurd.

Reply: That the appointment of the spokesperson is up to the announcing group is part of what is agreed upon by the announcing group and the intended audience. What the audience and the announcing group agree upon is a framework for the announcing group to convey its commitment to various messages, but part of that framework involves the group itself taking up the role of appointing someone to deliver their message. Thus, there is no conflict between the role the audience plays in agreement on the framework and the role the group plays as the sole authority for appointing its spokesperson.

Objection 2: Audience Agency. But if the audience's agreement to the framework involves an expression of agency, then even if the audience isn't party to the agreement on the spokesperson, isn't the audience a constitutive agent of the appointment, and doesn't it therefore follow that the audience is also an agent of the group's announcement? But it is absurd to say that it is the group with the spokesperson *and its audience* that makes the announcement.

Reply: It doesn't follow from the audience being an agent in this sense of the announcement that the audience is part of the group that makes the announcement. The resolution of the puzzle lies in noting that many action verbs require a specific form of agency. For example, if I hire an assassin to kill someone, I am an agent of the death, but it is the assassin who kills him. To kill another, I must bring about his death without primarily going through the agency of another.²⁴ This point extends to collective action. To play a game of football, there have to be two teams of players who are participating. For one team to execute a pass play,

there has to be an opposing team, and so the opposing team contributes to the conditions necessary for the other team to execute a pass play, and so they are contributory agents, in part by doing things constitutive of the play of football, which is necessary context for the pass play. But the opposing team doesn't execute a pass play. This is because the concept of a pass play is the concept of an activity pattern executed intentionally by members of a single football team. That's why the group consisting of the two teams, though they may all be agents of the pass play, and many others for that matter, are not correctly said *to execute a pass play*. Similarly, the concept of making a group announcement requires that the agents it relates to the announcement be members of the group who authorize the spokesperson. And so although others may be agents of the event, they are not members of the group *that makes the announcement*.

Objection 3. Audience Agreement. But isn't it absurd, after all, to think that the audience must agree to the arrangements for the announcing group to select a spokesperson to speak on the group's behalf?

Reply: In §6 we imagined the task of solving the coordination problem in constructing group announcement being undertaken explicitly, and an arrangement—or convention—of the sort involving the appointment of a spokesperson being adopted explicitly in the community for implementing group announcement. We can, however, hit upon solutions to recurring coordination problems without explicit agreement. In any case, once a convention is in place, it can be passed on without having to be explicitly reaffirmed. Therefore, explicit agreement is not required. Yet, if the group identifies a possible mechanism for group announcement, but doesn't communicate it to the audience, or if the audience doesn't find it acceptable, and so refuses to pay attention, then the group fails to achieve its aim. This would be analogous to someone declaring a certain object was to be the royal seal without getting others to go along with it. The audience must at least tacitly accept the solution, as expressed in their willingness to enter into the arrangements, and this must be clear to both the announcing group and its audience. In this case, the parties are in the sort of state with respect to the arrangements that would be the result of a sincere explicit agreement among them, and insofar it is a form of tacit agreement.²⁵ In any case, whether or not this makes the audience agents indirectly of the announcement, does not affect the conclusion that members of the announcing group are agents of it.

Objection 4. Announcement Time. If the action the group performs begins before the spokesperson speaks, then how do we account for the fact that we use the spokesperson's utterance act to determine the time of the announcement? For example, we say that the administration announced on November 26th, 2007, that the President was deeply concerned about the detention of numerous activists and political leaders in Russia, etc., even if the message was composed and provided to the spokesperson the day before, and the spokesperson appointed to her position a month and a half (or even years) before the delivery of this message.

Reply: An analogous issue arises in granting of a limited power of attorney to someone to act as my agent in closing the sale of a house. When my agent signs

the contract, I sell the house. What I did in this case to sell the house is to put it on the market, accept an offer, and assign a power of attorney to someone to sign the documents on my behalf. What I did was all done weeks or months before the contract was completed. When did I sell the house? The resolution depends on recognizing that action sentences introduce two quantifiers over events, one for a primitive action that the agent undertakes and one for a consequent event (Davidson 1985; Pietroski 2000; Ludwig 2007a, 2010). When we ask about the sale of the house, we are asking about the timing of a legal event, transference of title, which occurs with the signing, and is the consequence of my prior actions. But this does not entail that what I did to bring it about did not occur prior to the signing of the contract. Similarly, when we ask about the time of a group announcement, we think of the event that makes public the group's message, which is the relevant utterance. But this does not entail that the parts that other members played in this joint action did not occur prior to this.

