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Global Perspectives on Freedom of Association: A Philosophical Perspective on Human Association

Giulia Lasagni

Societās Exploring the Value of Freedom of Association

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Social Ontology and Collective Intentionality: A Philosophical Perspective on Human Association

Giulia Lasagni[*]

Associational life lies at the heart of our human experience. It concerns the ways in which individuals forge bonds, build societies, and act in concert towards shared goals. When law seeks to regulate and protect these dimensions of social life, it is confronted with a complex terrain as associational life unfolds within a space where the boundaries between individual and collective, formal and informal, legal and social, are often porous and fluid. Legal systems across jurisdictions are tasked with navigating not only this complex space but also the cultural, political, and social particularities that characterise each context.

Philosophy may not offer a rulebook, but it does provide a rich array of theories and concepts – tools that can illuminate, provoke reflection, and deepen our understanding of human sociality and life together. This is precisely the kind of contribution that this section of the edited volume, *Associational Life and Freedom: Insights from Philosophy and Law*, aims to offer. It brings together perspectives from law and philosophy to engage with the lived experience of associational life and freedom. Part I of the book, "The Law of Associational Freedom", comprises chapters examining how freedom of association is protected and understood in various jurisdictions, particularly in Chile, Germany, Indonesia, Kenya, Slovenia, Türkiye, and the United Kingdom. It also features chapters addressing specific cross-cutting issues, such as judicial review and schism, before concluding with an empirical exploration of human associational experience. Meanwhile Part II, "Philosophical Perspectives on Associational Freedom", includes five chapters in addition to this introduction. It picks up

[*] This publication is a contribution to the *Societās: Exploring the Value of Freedom of Association* project, led by Professor Maria Cahill at the School of Law, University College Cork, and funded by the Irish Research Council (now Research Ireland) under grant IRCLA/2022/3860. The chapter introduces the philosophical part of the book, featuring contributions from scholars who participated in the interdisciplinary workshop *Exploring Associational Life: From Social Ontology to Law and Back Again*, held at University College Cork on 25-26th April 2024.

where the legal section leaves off, beginning with a chapter that explores the familiar and habitual foundations of associational life. The next chapter builds upon this, layer by layer, moving through shared practices and formal articulations to reach the level of established associations. The subsequent chapter offers a reflection on the nature of such entities. Spanning from spontaneous collective experience to the realm of incorporated associations, the final two chapters engage with the complexity of the domain encompassed by freedom of association, exposing apparent tensions and working towards theoretical reconciliations.

The philosophical reflections presented in this volume are from the field of social ontology, which investigates the social world, how we make it, and how we live in it together. In recent years, there has been a growing wave of interest in the intersection between social ontology and law.[1] This volume sits in a unique position within this developing area, offering a pioneering perspective framed through the theme of freedom of association.

The very idea of "association" gives rise to cross-disciplinary and philosophically intriguing questions about the nature of groups and our life together. What does it mean to say that associations exist, or that they can hold certain rights? What is involved in forming an association and being part of it? What is an association in the first place? And what is the relationship between spontaneous collective experience and regulated group life? Social ontology offers tools for addressing such questions by examining the fundamental components of social reality, particularly the collective intentions, actions, emotions, norms, and other facets of experience that are central to associational life. These aspects are particularly important to understand in relation to a human right that protects associational freedom specifically.

In this chapter, I introduce the philosophical section of the book by providing a theoretical framework to guide the reader through the subsequent chapters. Part I presents the field of social ontology and its relevance to the interdisciplinary debate on freedom of association. In Part II, I introduce the notion of collective intentionality as central to the reality and theory of collective experience. To further characterise this important philosophical theme, Part III expounds upon the key approaches to it. Part IV provides a brief overview of the chapters, while Part V concludes by drawing a connecting thread between them and sharing reflections.

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[1] Recent and relevant edited collections are Miguel Garcia-Godinez, Rachael Mellin, and Raimo Tuomela (eds), *Social Ontology, Normativity and Law* (Berlin and Boston, De Gruyter, 2020), and Teresa Marques and Chiara Valentini, *Collective Action, Philosophy and Law* (Oxon and New York, Routledge, 2022).

I. The Landscape of Social Ontology

Social ontology is a dynamic and rapidly evolving field of philosophical enquiry in which a wide range of questions about the social world converge.[2] Among its central themes are the nature and properties of social facts such as money, law, language, power, and norms. It also examines social groups, considering how they take shape, how their members cooperate, and whether certain groups, such as corporations, can be held responsible. In addition, it investigates categories like gender, sex, and race, and whether these are natural kinds or socially constructed.

