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Critical Notice

Group Agents: Persons, Mobs, or Zombies?

A critical notice of Christian List and Philip Pettit, *Group Agency: The Possibility, Design, and Status of Corporate Agents*. Oxford University Press, 2011. Pp. ix + 238. ISBN 978–0–1995–9156–5. £25.00/\$45.00 (hbk).

Introduction

We say that the Persians sacked Troy, that the Pinkertons tracked Jesse James, and that Apple invented the iPhone. Clearly, in such cases, we attribute agency to groups. What is less clear is what such attributions amount to. Is group agency simply equivalent to the agency of the members of a group, or does it somehow stand apart from their agency? Can groups be *rational* agents, or will groups always display the sort of irrationality that Le Bon (2002[1896]) saw as an inevitable feature of the mob? If groups can be rational agents, should such groups be considered *persons*, a status that US law currently extends to corporations? Or should the possible lack of a unique consciousness in a group, which arguably places them on par with the philosophical zombie, be sufficient to deny them that status?

Approaches to Group Agency

Taking agency as the exercise of actions motivated by beliefs and desires, we can begin by looking at some approaches to the attribution of these component intentional states to groups. Here we find a ‘summative’ view, which considers any intentionality attributable to groups to be identical to the sum of the intentionality of its members (Quinton, 1975; Corlett, 1996). For example, we might think that the claim that Cuba intends to enter into dialogue with the US would amount to no more than the claim that all of the members of the governing party of Cuba intend to enter into dialogue with the governing party of the US. But this approach is problematic. The members of the governing party of Cuba might happen to all intend to have coffee with breakfast tomorrow

morning. But it doesn't ring true to say that on this basis, Cuba intends to have coffee with breakfast tomorrow morning (cf. Gilbert, 1989). To count as an intention of a group, we might expect, the intentions of its members must be appropriately connected.

In this spirit, Searle (1995) and Bratman (1999) argue (albeit in importantly different ways)¹ that collective intentions must be underwritten not just by collections of individual intentions – what Searle calls 'I-intentions' – but by distinctive 'we-intentions'.² Each member of a group must intend that *the group* undertake such and such an action. This is designed to allow us to distinguish, for example, between a collection of individuals running for shelter from the rain in a park, and a dance troupe coordinating their exit from a park, where the behavior of the two groups is indistinguishable (Searle, 1995). But this approach has problems too. As Donnellan (1968) noted, it doesn't seem possible to intend to do something that you don't believe you can do. Most individual members of a group (perhaps with the exception of its leader if it has one) can't get the group to do anything, hence aren't likely to believe they can, and therefore aren't obviously in a position to *we-intend* anything on behalf of a group (Baier, 1997; Stoutland, 1997; Velleman, 1997).

An approach that may get around this problem is to take group intentions to be essentially contractual in nature (Gilbert 1989, 2001, 2006; Tuomela 1995, 2007). On this view, a group intends to storm the Bastille just in case each of its members has entered into a commitment with the other members to do his or her part to allow the group to storm the Bastille. Since such a commitment between people cannot come into existence without both people, commitments are *essentially relational*: they can only be understood as a feature of the individuals taken as a pair. Once a commitment to jointly undertaking an action is in place, the intention to undertake the action might now be attributed to the group – even if it cannot be properly attributed to any of its members.

Into this landscape, Christian List and Philip Pettit have introduced the argument of *Group Agency* (2011). They draw on aspects of the work of many of their predecessors in the area, but their central argument is based on a study of the irreducibility of the epistemic and preferential states of groups – their beliefs, intentions, and desires – to the corresponding states of their constituent members. The authors argue that as rational agents whose beliefs and desires are irreducible to those of their members, groups should be extended the normative status of persons. The study takes on particular importance as it arrives on the heels of the authors' (2002) publication of an impossibility result concerning the aggregation of beliefs for groups. There it is shown that it is impossible for a group to arrive at a decision on any series of logically interconnected questions in a way that satisfies certain standards that we

might expect to be required of a rational and democratic organization. Their principal argument throughout the book, however, is that in spite of this result, decision-making procedures are available that will allow groups to possess all the rationality of individual persons.