Objection 5. Disagreement in the Ranks. Perhaps in simple cases every member of a group agrees on the spokesperson and the message. But in many cases, especially in other forms of proxy agency, it is clear that the group does things through its proxies that not all its members think it should be doing. In this case, not all of them can be said in any sense to be agents of what the group does.

Reply: That members of an institutional group think that the course it pursues through proxy agents is incorrect does not entail that they are not agents of what it does. There has to be some institutional procedure for appointing a spokesperson. For example, suppose it takes the form of a majority vote by the members of the group. Then it is clear that the group can be committed to someone being spokesperson and something being the group message, though not everyone thinks the decision procedure resulted in the right choice. For in accepting the decision procedure, they have a conditional intention to act in accordance with its result, even if it is not the one they voted for, and they played their proper constitutive role in the result. It might be that the dissenters so object to the result that they refuse to continue to participate in the group's actions, and dissociate themselves from it explicitly. Still, they participated sincerely in the procedure, and so were constitutive agents of it, and, hence, of what it led to in turn.

Objection 6. Proxy Agent Autonomy. The account may work well enough for the extremely simple case considered, but very often the spokesperson does not have a fully scripted message to convey, and, as in a press conference, handles questions on the fly in representing an organization. In this case, there is no question of the members of the organization being agents of the particular things that the spokesperson says, and so the account fails in many real-world contexts.

Reply: Proxy agents may be authorized to act under general guidelines. But if the proxy agent's ability to contribute to the relevant type of action, such as group announcement, depends essentially on the group's authorization of the agent, the members of the group are still agents of it. The autonomy of the proxy in handling certain matters affects not whether the group's members are agents of what is done, but whether the group acts intentionally under detailed descriptions of what is done. If what the group authorizes is specific, then the executive group's action counts

as the last stage of the group's action and the action counts as intentional under the description intended by the whole group. However, if the group authorizes a subgroup to handle things for the group in certain circumstances, the handling of which is to count as the group's handling of them, but the particulars of which are not detailed, then they will not be intentional under the descriptions due to the proxy's exercise of her authorized autonomy.²⁶ This is compatible with their being intentional under a more general description such as, for example, *explaining the administration's policies*. Similarly, in electing a judge, we authorize him to make certain decisions about, for example, sentencing. When the judge makes such a decision, a defendant is sentenced. We, the members of the community, including the judge, are agents of the defendant's being sentenced, but we, as opposed to the judge, have not intentionally brought it about that this defendant is sentenced nor that this particular sentence is passed on him (nor do we sentence him since that specifies the judge's action in the administration of justice at this point). Consider the parallel with proxy agency in the individual case. I may grant a nondurable limited power of attorney to close the sale of my home. When my agent signs for me I close the sale intentionally. In contrast, if I grant a nondurable power of attorney to handle generally buying and selling of real estate for me, my agent can make decisions about what property to buy or sell independently of my direction. When he acts for me in a property sale, I sell the property, but the particular property I do not sell intentionally, as I had no specific intention with respect to that. As in the case of individuals, a group can do something unintentionally and be fully responsible for it as if it had done it intentionally, by having authorized an agent to handle the relevant matters.

Objection 7. Insincerity of Announcements. But in this case, a group may announce something that not all of its members accept or even know that it is announcing. It follows that the group makes an insincere announcement, which is absurd.

Reply: This shows rather that sincerity for group announcements doesn't require every group member to believe what is announced. The point of group announcement is to commit the group in a way analogous to the way that an individual is committed in making an announcement, and that is primarily expressed in how the group behaves. What the announcement signals is that members of the group are committed to act as if they all accepted what was announced. They can have a commitment to act as if they accept it without knowing its content, as one can have a commitment to follow sealed orders without knowing what they are.