Each of these topics connects to a longer list of questions and avenues for research that have been explored in various areas of the social sciences, as well as being reflected upon within thematic philosophical subfields such as the philosophy of economics and law. In this diversified landscape, contemporary social ontology has emerged as a unifying research endeavour in which philosophers apply their expertise to address a variety of cross-disciplinary questions.[3] Considered together, the answers to such questions can provide a systematic analysis of the social world. The philosophical part of this volume embraces the challenge of applying socio-ontological theories to enhance the legal discourse on associational life and freedom.

Etymologically, "ontology" derives from the Ancient Greek *ontos* (being, that which is) and *logos* (study, discourse). Social ontology is therefore the study of social reality, of what there is in society. The development of this field has taken various forms, leading to at least three different approaches to socio-ontological research. The *descriptive* approach aims to identify and classify the entities that populate the social world.[4] The *explanatory* approach investigates how social entities come into being and are maintained.[5] The *ameliorative*

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[2] A clear and comprehensive introduction to social ontology can be found in Brian Epstein, 'Social Ontology', *Stanford Encyclopaedia of Philosophy* (Fall edn 2024) <https://plato.stanford.edu/entries/social-ontology/> accessed 7 July 2025. Also from the same author is the book published for the Cambridge Elements series, *Social Ontology* (Cambridge, CUP, 2025). *The Oxford Handbook of Social Ontology*, edited by Stephanie Collins, Brian Epstein, Sally Haslanger, and Hans Bernhard Schmid is forthcoming.
Introductory videos on various themes within the field are available in Miguel Garcia-Godinez, Rachael Mellin and the Social Ontology Research Group (SORG) (eds), *Social Ontology: The Video Series* (2022) <https://isosonline.org/Social-Ontology-The-Video-Series>.

[3] This introductory framework, which includes key questions and connections with the social sciences, draws inspiration from Epstein, 'Social Ontology' (2024) and from his video contribution to Garcia-Godinez at al. (eds), *Social Ontology: The Video Series*.

[4] Kathrin Koslicki and Olivier Massin, 'A Plea for Descriptive Social Ontology' (2023) 202(60) *Synthese* <https://doi.org/10.1007/s11229-023-04263-7>

[5] Brian Epstein, *The Ant Trap: Rebuilding the Foundations of the Social Sciences* (New York, OUP, 2015).

approach questions how things are, as well as how we interpret the social, considering what should be improved, reframed or dismantled.[6]

These approaches serve to examine a wide array of topics, with social groups being a central theme. As a matter of fact, social groups are highly diverse, ranging from spontaneous gatherings and sports teams to ethnic communities and religious minorities. If we accept that the legal concept "association" generally refers to certain types of social groups – typically those that are voluntary formed by agreement around a common purpose – the relevance of social ontology to the study of human association becomes clear. A descriptive approach would identify and categorise existing associations as types of social groups; an explanatory approach would examine how they are formed and sustained; and an ameliorative approach would consider what associations ought to be instead and how the concept should be used. As the chapters in this volume will showcase, the development of various ontological approaches is not purely speculative but closely linked to normative questions of moral, political and legal concern,[7] and thus related to the practical dimension of associational freedom.

The term "association" is not commonly used in social ontology. "Organised social group", "society" and "organisation" are used more often instead. These terms refer to social groups that differ from random aggregates (such as the set of people in a room) and from social categories such as gender minorities, ethnic groups, and social classes.[8] Unlike those cases, organised social groups – hereafter referred to as associations – are formed voluntarily by members with a shared interest and serve as sites of collective life and action. In social ontology, they have been approached from multiple angles, suggesting that the term "organised social group" and, by extension, "association" can be understood in at least three ways – as regarding social entities, subjects, and practices.

As social *entities* associations are made up of members whether individuals or sub-groups. Reductive approaches to social entities argue that associations only exist as pluralities of their members and are therefore reducible to them.[9] In contrast, non-reductive approaches argue that associations exist as social entities and are not identical to the plurality of members.[10]

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[6] Sally Haslanger, 'Gender and Race: (What) Are They? (What) Do We Want Them to Be?' (2000) 34(1) *Nous* 31.
[7] Esa Díaz-León, 'Descriptive vs. Ameliorative Projects: The Role of Normative Considerations' in Alexis Burgess, Herman Cappelen, and David Plunkett (eds), *Conceptual Engineering and Conceptual Ethics* (Oxford, OUP, 2020).
[8] Brian Epstein, 'What Are Social Groups? Their Metaphysics and How to Classify Them' (2019) 196(2) *Synthese* 4899.
[9] John Horden and Dan López de Sa, 'Groups as pluralities' (2021) 198 *Synthese* 10237.
[10] Katherine Ritchie, 'The Metaphysics of Social Groups' (2015) 10(5) *Philosophy Compass* 310.