The Problem

The impossibility result can be seen as a reinforcement of existing worries for majority-rule procedures of decision making for groups. The majority-rule procedure has been recommended for groups by such diverse traditions as those represented by Hobbes (1994[1651]), Locke (1975[1690]), and Rousseau (1997[1762]), and of course has been adopted by corporations, electorates, and parliaments the world over. Concern over a puzzle originally identified by the Marquis de Condorcet (1785), however, has progressively weakened confidence in the procedure. Supposing three candidates are available for election, a group may display the following preferences: a third may prefer x to y to z , a second third prefer y to z to x , and still yet another third prefer z to x to y . Although individually rational, the result by majority is that the group prefers x to y (groups one and three), y to z (groups one and two), and also z to x (groups two and three), which is inconsistent.

Arrow (1963) provided a proof that there is no system of judgment aggregation satisfying conditions that we might expect of a democracy that will not be susceptible to this failure of transitivity. And the puzzle needn't be restricted to preferences. Suppose a group is to decide on three claims: 'p', 'if p then q', and 'q'. Two thirds may accept 'p', another two thirds accept 'if p then q', but still another two thirds (the group of those that accepted 'p' or denied 'if p then q'), deny 'q'. Again, the group is now committed to an inconsistent set of beliefs. List and Pettit (2002) provide an Arrow-style proof to show that for any set of logically interconnected propositions, it is impossible to establish an aggregation procedure for a group that satisfies conditions that we might expect of a rational democracy.

These results should have us worried for the ultimate rationality of group decision-making, or the rationality of populist democracy in general (cf. Riker, 1982). Equally, if groups cannot in fact deliberate rationally, we should be suspicious of the extension to them of moral responsibility – the basis for the ongoing tobacco suits,³ for example – as opposed to holding their individual members morally responsible. However, List and Pettit believe that some of the conditions that Arrow's theorem and their own invoke can be relaxed, so that groups can accomplish rational deliberation after all.

A Solution, and Implications

The constraints on belief aggregation that give rise to this impossibility result are universality (that the procedure can operate no matter what the opinions of the members),⁴ anonymity (which results in each member's vote being equally weighted – ruling out dictatorship), completeness (that the group can produce an answer for every question on the table), and systematicity (the outcome for each proposition depends on the members' views on that proposition alone – not on their attitudes to other propositions). The proof shows that any aggregation procedure that meets these constraints will either be susceptible to failures of transitivity of the sort considered above, and hence irrational, or else will not be capable of producing complete results – that is, an answer for every question asked.

Any way out of this result will require one of the constraints to be relaxed or abandoned. It is possible to relax universality, and deal only with groups that have already reached a certain level of agreement (Miller, 1992, Knight and Johnson, 1994, Dryzek and List, 2003, Dietrich and List, 2010). But this rules out cases where pluralism is pervasive, and so will fail for the sort of multi-cultural communities that we might expect to be currently in the ascent (Rawls, 1971). Alternatively, completeness could be dropped – the requirement of being able to produce an answer for any question. This is a feature of groups such as the UN Security Council, which requires a unanimous vote to ratify any proposal. But failing to produce a result on every question asked (or any question, depending on the questions) is not a luxury that most groups that need to act to survive – like Buridan's Ass⁵ – can afford. The anonymity requirement, on the other hand, which blocks dictatorship, is crucial for groups to retain a democratic structure.⁶

However, by relaxing the systematicity requirement, a procedure becomes available that looks very much like the sort of procedure that an individual rational agent applies in her own decision-making. The constraint that systematicity imposes is that each claim under consideration is given a conclusion independently of the group's views on other claims. Suppose three judgments are to be delivered, on the propositions (1) 'if p then q', (2) 'p', and (3) 'q'. Well, if these judgments are delivered independently, we could arrive at an inconsistent outcome along the lines of Condorcet's puzzle. However, if they are decided in sequence so that the group's decisions on prior propositions determine the answers to subsequent propositions, then, in the order given, the answer for (3) will be determined by the answers given to (1) and (2), so that Condorcet's puzzle will be avoided. Such an ordering of decisions can be called a 'sequential priority procedure' (List 2004). Such a procedure seems attractive. It does not have the politically worrying

implications of dropping anonymity, or the dysfunctional implications of dropping universality or completeness. It also mirrors the rational procedures that individuals employ, who endorse new beliefs only in light of earlier commitments, and not independently of those earlier commitments (Pettit 2003: p. 180). Dropping systematicity therefore seems to be the best choice for achieving consistent and complete conclusions for the group.