Objection 8. External Proxies. This account suggests, contrary to fact, that whenever a group acts by proxy it always acts through some subgroup or member. But this isn't so, and this is an even harder problem because then the group acts though none of its members do.

Reply: First, there is nothing in the account that rules out using proxy agents who are not members of the group. It is exactly parallel to the structure of individual action by way of an authorized agent, as in granting a power of attorney. Corporations, conceived of as constituted by their shareholders, often do

things wholly by way of instruments they employ who are not shareholders. In this case, actions of the executive agents do not count as contributions by the group; that is, they are not the final stages of the group's expression of its agency, but they are rather conceived of as instruments set in motion, like a sprinkler system on a timer, which once started operates without intervention. Second, if the account succeeds for proxies who are members of the group, it extends to proxies who are not, for they still require authorization.

Objection 9. Appointment without Full Participation. In groups with simple organizational structures, every member may participate in decisions about the spokesperson and her writ. But this is absurd in most real-world cases, where we have complex organizations with hundreds or even thousands (or in the case of cities, states, and nations millions) of members. The spokesperson and the message are selected typically by a subset of the members of the group. It is just false then that when the group makes an announcement every member has participated by way of agreeing on who is to be the spokesperson, etc.

Reply: The key to resolving this is to notice that not just any subgroup can decide who is to be spokesperson and what message is to be announced. The subgroup itself must be authorized to do so. It and its members must have appropriate status roles. This is something that is decided in the context of a larger group. In a simple case, we may authorize some group to decide on who is to be a spokesperson for us and to formulate, perhaps in line with general guidelines, group policies to be announced. Thus, the group is authorized to authorize others to play a specific role in group announcements. They can authorize others only by being authorized themselves, and so our agreement that they are to play that role makes us constitutive agents of what they do in turn in that role. Of course, the chain can have additional links, so that even who is to do the designating is itself something that a proper subgroup determines, and so on. This shows how we can all be agents of an announcement even if we do not ourselves participate directly in the choice of the spokesperson or the message, and are, in fact, rather remotely connected to it, through a chain of authorizations.

Objection 10. Ignorance of Arrangements. The reply to the previous objection may show how all group members can in principle be indirect agents of the decision of a subgroup in choosing a spokesperson, but in practice many people who join an organization have only a hazy idea about its institutional arrangements and so can hardly be thought to be involved in explicitly endorsing them.

Reply: One doesn't have to know all the details of an institutional arrangement to agree to them, just as one doesn't have to read the fine print in a contract to take on the commitments they entail in signing it. Ignorance of all the institutional arrangements then, the divisions of roles and responsibilities, as well as who fills them, is not needed in order to agree to them.

Objection 11. Content of Conditional We-intentions. But doesn't this raise a problem for the conditional we-intentions of which the agreement is an outward sign and which are supposed to undergird the various status roles and functions that define the institutional group? For if members of an organization don't know

what the roles and functions are, how can they have appropriate conditional we-intentions with respect to them?

Reply: One can have a conditional we-intention to act as appropriate in relation to a body of rules the content of which one is not fully apprised of. This occurs in signing a contract without having read the fine print. One incurs the commitment to investigating what the rules are when the issue comes up how to act in one's role in virtue of one's signing on to the organization's division of roles and responsibilities.

Objection 12. Absence of Explicit Endorsement. But all the same, why think that people in joining an organization are explicitly endorsing all its institutional arrangements?

Reply: Set aside for the moment cases involving insincerity or confusion about what one is doing. An institutional group is one for which there is a socially constructed membership relation, which is a matter of having a status role. As a preliminary, I want to distinguish between two sorts of institutional groups. In the first sort, members choose to join and, hence, agree to the conditions of membership, which includes an endorsement of the institutional arrangements. I will reserve 'institution' for this kind of group (as I have been), using 'institutional group' more broadly. The second sort of institutional group involves a membership condition that doesn't require agreement. An example is being a prisoner of war. Only the first sort of institutional group is a genuine organization, and only that sort of group can authorize proxy agents (with the possible exception of hybrid cases—discussed below). Since meeting the membership condition requires endorsing the division of roles and responsibilities (that is partly what defines the role of membership), anyone who joins such a group explicitly endorses its arrangements, in accepting membership, and in that act then contributes constitutively to the authorization of its various roles.