They can be included in an inventory of the social and gain the additional status of legal entities when recognised by the relevant authority.

Just as some legal entities are recognised as legal persons by law, social ontology has advanced views whereby some associations are considered not just objects, but subjects too.[11] Broadly speaking, philosophers have three main interpretations of this. First, they argue that some groups are sufficiently cohesive and organised to possess their own rational perspective and agency, making them capable of and perhaps responsible for group action.[12] Second, associations are seen as social objects, but all agency and responsibility are attributed to their members.[13] Third, associations are neither objects nor subjects; only individuals are taken to exist and act, with "association" referring to patterns of interaction and role-playing.[14]

In a minimal sense, "association" refers to *practice*, beginning with spontaneous bonds and connections. It then captures the lived experience of being with others by joining together, acting collectively, pursuing common goals, and sharing interests. This practical dimension – which will be discussed further below in relation to the notion of collective intentionality – makes it possible for associations to be formed and sustained as entities or agents.

Considering the various meanings of "association" and socio-ontological approaches to it, it emerges how complex and subtle the study of human association can be. A sustained interdisciplinary dialogue between philosophy and law holds significant promise. For legal scholars, philosophical insights can illuminate hidden assumptions, draw attention to overlooked aspects of associational life, and reveal alternative frameworks for reinterpreting normative concepts. Conversely, law provides social ontology with examples of disputes, decisions, and prescriptive arguments that can serve as testing grounds for theoretical innovation and the development of normative discourse.

II. Why Collective Intentionality Matters

Among the basic concepts and theories developed in social ontology that can be applied to the study of associations, fundamental is the notion of collective intentionality. This concept is typically used to explain human collective experience, action and deliberation, and it is especially pertinent in cooperative contexts. It is therefore relevant for interrogating

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[11] Philip Pettit, 'The Reality of Group Agents' in Chrysostomos Mantzavinos (ed), *Philosophy of the Social Sciences: Philosophical Theory and Scientific Practice* (Cambridge, CUP, 2009).
[12] Pettit Philip, 'Group Agents are Not Expressive, Pragmatic or Theoretical Fictions' (2014) 79 *Erkenntnis* 1641.
[13] Raimo Tuomela, *The Philosophy of Sociality: The Shared Point of View* (Oxford, OUP, 2007), C 6 Appendix.
[14] Kirk Ludwig, 'Do corporations have minds of their own?' (2017) 30(3) *Philosophical Psychology* 269.

associations as entities, subjects, and practices and for illuminating some important ways in which these meanings of "association" relate to one another and to the social world to which they belong. Moreover, understanding how people cooperate is crucial for grasping how freedom of association is exercised and manifested in associational life, as well as for informing the implementation and reflection upon legal protections for it.

The first aspect to clarify is that collective intentionality indicates a psychological feature. It is a property of the mind that manifests in social contexts – that is, contexts involving at least two individuals. In its individual form, intentionality is the property of the mind of being about something. Individual intentionality means that one's beliefs are about facts of the world or personal moods, that one's desires are about possible or even unrealistic scenarios and that one's attention is focused on a landscape view, a book paragraph, or a song. Individual intentionality is involved in planning individual actions and is important in sustaining and guiding behaviours that are consistent and coherent with one's plans.

Collective intentionality is the directionality of the mind in a social context.[15] It indicates that we share a desire, belief or plan, that our attention is directed towards the same song when we sing together at a concert, that our dance is not merely seemingly coordinated, but that we are making a joint effort to perform a choreography. Collective intentionality is at play whenever we wait in an orderly queue, shake hands or make a standing ovation. Whenever several minds are in tune with one another, some form of collective intentionality is at play. Therefore, collective intentionality has a fundamental role in associational life: it marks the point where individuals stop being isolated and start interacting with others. It directs association as a collective action; it explains that associations as objects exist because people collectively recognise their existence and functions; it provides an account for how some associations act cohesively, as social units.

Although collective intentionality is widely recognised as a key element of the social world, it poses a significant challenge and there is much debate about it.[16] Since intentionality

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[15] Marija Jankovic and Kirk Ludwig, 'Introduction' in Kirk Ludwig and Marija Jankovic (eds), *The Routledge Handbook of Collective Intetionality* (New York and Oxon, Routledge, 2018), *cf* 2.