Given the prospect of group rationality, important epistemic advantages become available. Groups can be more likely to achieve true answers to any question than any individual members of those groups. Francis Galton asked 800 participants to guess the weight of a prize bull, and discovered that although very few individuals guessed accurately, the average of the guesses of all 800 was within 1 pound of the actual weight of 1,198 pounds (Surowiecki, 2004, Sunstein, 2006). This and other experiments have demonstrated Condorcet's 'Jury Theorem': that if every individual member of a group has an above average probability of getting the answer to some question right, then the larger the group, the more likely that the majority vote of the group will be right. Supposing each member of a group has a 0.6 probability of getting the answer to some question right. Ask any one member the question, and there's only a 0.6 probability that you will get the right answer. But ask a group of 10, where all the members have an above average probability of giving the right answer, and the chances are that 6 out of 10 – the majority – will have the right answer. As the size of the group increases further, the chance of the majority being right increases with it – approaching 1 as the group size approaches infinity.

Finally, List and Pettit argue (pp. 73–7) that the aggregated beliefs and desires of groups are not simply identical with the collection of beliefs and desires of their members, and that the group 'mind' has as a result a certain degree of autonomy. Their argument draws on the notion of 'supervenience' often invoked in discussions in the philosophy of mind and in ethics. A collection of dots on a page may combine to form a shape – but the shape is in an important way distinct from the collection of dots. The difference is that a partly or even entirely different collection of dots could combine to form the same shape. The shape has the property, in that case, of 'multiple-realizability' – it can be realized in many different collections of dots. In such cases we say that the shape supervenes on the dots – it is determined by the dots, but is not identical with them. List and Pettit point out that the belief/desire assignments for groups have this property – different memberships for the groups, or even different patterns of beliefs, depending on the organizational structure of the group, can produce the same belief/desire aggregation results. They conclude that groups have beliefs and desires that are not identical with the collection of beliefs and desires of their members.

If groups have been saved from irrationality, and if their beliefs and desires are not identical with the collection of beliefs and desires of their members, significant results follow. Rational agents can be assigned with moral responsibility. And given the apparent irreducibility of the ‘minds’ and agency of groups, it would appear that this responsibility sits with the group without sitting with the group’s members. Further, it becomes compelling to extend rights to groups properly organized – as rational agents that can enter contracts, they can at least be wronged by a violation of the contract, and hence have some rights. List and Pettit accept these results, and argue that group agents should properly be thought of as persons on the basis of the rationality of groups, and the irreducibility of their epistemic and preferential states to those of their members. I have strong reservations about this claim, and think that there are mistakes in the argument that appears to support it, which I explore in more detail below. But first, three concerns for the rationality claim.

Concerns for the Rationality of Groups

The first concern, which the authors consider, is a problem for the sequencing of premises in a collective decision procedure. Allow a group of three to decide ‘p’, and ‘if p then q’, and if two thirds give positive answers to these questions, then under the procedure recommended by List and Pettit these prior answers will determine that another question ‘q’, is assigned a positive answer for the group – even if two thirds might have voted ‘not q’. But consider what happens if we change the sequence. If we first asked the question ‘p’ and then ask the question ‘q’, the same voters under the same procedure will determine that the answer to ‘if p then q’ for the group would have to be negative. As the authors note, such a weakness could be exploited by members of a group who are in a position to set the agenda for a voting procedure, for example.

What the authors do not discuss is whether this puzzle is even in principle resolvable. To avoid the possibility of case-by-case manipulation, a principled procedure would be needed to decide what order to ask questions in, but how is this principle to be decided on by the group? An argument would have to be made for some principle, and that argument will have logically interconnect parts (major and minor premises, for example). If a group is trying to provide the answer to the question, then, they will be faced with the same ordering problem when trying to provide an answer to the question how to order the premises of their target question, and so on *ad infinitum*. If the only way to avoid this regress is to pick an ordering procedure *without* deliberation (for

example, at random, or by tradition), then we might worry that rationality desideratum has been abandoned.