Objection 13. But what about confusion, misunderstanding, and insincerity? (a) What if someone doesn't grasp the concept of joining and endorsing the arrangements in, say, taking a job? (b) What about someone who thinks he is joining an institution of one sort but finds later that its arrangements are quite different and repugnant to him? What if someone "joins" (c) only for the money, or (d) for some ulterior purpose?

Reply: (a) It is doubtful, I think, that someone who does not have the idea of an institution (in the sense of the reply to objection 12) can join one. I return to the case of hybrid membership in which some join and some have membership conferred on them below. (b) Someone who joins under a misapprehension about an institution's nature has still joined and contributes constitutively to its arrangements. As in the case of signing a contract one doesn't understand, one may join an institution only to regret it later. (c) In the standard case, joining for money or other personal ends is compatible with agreeing to the institutional arrangements and acting in accord with them. (d) Certain ulterior purposes raise trouble if they entail signing on insincerely in the sense of not intending to play one's role (intentional deviation). This raises two questions. First, does insincerity in agreeing to organizational membership entail that one is not a member? Second, does

insincerity in an act of authorization undermine the claim that one is a constitutive agent of what requires the authorization? With respect to the first, I think there is no single answer. For institutions that have a legal status, there will be legal criteria for membership, which will trump sincerity—you are held to a contract even if insincere. For informal groups, the conditions of membership may be understood to require sincerity. This intersects, though, with the second question. On the one hand, if sincerity is not a condition on assuming a status role in an organization, one may act in the role likewise without sincerity, in executing the duties assigned to the role, contributing constitutively to the group’s activities. On the other hand, if sincerity is a condition for membership, then someone “joining” insincerely is not a member and does not contribute constitutively to authorizations the group participates in. But this presents no trouble for the view that all group members participate.²⁷

Objection 14. Non-participation. But this just draws attention finally to a pair of issues that came up in the case of games. In complex organizations, through inadvertency or intent, role players will fail to carry out their roles. This doesn’t mean that these organizations then don’t really do the various things they do. If someone misses a meeting and fails to vote on a spokesperson but a vote is taken anyway, a spokesperson is still appointed. And if, say, someone for his own purposes misreports the result of the vote, the organization still has a spokesperson and still issues announcements.

Reply: In some cases the institution will have provisions for how to proceed in the case of non-performance, inadvertent or intentional, of role duties, as in the case of games, and then we will have a distinction between regulative rules within the organization and constitutive rules.²⁸ One may require merely a quorum for a vote to be legitimate, for example. (Non-voters still endorse the procedures, and so contribute constitutively if indirectly to the result). But there will be cases not covered. Then we face the question whether our concepts are strict or ballpark concepts. Since we may seldom reach the regulative ideal, we are pulled more strongly perhaps to adopt a ballpark interpretation, to avoid the conclusion we seldom speak truly about institutional action. I won’t try to settle this issue here. (It seems an option that we speak under an idealization.) But in light of the fact that we could choose to deploy ballpark concepts, the important point has to be that, even if we deploy ballpark concepts, the strict concepts that guide our classificatory practices, deviations from which could be counted as by being close enough for practical purposes, provide the basic framework for our thinking about proxy agency in collective action.

Objection 15. Nation States and Non-Voluntary Citizenship.²⁹ The account is still not adequate because it ignores the possibility of organized groups like nation states at least some of whose citizens are citizens of it without their having in any sense signed on, sincerely or not.

Reply: Citizenship is a status role, but it has a hybrid status. While one may explicitly accept citizenship, as when someone takes the oath at a naturalization ceremony, or signal acceptance by registering to vote, or by filling out a tax return,

etc., these are not necessary conditions for being citizens, for it is also typically conferred via a birthright. It thus straddles the line drawn in the reply to objection 12. A citizen who has not in any sense agreed to it (a three-year-old for example) is not an authorizing agent of any of the roles that combine to constitute the government. One option here is to say that when we speak about organizations with hybrid memberships doing things we speak under an idealization. Another is to say that the concept of institutional agency is a ballpark concept that subsumes groups like the prototype in having at least some significant subgroup of members who contribute, the others being swept along for the ride. But I want to try a different line.