[16] For detailed introductions to the notion and theories of collective intentionality, some of which are presented here, excellent sources are David P. Schweikard and Hans Bernhard Schmid, 'Collective Intentionality', *The Stanford Encyclopaedia of Philosophy* (Fall edn, 2021) <https://plato.stanford.edu/entries/collective-intentionality/> accessed 11 December 2024, and Deborah Tollefsen, 'Collective Intentionality', *Internet Encyclopaedia of Philosophy* <https://iep.utm.edu/collective-intentionality/> accessed 11 December 2024. A rich overview of the debates surrounding the concept of collective intentionality is provided by Marija Jankovic and Kirk Ludwig, *The Routledge Handbook of Collective Intetionality*. A brief video introduction to theories of collective intentionality and group agency, recorded by Giulia Lasagni, is available as part of Garcia-Godinez et al. (eds), *Social Ontology: The Video Series*.

is the capacity of the mind to be directed towards something – and since it is generally accepted that there is no such thing as a collective mind – the challenge lies in understanding how this mental capacity could be considered collective. The debate is divided into two main perspectives.[17] Reductive views maintain that collective intentionality is an articulation of individual intentionality and can therefore be understood using the same concepts and principles that are used to explain individual attitudes and behaviour. Conversely, non-reductive views argue that discussions of collective beliefs, actions, and emotions highlight genuine collective phenomena that cannot be explained by referring to individual mental attitudes and behaviour and the theories used to account for them.[18] What follows unpacks this debate further.

III. Theories of Collective Intentions and Actions

Emerging in the 1990s, the debate on collective intentionality was initially driven by seminal contributions from philosophers such as Michael Bratman, Margaret Gilbert, John Searle, and Raimo Tuomela. A useful and standard way of presenting and classifying different theories relies on their respective interpretations of the collective element as being inherent in the content, mode, or subject of collective intentional attitudes.[19]

To clarify, as already mentioned, intentionality is a property of the mind, so it is instantiated in mental attitudes such as beliefs and desires. A mental attitude is held by a subject who is oriented towards a certain object represented in the attitude's content and experienced in a particular way or mode, which, for example, may be cognitive, as in the case of beliefs, or emotional, as in the case of fears. Consider this example: Walking through your neighbourhood after a storm, you spot Peter outside his house repairing a damaged fence. Let's assume that Peter intends to repair it, and that his movements realise this intention. Peter is the subject, the intention to fix the damage is the attitude, and the mode is that of a practical resolution. The fact that Peter will repair his house's fence is the object represented in the content of the intention.

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[17] For an overview of the two perspectives, see Facundo M. Alonso, 'Reductive Views of Shared Intention' and Raimo Tuomela, 'Non-Reductive Views of Shared Intention' in Kirk Ludwig and Marija Jankovic (eds), *The Routledge Handbook of Collective Intetionality*.

[18] Non-reductive views, then, can be categorised as either distributive or non-distributive. Distributive approaches are generally used to explain collective intention and action as embodied in the joint and contributory intentions and actions of several agents. In contrast, non-distributive approaches study collective attitudes and action in terms of group rationality and agency as performed by one social system.

[19] This framework is articulated in Schweikard and Schmid, 'Collective Intentionality'.

Insofar as Peter's action is guided by an individual intention, it is an individual action: Peter intentionally and individually brings it about. This remark is relevant because part of the interest in the concept of collective intentionality is precisely that, just as individual actions are guided by individual intentions, collective actions are guided by collective intentions. Therefore, understanding the collective element of intentionality provides the tools needed to examine collective actions and distinguish them from individual actions or the mere sum of several individual actions. Reflecting on our lived experience, collective actions – such as those involved in associational activities – often appear to be more than merely the juxtaposition of individual contributions. They may be experienced as collective in a meaningful way and the notion of collective intentionality is important to grasp it.

Imagine that, as you continue strolling around the neighbourhood, you not only notice Peter, but also Mark and Clara fixing fences. If they are doing it together rather than simultaneously by chance, there must be a connection between them. If this is not a coincidence, then perhaps they have joined forces intentionally to take care of the neighbourhood following last night's violent storm. This is where collective intentionality becomes relevant. When it is at play – and it is therefore meaningful to say that people do things together – something like this would be the case: Peter, Mark and Clara repair the fences together with the collective intention to do so. But how is their intention collective? Where does the collective psychological trait reside?