The second concern is for the reasons that voters in a group have for voting the way they do. The reasons that member voters in a panel have for voting the way they do are not required to be made explicit under the sequential priority procedure. This conflicts with the intuitions of some theorists on what is required for agents to act as a group. Korsgaard (2009) argues that two people need to take each others' reasons *as reasons* for their joint action, if they are to count as acting together (cf. Brattman 1999). She gives the example of two people trying to arrange a meeting. If one says 'I can't make that time, I have a class', and the other replies 'well, just skip it!' (2009: p. 193), this defeats the claim that the pair are acting as a group. Korsgaard holds that the others' reasons for acting must have normative implications for me – they must count as reasons for my assent to a certain course of action for us as a pair. Should each voting party's reasons for voting be made explicit, and mutually compelling?

If the question on the table is whether the group should undertake some course of action, then it seems less important whether the members' reasons are mutually compelling, from the point of view of the rationality of the group. If our concern when making a decision is simply to arrive at a course of action that satisfies both our desires, then whether we have the same motives does not seem relevant. However, suppose the question is whether inoculation against measles causes autism. In such a case it would seem that for you to take my view on the matter seriously, you should be concerned that my reasons are coherent – ones that you can accept. If you were to discover that my reason for deciding whether inoculation causes autism involved the current day of the week (it's Tuesday therefore inoculation causes autism), you shouldn't take my opinion into consideration. Indeed, our reasons may be flatly in contradiction. The rationality of the group is compromised, it seems, if it makes decisions on the basis of potentially incoherent reasons.

These concerns may appear to be offset by the epistemic advantages presented by groups. As discussed above, whenever all members of a group have an above average chance of getting a question right, the majority vote of the group is more likely still to be right as the size of the group increases. However, this is not the case when the question on the table is one of high specialization, which takes me to my third concern. If a randomly chosen group is asked a difficult physics question, although a few in the group may have a high or above average chance of giving the right answer, most will likely have a below average chance. List and Pettit take such scenarios to motivate a 'distributed premise based procedure' (p. 57), where subgroups of expert are

given full control of the answer to questions that fall under their expertise. But how are the expert members of the groups to be decided upon by the group? Individuals who are inexpert are famously bad at recognizing their own inadequacies (Kruger and Dunning, 1999), and equally bad, even when their judgments are combined, at identifying others whose expertise exceeds their own (Henry, Strickland, Yorges, and Ladd, 1996, Libby, Trotman, and Zimmer, 1987, Littlepage, Schmidt, Whisler, and Frost, 1995, Dunning and Cone, 2011). A majority vote to decide who the experts in the group *are*, in that case, ought to be hopelessly unreliable. We are then faced with another regress for setting up the group's deliberation structure, this time for the possibility of getting an expertise-distributed decision procedure off the ground in a democratic way.

Whatever about this last concern, perhaps the most the first two problems indicate is that the rationality of groups cannot be ultimately grounded – that at a certain point, for a group, we have to throw up our hands and say ‘well this is where we have to begin’. And if individual rationality is the standard that we are aiming at, then that probably meets the standard. As Wittgenstein reminds us, at some point within our own individual reasoning, reasons come to an end (1953: ½ 485): the order in which conviction on premises arises for an individual is not within her control, and at some point, the reasons she has for acting cannot be further examined if any action or judgment is to come about.

Concerns for the Personhood of Groups

Aside from their case for the rationality of groups, List and Pettit also argue that groups should be attributed the legal status of persons. They adopt what they call a ‘performative’ or functionalist conception of personhood: that anything counts as a person that can ‘personate’, or perform effectively as a rational agent (following Hobbes, 1994). Given the authors’ arguments in the first part of the book that groups are capable of exhibiting rational behavior – adopting motions, acting on beliefs endorsed by the group, and committing to being legally bound by contracts – they take it that groups satisfy the performative criterion for personhood. List and Pettit conclude that groups, when properly organized, should count as persons in addition to the familiar human-sized ones.