To motivate the alternative, let's take a simpler case. Imagine a bowling club that requires an application and dues for membership. In this case, no one is a member of the club unless he becomes so self-consciously. A condition on membership is explicit acceptance of the institutional arrangements. When the club acts through an authorized agent in performing a kind of act involving the club that could not be performed absent the authorization, all members of the group are at least constitutive agents of it. Suppose now that the club creates a new category of honorary membership, and decides to confer honorary membership on the children of club members. Honorary members may become full members on reaching sixteen and applying for regular membership and paying dues. It is clear that honorary members are not involved in authorizing occupiers of status roles in the club. Now when we say, for example, that the club has taken out a lease for office space, does that entail that the group consisting of the members and the honorary members has taken out a lease for office space? It seems not. It entails only that the regular members of the bowling club have taken out a lease, those who have accepted membership (call them *operative members*). Now suppose that the club decides to amend the constitution by dropping the modifier 'honorary' from the category of membership conferred on their children. Does this change anything? No. What's important isn't whether the two categories of membership are marked as distinct by the use of 'honorary' for one and not for the other, but the conditions met by those in each. The suggestion, then, is that saying that the bowling club leased office space entails that all operative members are agents of leasing the office, not that all members are whether operative or not.

If this is correct, and we may generalize from this case, then what we say in saying that a hybrid institutional group has done something qua institution entails that (and only that) its operative members have all contributed, whether or not it has non-operative members as well. The case of the United States declaring war, I want to say, is the case of the bowling club writ large. In talking about the actions of the United States, it is the self-conscious citizenry who endorse the country's institutions, who buy into them, its operative members, we are committed to being the agents (in the broad sense we are concerned with) of what the United States does.³⁰ It is compatible with this that one's contribution is small and unnecessary, just as one's clapping after a performance contributes constitutively to the applause, even if one's contribution is both small and unnecessary.

8. Summary

I have outlined a model of proxy agency in collective action on which, contrary to initial appearances, the actions of the proxy agent do not themselves constitute the group's acting, but rather are the culmination of the activities of the group that together constitute the action that appears to be assigned in the first instance solely to the proxy. On this account, group acts performed by the mechanism of proxy agency are partially socially constituted in the sense of being governed by constitutive rules for collective action. In our example, the administration's announcing something through a spokesperson is socially constituted. It is not a speech act by, though it involves, an individual, and it is not a speech act by a group per se (requiring the group as such to be an agent). It is rather a group action, directed at an audience in on the arrangement, which is to have a function similar to announcement in conveying a message to the audience and committing the group in ways analogous an individual's commitments in announcing something. The action plan requires the authorization of a spokesperson, in the simple case, by the agreement of all, together with the provision of a message the spokesperson repeats to the audience in an appropriate context. The rules governing this are constitutive rules, the intentional following of which brings it about. These are rules that describe the activity in question, where the action type includes in its concept that the participants have and follow appropriate we-intentions with respect to following the rules. When someone with an appropriate we-intention participates in such an action, what he does contributes constitutively to bringing it about. Thus, it is because group announcement is an essentially intentional collective action type that includes various stages prior to the spokesperson's role that the various earlier participants contribute constitutively (as well as causally) to bringing it about. And so, I suggest, it is in general in proxy agency. For the proxy agent's action (qua proxy agent) to play its role in the group's doing a certain thing, the agent must be authorized to do it; this subsumes the agent's action under an action plan that includes others; what the group does is execute this collective action plan; the proxy agent's role is only one part of it. The other members of the group contribute variously to carrying out the plan, causally and constitutively. Thus, in one way or another, group action through proxy agency calls upon every member of the group to contribute. For some the contribution may consist in no more than agreeing to the institutional arrangements, which is a kind of commissioning in general of the various role fillers in the institution to fulfill their assigned roles, exercising the powers thereby accorded to them.

Notes

¹ Perino employs a form of direct discourse (*x* said, "...") but the effect is to report what Bush said, and so can be reported in indirect discourse (*x* said that ...). This in turn expresses the Administration's official position, so that we may say that the Administration announced that the President was deeply concerned, etc. I choose this example as a reminder of the complexities of the actual practice, much of which I will abstract from in the following. If I am right about the basic structure, however, it can be extended to these more complex cases by way of mechanisms we are already familiar with in the context of individual speech acts.