A. Collective Content

Some philosophers hold that what characterises intentionality in social contexts is that the content of the attitude that every individual has regards a collective matter, yet the intention itself remains an individual mental state. The approach to collective intentionality is therefore reductive, as it goes all the way back to individual attitudes. Here is an exemplification of this:

> Peter, Mark, and Clara each intends that <u>they will fix the neighbourhood fences together.</u>

This sentence depicts a collective element, which is expressed after the "that", spelling out the content that everyone has in mind. No collective mind is present, nor is any special mental state required. Individual capacities are sufficient to explain the collective psychological trait. However, this does not mean that collective intentions and actions simply involve individual minds representing collective contents.

Michael Bratman, one of the main proponents of the content view, has studied human cooperation, proposing a theory of modest sociality.[20] In his account, the capacity to act together – whether in repairing fences or, to cite one of his paradigmatic examples, painting a house – is explained through interdependent individual attitudes. When individuals cooperate, they intend to do so believing that the others will do the same. Mutual beliefs allow people think that their individual contribution is part of a joint effort: it helps to achieve a plan that everyone is working towards, with the belief that others will cooperate. The building blocks of this line of explanation relate to individual agency and rationality. However, collective intentionality and agency require interaction and mutual beliefs to be realised. Indeed, individuals can only act jointly through interdependent, interlocking plans that are oriented towards a common goal, that is the object of their shared intention. Therefore, despite ultimately being reducible to individualistic concepts and principles, an explanation that considered individuals in isolation as merely representing in their mind a collective agency situation would not account for how they act collectively, even in this modest sense.

B. Collective Mode

An alternative account of collective intentionality proposes that the collective element does not reside (solely) in the content of mental attitudes, and that even considering mutual beliefs about interdependent contributions does not suffice to provide an exhaustive explanation. According to this view, collective intentions have a distinctive collective mode that cannot be fully captured using the conceptual tools employed for individual attitudes. This approach is therefore non-reductive. Returning to our example:

> Peter, Mark, and Clara collectively intend to repair the damaged fences in the neighbourhood.

The adverb qualifies everyone's intention. This intention is held by everyone in the we-mode, that is, from a perspective with a collective character. The collective element provided by the mode thus belongs to the psychology of individuals; it is found in their minds.

The philosopher Raimo Tuomela has developed a sophisticated theory of we-mode cooperation.[21] For Tuomela, there are various ways in which people can approach collective contexts of action. He has argued that, in weak scenarios, individuals may interact with one

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[20] Michael Bratman, 'Shared Intention' (1993) 104(10) *Ethics* 97; *Faces of Intention: Selected Essays on Intention and Agency* (Cambridge, CUP, 1999); *Shared Agency: A Planning Theory of Acting Together* (New York, OUP, 2014).

[21] Raimo Tuomela, 'Joint Intention, We-Mode and I-Mode' (2006) 30(1) *Midwest Studies in Philosophy* 35; *The Philosophy of Sociality*; *Social Ontology: Collective Intentionality and Group Agents* (New York, OUP, 2013).

another under the belief that others will participate, but do so in the I-mode, that is for their own purposes and self-interest. They contribute to collective action personally, as individuals. This does not differ much from Bratman's account of modest sociality. What distinguishes Tuomela's theory is its focus on cases of robust rather than weak or modest sociality. In robust cases, individuals participate in the we-mode, acting as part of a collective, for the sake of shared goals and in keeping with a set of shared values, namely the ethos. Acting in view of shared goals or values, and so for collective reasons, entails that those reasons have been collectively accepted by the members, and that a collective commitment is formed among them, binding everyone to one another and to the intention to attain their objectives jointly. In other words, acting in the we-mode means acting collectively, as group members – for example, as volunteers in a neighbourhood association working together for the benefit of the community. The we-mode is therefore a perspective: a way in which individuals hold mental attitudes in a genuinely collective manner that cannot be reduced to the I-mode. Although it belongs to the psychology of individuals, it arises in collective contexts of interaction and is a collective mental posture.

John Searle has proposed an alternative interpretation of the collective mode, characterising we-mode intentions (we-intentions in his terminology) as primitive.[22] These arise from our inherent capacity as human beings to think in the plural grammatical form and do not necessarily require meaningful interaction. In principle, they could be held in a Matrix-like scenario by brains in a vat or be wrong about others' engagement.

C. Collective Subject

Finally, there is a third, non-reductive approach to collective intentionality. In this approach, the collective element lies in the subject of attitudes. Although this may sound mysterious at first, the view is less extravagant than it seems, since the collective subject in question is not a fantasy creature. Rather, the view works with the idea that individuals think and act as one. Below is an illustration of it:

> Peter, Mark, and Clara, as a group, intend to repair the damaged fences in the neighbourhood.