With this extension of personhood to groups, however, certain concerns quickly become apparent. With personhood comes rights, according to many national constitutions, the Universal Declaration of Human Rights, and many other international declarations and conventions – where ‘human’ and ‘person’ are often not clearly distinguished. But the

inclusion of groups like corporations in the arena of rights-bearing persons presents an immediate threat to the welfare of humans. Human persons would be in competition with corporations for the resources those rights entitle them to. This competition threatens to render the value of the rights of human persons negligible. For example, consider the recent ruling in *Citizens United v. Federal Election Commission*, 558 U.S. 08-205 (2010). Here, Citizens United (a corporation) demanded that the restrictions on corporate financing of politically motivated advertising should be dropped, given that no such restrictions are imposed on non-corporate persons. The threat this poses to the rights of human persons is that the funding private citizens are in a position to contribute to political campaigns is now in competition with the funding of corporations – and the latter will vastly outweigh the former, potentially rendering the former relatively worthless. And we might worry how far this extension of rights will extend. If the rights of persons to life are protected under a constitution, can corporate entities compete with individuals for resources to sustain their existence? The resources required to sustain the existence of humans would have to be redistributed to allow for the sustenance of corporations. As persons, can corporations petition for the right to vote? Given enough time and resources, indefinitely more corporations can be created. If corporations were extended the right to vote, then the corporate vote could render the human vote relatively worthless. In legally establishing group persons, then, we may be in the business of creating monsters.

The authors recognize these concerns, and take them to motivate two constraints. The first they call a ‘control-constraint’: that individual members of groups should be in a position to veto any decision of the group on matters that would determine their choices as individuals. They see this as realized in the system of open elections of policy makers, and the ‘battery of familiar constitutional and popular processes’ (p. 148) already in place in many contemporary democracies. These checks and balances should prevent the agency of corporations from conflicting with the interests of their constituent members – in other words, they keep group persons under the control of their constituent members. The second is a constraint on the rights of corporations such that rights are only extended to corporations insofar as those rights would benefit individuals – members or otherwise. This is motivated by a position they call ‘normative individualism’ – that the ultimate basis of rights should be for the benefit of individual persons. The second constraint is not yet in place, but the authors argue that any future legislation should extend rights to corporations only if doing so would contribute to the welfare of individual persons (p. 180).

It seems to me that upholding the second constraint, given the extension of personhood to groups, would be fraught with difficulties.

The features of corporations that the authors recognize as threatening to individual persons include

the great power of group persons . . . their financial assets, the network of clients [they] can summon in [their] support, the degree of dependency [they] can create in those who rely on [them] as an employer, customer, or financier, [their] mortality-free time-horizon, and the fact that [they] need not suffer any anxiety or related emotions.

(p. 182)

So it is on the basis of these features that the authors expect we might be able to deny corporate persons rights. However, the features just listed are all features that are already unevenly distributed throughout the population of individual persons – some individuals are vastly wealthier than others, some are free from anxiety and other emotions (psychopaths – who are persons too, and of course have rights), some have vast networks of clients they can summon in their support, and others, depending on the future of medicine, may have indefinitely extended time horizons (Kurzweil, 2005, Bostrom, 2009). To deny group-persons rights on the basis of these properties, then, would be impossible without upending the equal distribution of rights already in place in society – that is, without denying rights to the very rich, the very influential, the very emotionless, or the very long-lived. On the other hand, to deny group-persons rights simply because they are groups – persons with multiple bodies as opposed to just one – would be arbitrary, and would undermine the lack of bias with which we aim to distribute rights among persons. To increase our confidence that the denial of rights to groups would nevertheless come about, the authors make a very surprising move: they appeal to the fact that the vast majority of the currently enfranchised would prefer that group persons not have rights, and so would not likely vote in favor of the extension of rights to them (p. 181). But if this is supposed to justify the denial of rights to groups, it takes us into very unstable territory. The same process denied rights to African Americans and to women – but these are cases that jump out at us as being obviously unjust. Additionally, it is unclear why this question would ever be put to a popular vote – the extension of personhood to corporations was enacted not by vote, but by the district court in *Santa Clara County v. Southern Pacific Railroad*, 118 U.S. 394 (1886), and the extension to corporations of the right to support political advertising in *Citizens United* was put in place by the supreme court. Corraling the rights of corporations by vote seems both morally and practically doubtful.