²This distinguishes proxy agency from task delegation. When the center hikes the ball, we do not say that the football team hiked it. When an army encircles an enemy encampment, a battalion may be delegated the task of occupying a crossroads to the west. We don't say the army occupies the crossroads, but only a proper part of it, as a part of the army's encircling the encampment.

³Copp uses similar examples to illustrate what he calls secondary actions. According to Copp, a secondary action is "an action performed by an agent . . . iff it is correctly attributed to this agent on the basis of either an action of some other agent, or actions of some other agents" (Copp 1980, 581). To capture what Copp has in mind we must read 'on the basis of' to mean on the basis of another's doing something in a matter in which he has been authorized to act for the agent (by that agent or others). If my account is correct, however, many examples of what Copp has in mind do not meet this condition because the proxy is part of the group to which the action is attributed and every member of the group is already involved, so that it is, in fact, just the group as a whole that acts. What I have in mind will unfold in the course of the paper.

⁴I have argued for this position in (Ludwig 2007a, 2007b, 2013).

⁵As Tuomela's endorsement shows, this is not *ipso facto* to reject individualism. Our concept of group action *could* subsume groups in which only some members of the group act, though it is grounded in their individual agency. But I will argue that understanding the mechanism of proxy agency shows that all members of the group are engaged: this *explains why* the concept of joint action applies in these cases, and it gives us a uniform account of informal and institutional group action.

⁶In (Ludwig 2013) I show that the persistence of institutional groups through changes in membership, their consequent ability to carry out projects through changes in membership and to do things at different times when there is no overlap in their membership, their existence in counterfactual circumstances in which their membership differs from their actual membership, and their ability to bring about events that no individual could bring about in principle (as in the case of the United States Congress declaring war on Japan on December 8th, 1941) can all be accounted for on the deflationary approach.

⁷The concept of a constitutive rule can be found in Kant and Wittgenstein and has been developed or invoked in one form or another by (Rawls 1955; Anscombe 1958; Hart 1961; Searle 1964, 1969, 1995, 2005), among others.

⁸This terminology is due to (Tuomela and Miller 1988). I give my account of we-intentions in (Ludwig 2007a, 2007b). The details won't matter for present purposes.

⁹We can introduce variations on the tic-tac-toe prototype—letting the roles be filled by groups, or a computer simulate occupancy of one of the roles, or one person play both roles. Does 'tic-tac-toe' literally apply to such extensions? It doesn't matter for our purposes. For illustration it's enough that there is the concept of what we might call 'two-player tic-tac-toe'. Similarly, if the question arises whether an individual rather than an orchestra could in principle perform a symphony, without settling the matter we can specify we have in mind an orchestral performance of a symphony for present purposes.

¹⁰An objection (I owe this to a referee): Can't we imagine a scenario in which one of two people playing a game doesn't have any concept of it and has to have it explained to him what he's been doing? Consider a simple two player game, called 'Flip', where play involves each having a deck of cards and alternating in turning over a card from his deck, until they're exhausted. Suppose A has a deck of cards and idly turns over one card at a time. B sitting across the table with a deck concentrates on turning a card in between each turn of a card by A. When the decks are exhausted B (who has the concept of Flip) announces to A: "Hey, I bet you didn't realize we just played a game of Flip!" This would not go over well. A was not engaged in play at all, let alone in playing Flip with B.

¹¹Must the players intend that they bring it about that they play tic-tac-toe intentionally? No. Though essentially intentional, the action type divides into the performance of a cooperatively neutral collective action type and the requirement it be done intentionally by the group. Thus, for the group to do it they each have merely to we-intend with respect to the group they constitute to carry out the relevant cooperatively neutral action plan.

¹²I am grateful to a referee for pressing me on this point.