Various explanations have been offered as to what it means to intend and act as a group. One of the most influential accounts is that of Margaret Gilbert.[23] Gilbert's theory of cooperation is

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[22] John R. Searle, *Consciousness and Language* (Cambridge, CUP, 2002), C 6.
[23] Margaret Gilbert, 'Walking Together: A Paradigmatic Social Phenomenon' (1990) XV *Midwest Studies in Philosophy* 1; *Joint Commitment: How We Make the Social World* (New York, OUP, 2014).

based on a normative bond among the members, created through an act of joint commitment by those willing to join, and only rescindable by them jointly.[24] By committing to one another, individuals also commit to acting as group members – from the group's perspective, which is a rational, unified perspective that they have all endorsed and are jointly committed to pursuing. The collective intentionality that animates individuals' psychology when acting as a unit does not iron out individual preferences, but those attitudes remain in the intentional realm that informs individual rather than group behaviour.[25]

While Gilbert's view is still related to the psychology of intentional attitudes, other approaches to the subject have focussed on the functioning of the group as a system.[26] As part of the system, individuals act together in organised ways, enacting decisions that result from group-level deliberation processes, such as those of an organised neighbourhood association. No mysterious mind is posited. The internal decision-making mechanisms make the group function as if it had a mind, and the joint action of its members enacts those decisions as if the system were a single agent. It is a performative person with cognitive capacities, and it is debated whether it could have any moral standing.[27] This functionalist view suggests that group deliberation and action belong to the high-level system – the group is not, or not primarily, a psychological feature.[28]

D. Collective Intentionality and the Construction of the Social World

The various interpretations of collective intentionality demonstrate the complexity and theoretical subtlety of human cooperation as encompassing individual psychology, interpersonal relationships, and organisational behaviour. When people act collectively, they can achieve complex goals, pursue shared interests and fulfil their needs. Importantly, they can even create social objects that serve this purpose. Collective intentionality is in fact integral to the way human beings construct the social world.

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[24] For a non-normativistic approach to the plural subject, see Hans Bernhard Schmid, 'The Subject of "We Intend"' (2018) 17(2) *Phenomenology and the Cognitive Sciences* 231.
[25] Margaret Gilbert, 'Shared intention and personal intentions' (2009) 144 *Philosophical Studies* 167.
[26] See Christian List and Philip Pettit, *Group Agency: The Possibility Design, and Structure of Corporate Agents* (New York, OUP, 2011); Deborah Perron Tollefsen, *Groups as Agents* (Cambridge, Polity Press, 2015).
[27] For an introduction to the debate, see Marion Smiley, 'Collective Responsibility', *The Stanford Encyclopaedia of Philosophy* (Fall edn, 2023) <https://plato.stanford.edu/archives/fall2023/entries/collective-responsibility/> accessed 3 July 2025. For an extensive overview of related topics and discussions, see Saba Bazargan-Forward and Deborah Tollefsen (eds), *The Routledge Handbook of Collective Responsibility* (New York and Oxon, Routledge, 2020).
[28] Any of the member-level theories of collective intentionality outlined above could, in principle, be combined with a functionalist approach to group agency.

A key argument proposed by John Searle in this respect is that brute facts acquire social meaning, that is status function, by being collectively recognised as such in a certain context.[29] For example, within a community, a piece of paper may count as money, a river as a boundary, a person as president, or a ticked box as a vote. Once objects are assigned status functions, they gain the related deontic powers (for example, rights and duties) and begin to regulate life and action in relation to them. This applies to associations as well. They qualify as specific practices, subjects or objects, depending on whether the relevant collective recognises them as such. In this way, they exist socially and, through formal registration, legally too, gaining further deontic powers according to their ascribed legal status. This will further shape the relationships between associations and individuals, as well as other associations and the State, establishing the rights and duties of associations and of other parties in relation to them.[30]

Philosophy suggests that associational life is deeply collective, with the power to generate, animate, and sustain social reality, as well as the lives of the individuals within it. Therefore, the right to this is the right to freely experience, develop, and exercise the collective dimension of human life. What the contours and limits of this freedom are will be considered in the chapters contained within this book.