Undermining the power of individual persons, then, seems a far more likely consequence of the extension of personhood to corporations than List and Pettit make out. Is there another way of protecting the interests of individual persons? The obvious choice would be to deny the extension of personhood to groups in the first place. List and Pettit argue that this is not tenable given the performative rationality of groups. However, there is another widely invoked criterion for personhood that the authors dismiss, I believe, far too quickly. This is the consciousness criterion. If we turn to a quote from Locke (1975) that the authors themselves appeal to (p. 173), we can see that consciousness has historically played an important role in the notion of personhood:

[The term Person] belongs only to intelligent Agents capable of a Law, and Happiness and Misery; [to a being who becomes] concerned and accountable [and] owns and imputes to itself past Actions.

(Locke, 1975: s. 26)

Having quoted this passage, the authors continue: ‘what makes an agent a person, then, is that he or she is capable of contracting obligations by entering into legal and other conventional arrangements with others’ (p. 173). This rendition brings out one aspect of Locke’s definition – that a person is the kind of thing that must be capable of being bound by promises and contracts. But it clearly omits a second aspect of Locke’s definition, namely that a person must be capable of ‘Happiness and Misery’. With the inclusion of this criterion, Locke is including consciousness as a criterion for personhood. A being cannot be happy or miserable if they are not conscious, nor can any being that is conscious fail to desire happiness, Locke reasonably supposes, calling such a desire the ‘unavoidable concomitant of consciousness’ (1975: s.26).

It is not just Locke that takes consciousness to belong essentially to the category of personhood – it is frequently made explicit as a condition of personhood over the history of deliberation on the question and across philosophical traditions (Descartes 1996[1648], Berkeley 1948 [1710], Kant, 1929 [1794], Husserl, 2001 [1913], Sartre, 1948, Strawson 1966, Chalmers 1996, Jackson 1998). And it is not difficult to see why. Frankfurt (1971) tellingly suggests that the category ‘person’ is designed to capture ‘those attributes which are the subject of our most humane concern with ourselves’ (1971: p. 6). The omission of consciousness from such a collection of attributes would automatically result in the omission of happiness, our desire to avoid suffering, our capacity for engaging in fulfilling relationships, our sense of dignity, and any other state that at some point depends upon being experienced. The remaining conception of a person is very unfamiliar indeed. The authors recognize the histori-

cal precedent for including consciousness as a criterion for personhood, but reject it. Their argument for doing so, however, is not entirely clear. The authors explain that they adopt the performative conception because it is the best way to define personhood ‘for the purposes of our theory’ (p. 173). This, however, is not an argument for the performative conception, but a recognition that their theory will not work without restricting the notion of personhood to the performative conception. At another point they state that since group agents can be engaged as the addressees of contracts and obligations, they ‘have to count as persons’ (p. 176). But again, this presupposes rather than supports the performative conception.

Would the consciousness criterion exclude groups from the category of persons? It might be thought that since we can speak of the happiness or misery of groups, then perhaps groups may undergo these states in a way that is irreducible to the happiness or misery of their members. However, whatever about talk of beliefs and desires of groups, I think that talk of the happiness or misery of groups has to be simply shorthand for talk of the happiness or misery of their members. This is because of the essentially first-person nature of conscious states (Nagel, 1974). For a state to count as a conscious state, it must be constitutive of the personal experience of some subject. That’s just what conscious states are. But we have no reason to think that any individual in a group has conscious access to the experience of the other members from a first-person perspective, or that another subjective experience inaccessible to any individual member of the group emerges given such a collection.⁷ Talk of the happiness or misery of groups, in that case, will always be summative and reductive – if a group of people is happy, we get a bunch of happiness, and nothing in addition.⁸ If groups were to have irreducible minds of their own in some respect, then, they would be zombies: minds with no consciousness.

In fact, List and Pettit accept that groups have no conscious states or sentience (p. 182). But this should call into question for us the cogency of one major strand of List and Pettit’s argument – that groups like corporations have desires that are irreducible to those of their members. Without consciousness, and without a capacity for happiness or misery, what are we to make of the notion of a desire? If I really have no feelings about things one way or another, what sense is there to say that I would desire them to be one way over another? Has a wrong turn been taken in the argument for the attribution of desires to groups?