¹³An objection (raised by a referee): we can imagine a game like chess called 'chmess' except for the rule for castling. Two people could play chmess unintentionally by mistakenly using the chmess rule for castling rather than the chess rule. Let's fill in the case. Suppose that two people want to play chess, that

is, the game called ‘chess’, but that as a practical joke someone gives them an altered rulebook in which the rule for castling in chess is replaced by that for chmness. They play in accordance with the rulebook. Do they play chmness intentionally? Before we tackle this question straight on, let’s ask: Did they play a game described by the rules in the rulebook intentionally? Yes. Since that game just is chmness, they play chmness intentionally. The problem is that they mistakenly think that it is chess (or called ‘chess’ at any rate, for it is not clear they have the concept of chess). The difficulty with just announcing that they played chmness intentionally is that it would implicate that they would use ‘chmness’ in announcing their intentions, which we know is false.

¹⁴ Searle consistently characterizes constitutive rules as having the form *X counts as Y in C* (from (Searle 1969, 36) to (Searle 2010, 10)). Instances of ‘X counts as Y in C’ are such things as ‘So and so’s saying ‘I promise’ counts as a promise when such and such conditions are met’, ‘So and so’s crossing the goal line carrying the football counts as a touchdown when such and such conditions are met’. On my account, these are not expressions of the rules the intentional following of which constitute the activities (or even the parts of activities) they are about. Instead, they express facts about conditions for an act to fall under the concept of a necessary component of an essentially intentional collective action type. Thus, to say that ‘I promise’ under certain conditions counts as promising is to say that an utterance of ‘I promise’ in the circumstances falls under the concept of certain kind of “move” by one participant in a collective intentional action type, namely, that transaction between one person and one or more others in which he publicly binds himself to him or them to do something. Similarly, someone’s carrying the football across the goal line counts as a touchdown in certain conditions because the conditions are those in which he is intentionally playing a certain role in the essentially collective intentional action type of playing football, where the “move” in the game that he makes is called “making a touchdown.” So, in general, the formula ‘X counts as Y in C’ does not express a constitutive rule, but a definition of (or convention for use of) the term ‘Y’ in terms of a more basic description of a type of essentially intentional action.

¹⁵ Goldman calls this conventional generation (1970, 25–6). ‘Conventional’ is not quite right, however. If we follow Lewis (1969) in thinking of conventions as solutions to coordination problems, then, while the use of certain objects as pawns for the purposes of a game of chess is a matter of convention, as other choices would have served as well, it is not a matter of convention what counts as a move in chess. What tokens are used as pawns is arbitrary and up to us. What counts as the play of chess is not. The concept of chess dictates what a move in chess is: it is a matter of moving a piece with an appropriate we-intention directed at the play of chess with a partner. Correspondingly, constitutive rules are not ipso facto conventions. And performing an action of a certain type by following a rule constitutive of it is not ipso facto a matter of following a convention. Conventions enter in when coordinating on tokens or types to play the roles in social transactions. See §5. I owe this point to Marija Jankovic.

¹⁶ As the case of the defendant shows, one can fall under a concept understood in relation to constitutive rules without oneself following constitutive rules, or even being aware of them. The defendant is a pawn of the legal system.

¹⁷ I interpret the phrase slightly differently than Searle, construing ‘status’ to express the fact that the item has a social function in virtue of attitudes in the community about its function.

¹⁸ The satisfaction conditions for conditional intentions are analogous to those for conditional imperatives. An utterance of ‘if you go to the store, buy some milk’ is satisfied if the antecedent is false or you buy some milk at the store as a result of the speech act performed in the utterance of that sentence (a conditional command). No requirement is placed on you if you do not go to the store, for you are not being commanded to make the conditional true, and no unconditional command has been issued at all (Ludwig 2003). Similarly, when one has a conditional intention to leave the party if it gets too loud, one does not thereby intend flatly to leave, but to leave if a certain condition obtains, which would provide a reason to leave. The conditional commitment is satisfied just in case the party does not get too loud (independently of one’s own agency) or if it does, then one leaves as a result of one’s conditional commitment.

¹⁹ I am indebted here to (Ferrero 2009). Ferrero distinguishes restricting and enabling conditions, corresponding to my positive and negative conditions, though my category of negative conditions is a bit broader than Ferrero’s category of enabling conditions, which he treats as including only preconditions for action. For example, I may intend to run for the nomination if the incumbent does not (out of

respect). It is not a precondition on my running that the incumbent does not, nor a positive reason to run. Rather, if the condition fails, I have a sufficient reason not to run.