IV. Overview of the Philosophical Chapters

The insights from social ontology into associational life and freedom feed into an interdisciplinary conversation launched as part of the *Societās* project. The authors – Kirk Ludwig, Judith H. Martens, Valeria Martino, Hans Bernhard Schmid, Michael Schmitz and myself – have all been involved in its activities since an initial online symposium in November 2023, followed by an interdisciplinary workshop held at the School of Law, University College Cork on 25–26th April 2024. At this workshop, they presented the ideas that have now been expanded upon in the book chapters.[31] The workshop employed an innovative methodology, combining the simulation of legal disputes with philosophical reflections and legal presentations from specific jurisdictions. The chapters in this volume reflect this synergy: informed by the contextual variability of the jurisdictions, philosophical ideas are developed

[29] John R. Searle, *The Construction of Social Reality* (New York, Free Press, 1995); 'Social Ontology: Some Basic Principles' (2006) 6(1) *Anthropological Theory* 12; *Making the Social World: The Structure of Human Civilization* (New York, OUP, 2010).

[30] For a theory that approaches social groups for the normative function that they play in structuring human life in society, see Amie L. Thomasson, 'The Ontology of Social Groups' (2019) 196(12) *Synthese* 4829.

[31] The workshop *Exploring Associational Life: From Social Ontology to Law and Back Again* was organised by Professor Maria Cahill and Dr Giulia Lasagni as part of the *Societās* project. It was supported by the IRCLA/2022/3860 grant and a National University of Ireland grant for Early Career Academics 2023.

and applied to two fictional scenarios resembling common disputes relating to freedom of association. *Cairde ar son Cairde Soup Kitchen* tells the story of a group of friends engaged in voluntary activities who are now required to register as a charity – with all the implications this holds for an informal association. *Róisín's Golfing Ambitions* addresses the issue of exclusion, prompting reflection on its legitimacy depending on the circumstances and the opportunities available to the candidate.[32]

The interdisciplinary journey begins with a discussion of informal, interpersonal association as a social practice, moving on to consider increasingly structured and articulated groups. The focus then shifts to the nature, complexity and rights of human associations, whether as the subjects or objects of associational life and freedom.

In particular, Chapter 12, entitled "**Associating on Familiar Grounds: A Habitual Perspective on the Freedom of Association**", authored by Judith H. Martens, presents an interpretation of associational life and freedom that is grounded in habits and the sense of familiarity they engender. These pre-reflective, resilient, yet still malleable elements are posited here as creating a sense of belonging, an idea of appropriateness and normalcy of behaviour, and providing reasons to act in certain ways – namely, in ways that are typical of the group. Protecting associational freedom therefore hinges on safeguarding the informal fabric of associational life. In Chapter 13, "**The Right to Be We: The Case of Associations**", Michael Schmitz applies his multi-layered approach to human experience and sociality to highlight and explain the increasing complexity of associational life. He refers to a stratification of linguistic representations, modes of self-understanding, and interactions that lead from the most spontaneous groupings to the formalisation found at the institutional level. This raises important questions about the different layers of being "We" as well as the various levels of articulation and application that are involved in a right to associational freedom.

Chapter 14, "**Recognising Associations: A Social Ontology Perspective**", authored by Valeria Martino, examines what qualifies as an association by exploring both formal and informal cases through the lens of social ontology. Rather than offering a fixed definition, the chapter presents relevant philosophical perspectives on how associations might be identified and categorised. It also discusses insightful considerations for normative and legal frameworks that are tasked with navigating what is – or should be – protected by the right to freedom of association. In Chapter 15, entitled "**The Good of Association and the Freedom that We**

[32] The texts of the moot scenarios are available in Maria Cahill, "Comparative and Interdisciplinary Interfaces on Freedom of Association" in Maria Cahill & Giulia Lasagni (eds.), *Associational Life and Freedom: Insights from Philosophy and Law* (Hart Publishing, 2025, forthcoming).

Share", Hans Bernhard Schmid elaborates on the idea that associations are plural subjects of associational life and freedom. This freedom is a package that encompasses both the freedom to form groups and the freedom to act as such, together. Drawing on his theory of collective intentionality and action, Schmid invites us to overcome the opposition between individualistic and collectivistic approaches, instead regarding associational life as a plural experience enjoyed by many jointly with others. Finally, Kirk Ludwig in "**The Nature, Ground, and Legal Expression of a Right to Freedom of Association**", Chapter 16 of this book, offers an account of freedom of association, understood not primarily as a legal construct but as a moral value. Building on his work on collective and institutional agency, he explores the structure of the moral right to associational freedom as an ensemble right, delineating its multifaceted nature and the conditional rights inherent in it. He then examines some of the complexities involved in its application and protection within legal contexts.