Above I discussed how the authors argue that because of the multiple-realizability of the aggregates of the beliefs and desires of the members of groups, those aggregates have the property of ‘supervenience’, which strongly suggests irreducibility – that those aggregates cannot simply be identified with the beliefs and desires that determine them. The authors

conclude from this that the groups have beliefs and desires that are not reducible to the beliefs and desires of their members (pp. 73–8). But there is a mistake in this argument, which can be seen once it is realized that the group is not conscious. The aggregates may well be irreducible to their determining components – but what List and Pettit have not shown is that the aggregates are themselves beliefs and desires. The supervenience of one feature on a set of other features in no way entails that the supervening feature is of the same type as the features upon which it supervenes. The shape in our dots example supervenes on the dots – but obviously it doesn't follow that the shape is a dot. A pile of chairs is not itself a chair. Similarly, it doesn't follow from the fact that the aggregation of desires of a group supervenes on the collection of desires of its members, that this aggregation is itself a desire.

In fact typically it is this aspect of supervenience that is taken to constitute its explanatory potency, allowing us to explain how mental states, for example, can supervene on physical features that are not themselves mental (Davidson, 1970: p. 214). It would take entirely separate arguments to show why the supervenient aggregates of the beliefs and desires of the members of groups are themselves also beliefs and desires. The authors do note (p. 23) that we are inclined to attribute beliefs and desires to groups, because it is easier to explain their behavior by doing so – in this respect we are inclined to adopt the 'intentional stance' to groups (Dennett, 1987). But as the authors also note, we do the same thing when the ghosts in Pac-Man chase him around the screen – we attribute to the 'ghosts' the desire to kill Pac-Man. This is obviously not itself a reason to think that the ghosts – configurations of pixels on a screen – really do have beliefs and desires, nor should it be a reason to conclude that groups do. Given that we have an independent reason for rejecting that groups can have desires, we should not take our inclination to attribute desires to them as self-justifying. If a group has no distinct consciousness, it would seem that whatever the aggregates of the preferences of groups are, they cannot themselves be preferences.

These concerns highlight a tension that runs throughout List and Pettit's argument. As noted above, they are committed to normative individualism – the view that the basis of rights should be in the welfare of sentient or conscious beings – a commitment they use to justify the constraint on group rights that they propose. Joined with their commitment to the personhood of groups, however, this leaves the authors in an unnecessarily problematic position. Normative individualism commits us to the claim that rights should only be established for the benefit of sentient individuals, but a commitment to the personhood of groups seems to inevitably extend rights to groups that are not sentient, and in way that presents a threat to the welfare of sentient individuals. A far simpler, and entirely justified approach, would be to include consciousness

in the criteria for personhood in the first place, deny personhood of groups for that reason, and safeguard the interests of those whose personhood is beyond doubt as a result.⁹

Notes

- 1 Bratman in particular emphasizes that mutual knowledge must play a role in underwriting shared intentions: for a pair to jointly intend to p , it must be the case that each knows that they both know that they intend to p , and that they both know the other knows this.
- 2 An idea possibly initially proposed by Sellars, 1968.
- 3 For a history, see Wolfson, 2001.
- 4 Assuming the members' views are consistent (not self-contradictory) and complete (that each member has a view on every proposition under consideration).
- 5 Buridan's Ass is faced with two equally tempting choices of food, and being unable to provide a reason for eating one rather than the other, dies of starvation. The example presents a problem for Jean Buridan's theory of moral determinism, which holds that a decision to undertake an action should be made only if the reasons for undertaking that action outweigh the reasons for undertaking any alternative. For a recent treatment see Lamport, 1984.
- 6 Although it may be relaxed for to improve the epistemic strength of groups: if a group contains a range of experts, allowing the experts to control the outcome of votes on the questions in their field may increase the overall reliability of the group answer (List, 2005).
- 7 Unless of course the group was so complex that it produced its own consciousness – as the collection of neurons and corpuscles that make up my body seem to have done, without themselves being conscious; but whatever about the plausibility of this possibility, it does not arise for the sort of groups we are considering, such as book clubs, as List and Pettit accept (p. 227, n128).
- 8 There is one approach to the notions of happiness and misery that does not take those states to be conscious states – namely Aristotle's; Aristotle takes the happiness or misery of a person to be determined by how well they are living their life – something they might not be aware of (Foot, 1978); however, I am currently considering conscious states, as was Locke, and so such interpretations of happiness or misery are excluded by hypothesis.
- 9 Thanks to Maria Baghramian, Jim O'Shea, David Dunning, David Egan, Peter Hartman, Nick Martin, and Brian Flanagan.

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