²⁰ Don't we often use status function terms for objects which are no longer used in the relevant roles, or which are not now so used but merely designed for such use in the future? For example, isn't the Roman denarii a coin, though no longer in use, like pieces in games that are no longer played? But even in these cases we do not think they now have a status function. Roman coinage isn't legal tender. And when we talk about games like Senet, played in Ancient Egypt with cone and reel shaped pieces called 'ibau', we use the past tense: the game was played using a board of thirty squares; the goal of each player was to get his pieces on the board and to move them around and off it again in an S-shaped pattern. We use terms for status functions to classify them in virtue of past use, but they are erstwhile, not actual game pieces. For a forward-looking case, consider a warehouse full of plastic chess sets in Guangzhou, with pieces after a novel design (so that we can't subsume them under a shape-type toward which we have policies). Are these not pawns, knights, etc., even if they are never used? If there is no policy that subsumes them, they lack, on my account, the relevant status functions. They are potential rather than actual game pieces. Perhaps the right thing to say is that the concept of a chess piece counts design function as well as status function as a sufficient condition. These terminological issues won't affect the main line of argument.

²¹ The notion of an intention at issue is that of a psychological state that has a certain functional role in the genesis and guidance of behavior in the sense Bratman articulates (1987). One can have a policy as expressed in one's readiness to do things in various circumstances and in how it guides practical reasoning without being readily able to articulate it.

²² While it may be possible for groups to have psychological states, those that actually figure in our discourse do not have the dispositions or capacities to support attributions of the complex networks of propositional attitudes required to make sense of this. For example, while we may say that a corporation has decided to paint its new headquarters red, we don't suppose the corporation *as such* has the capacity for visual experience required to have color concepts.

²³ The terms 'speaking for' and 'speaking on behalf of' are used in two different ways. Sometimes we say that someone speaks for or on behalf of a group when she articulates for an audience what is recognized by all as an important concern of the group. For example, on June 14th, 2010, the radical Russian art group Voina painted a 210 foot penis on the Bascule drawbridge in St. Petersburg, so that when the bridge was raised for shipping to pass through, it pointed at the windows of the St. Petersburg headquarters of the Russian F.S.B., the Federal Security Service. It is natural to say that they acted, or spoke for, or on behalf of, many people in Russia. Here we have in mind for the benefit of, or in the interests of, but not as an authorized agent. According to the OED, this use of 'on behalf of' is a relatively recent development, and appropriates the use formerly reserved for 'in behalf of'. When I use 'speaking for' or 'on behalf of', I have in mind exclusively the sense in which the person speaking is an authorized representative of the person or group.

²⁴ See (Ludwig 2010).

²⁵ I am indebted here to (Jankovic 2011).

²⁶ Feinberg calls the former sort of agent a "bound agent" and the latter a "free agent" (Feinberg 1970, 226). He treats cases of individuals or groups held responsible for an authorized agent's action as a case of vicarious liability in which someone other than the agent is held liable. On my analysis, not all such cases involve vicarious liability because in many the authorized agent merely completes the group's action, and even if he acts on his own initiative, if within the bounds of his authority, they are all agents of it.

²⁷ A puzzle case is that of state institutions in oppressive societies (Moltchanova 2013), where many of the role fillers do not endorse the institutions' purposes. I am inclined to say that such institutions are Potemkin villages, but I cannot fully address the case here.

²⁸ Many laws have this character: filing false tax returns is against the law but still counts as filing a tax return. What's constitutive of filing the return doesn't extend to honesty. The law requiring you fill it out correctly is regulative rather than constitutive relative to filing the return, and provision is made for penalties for failure to comply.

²⁹ I owe this objection to a referee.

³⁰ I do not mean that ‘the United States’ refers to its operative citizenry. That renders the claim that the United States has more than 314 million citizens false. The proposal is: in joint action sentences with ‘the United States’ as subject, there is an implicit restricted quantifier over operative citizens of the United States. See (Ludwig 2013) for a framework for the logical form of grammatically singular joint action sentences in which this point is easily accommodated.

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