The result is an innovative and thought-provoking collection of essays that offers new perspectives for philosophical and legal audiences alike. It challenges preconceived notions and enriches the conceptual framework for understanding associational freedom venturing into a field of research where socio-ontology has only recently begun to tread.

V. Connecting Threads and Reflections

The philosophical chapters in this volume disclose new conceptual pathways for understanding associational life and freedom. Drawing from vibrant debates in social ontology, they offer tools to clarify not only what associations are or should be taken to be, but also how they come into being, what sustains them, and therefore on what grounds they deserve protection. On one level, the chapters explore the nature of associations, from formally recognised entities to informal, spontaneous bonds that precede any explicit articulation or institutionalisation. Underlying this analysis is the dual – partly descriptive, partly ameliorative – question of what counts as an association and what should be counted as such. On another level, they examine the foundations of associational life, from the most basic and familiar seeds of sociality to the more structured, reflective, and institutional grounds of which formal associations are built.

Each chapter develops an independent and unique perspective on the social ontology of associational life and freedom. Rather than providing an exhaustive summary that attempts to encapsulate the richness of the positions advanced by the contributing authors, the following reflections seek to trace a connecting thread through their diverse philosophical insights. The aim is to offer a perspective from which to approach this part of the book and the distinctive

dimensions of associational life, as these are illuminated through the philosophical lens of social ontology.

Such a philosophical lens brings into focus a complex web of interconnected subjects, relationships, mental attitudes, habits, practices, interests, moral values, and degrees of organisation and formalisation that are so interwoven as to resist easy separation. These elements are in fact presented as interdependent in multiple ways. Firstly, they are inherently interdependent because associational life is life shared with others. It unfolds only in the presence of others; it is a joint experience, created, sustained and enjoyed in common. Secondly, this interdependence emerges as reflecting conditionality: associating with others can only succeed if they are willing to do so too. Thirdly, the elements of associational life are interdependent because they mutually constitute one another: individuals constitute the groups they form, while the group partly constitutes the individuals' self-conception, behaviour, and identity. Informal interactions constitute formal groups, and formal structures in turn influence the evolution of informal, intersubjective dynamics. Interdependence then can also be asymmetrical. Some elements are more fundamental than others, forming the basis upon which more complex layers emerge, with legal articulations sitting on top.

When it comes to considering the regulation and protection of such interdependent layers and parties, one aspect that seems to reconcile the various philosophical views is the idea that, despite formal and legal layers apparently sit atop informal dynamics, they are not extrinsic to them. By regulating basic, lower-level interactions, law also constitutes and changes them.

Formal constraints make the members of spontaneous collectives think of themselves differently, as a unit, as an incorporated person, as a regulated entity. The flux of actions based on unreflective, habitual, and familiar connections is turned into a reflective, designed, and disciplined way of doing things. Although this step is important and even necessary for complex groups, it can hinder the activities and growth of smaller, more informal groups. For collective intentionality to operate, the psychological atmosphere from which collective attitudes originates must be allowed to manifest and develop freely. Compliance to formal requirements may in part reify collective agency by crystallising the fluidity of sociality and compelling individuals to shift from a natural way of doing things together to a reflective mode of operating within rigid grids and fixed parameters. When this level of reflection and control is introduced, it becomes part of the group's dynamics, which will then change accordingly.

This is not to suggest that interpersonal relationships are completely unregulated or non-normative, but rather that the norms they are subject to are not the ones imposed by law.

Collective commitment to achieving common goals, mutual expectations regarding appropriate behaviours, and moral feelings towards social practices and values are all normative attitudes that form part of human association before and independently of legal norms and principles. Formal norms add further layers of normativity which are indispensable for regulating, protecting, and constraining associational life especially when its impact and scale become larger and of public, if not political, interest. However, applying legal regulations to small and still very spontaneous contexts can endanger the associational freedom they are meant to safeguard. This is because regulations can freeze the spontaneity of social interaction and inhibit activities that once flourished in the absence of formal rules. At a fundamental level, freedom of association entails the freedom to develop and nurture interpersonal relationships spontaneously.

Safeguarding associational life therefore entails the challenging task of regulating and protecting collective experience, by supporting without stifling, and structuring without reifying it. Finding the right balance is challenging, and this interdisciplinary volume aims to offer fresh perspectives on it. Law provides frameworks to deal with concrete cases according to general principles, specific norms, and particular contexts. Social ontology provides conceptual tools for further analysing the nature of such particular contexts of collective human experience and suggests avenues for developing normative reflection.