

Collective Directionality: A new possibility for collectives as objects of normative consideration¹

People often talk about taxes *owed to* one's nation, duties *owed to* a university, and debts *owed to* a corporation. Yet despite extensive debates about the possibility of collective moral agency² and the possibility of collective correlates to individual natural rights³, there has been surprisingly limited analysis about the possibility of collective counterparties to directed duties, *i.e.*, collectives as entities to which directed duties can be owed.⁴

We can't attribute this lack of consideration to an indifference concerning the directional aspect of the duties owed to others.⁵ With increasing frequency, failure to capture directionality itself is cited as a drawback of a given theory. One sees objections that an opposing framework cannot capture the fact that a given duty is *owed to* an animal,⁶ *owed to* those wronged by environmental malfeasance,⁷ or *owed to* a promisee.⁸ Nor can we attribute this lack of consideration to the fact that owing a duty to the individuals that comprise a collective and owing a duty to the collective itself is a distinction without a difference.

The questions of who or what can be wronged, who's or what's concerns ought to have more normative import with respect to a given duty, and who or what ought to have "special standing" to demand that duty bearers fulfill their duties will often have practical,

rather than merely theoretical, implications. At times at least, it matters if the duties I owe to my nation are normatively distinct from the duties I owe to my fellow citizens, if the duties I owe to my university are distinct from the duties I owe to my colleagues, and even if the duties I owe to us as a couple could be distinct from the duties I owe to my spouse. While there are rich literatures about some such duties (duties of obedience⁹ and duties of solidarity¹⁰ for example), the precise entity to which those duties are owed—one's fellow participants, the collective itself, or something else altogether—is far too often insufficiently explicit. Moreover, these cases generally involve collectives with extremely large membership (entities like states, communities, classes, or cultures); and since the larger the collective, the more likely furthering collective ends also furthers the ends of at least some of its members, these analyses often further obscure the ultimate entity to which these duties are owed.

In this paper, I attempt a different approach: analyzing directly the question of collective directionality. In doing so, I argue that holding that collectives can never be counterparties to directed duties requires sacrificing any normative distinction between coordinated behavior guided by individual interests and collective behavior in pursuit of genuinely collective ends. Nonetheless, unlike individuals, collectives do not become entities to which directed duties are owed merely by existing. Holding that collectives are counterparties to directed duties whenever an irreducibly collective interest exists involves a foundational moral mistake about the nature of collective endeavors.

Ultimately, I attempt to avoid these problematic extremes by arguing that the existence of a constitutive and causal bidirectional counterfactual dependence between individual and collective interests—a state of affairs I refer to as an *integration* of interests—is sufficient for a collective to be a counterparty to directed duties. While focusing on sufficient rather than a necessary and sufficient conditions may be more limited in its ambitions, it

remains a significant endeavor, in part because the possibility that collectives could be counterparties to any directed duties leads to serious, not yet considered limitations with the leading theories of directionality: the will theory and the interest theory. Moreover, since being a counterparty to a directed duty is a particular way of being a moral patient, an analysis of the integration of interests offers the possibility of a novel—and perhaps less ontologically controversial—way to consider how collectives might matter in the moral calculus.

1. Collectively relevant decisions

Many colloquially references to “duties to a group” are, upon closer analysis, clearly misplaced. Consider, for example, a singer who sells tickets to an upcoming performance. While she may remind herself of her “duty to the ticketholders” to put on a good show, this moral requirement is best understood not as one duty, but many. The performer should not believe, for example, that by appeal to their common interest, this “group” could release her from any duty she has “to the ticket-holders” (*e.g.*, if a majority favored doing so). While these duties can be fulfilled simultaneously, they have been incurred independently. There is not one duty here, but many.

Other times, however, there is one normatively significant interaction, one duty created, and one duty from which to be released. One could have a debt to repay a given corporation, a duty through her university to teach classes, or an obligation to pay taxes to her country. In these cases, despite widespread ontological debates, there is near-universal (if not universal) agreement about what we might refer to as *collectively relevant decisions*. In these cases a collective—*or* individuals acting for a shared interest—can make normatively relevant decisions about these duties. Importantly for our purposes, these collectively relevant

decisions can include exercises of the normative authorities traditionally associated with directed duties, authorities such as the power to waive a claim and release a corresponding directed duty. If, for example, a particular U.S. citizen reaches a settlement agreement with the I.R.S. about her back taxes, she need not concern herself with whether each and every of her fellow citizens also releases her from her duty to pay the original amount.

According to one prominent theory of directionality, *the will theory*, that fact alone is sufficient to demonstrate that the collectives can be entities to which duties can be owed. H.L.A. Hart, perhaps the most prominent will theorist, contended that possessing a claim is equivalent to possessing three powers: a) The power to waive a claim, eliminating a corresponding directed duty; b) The power to enforce a claim that corresponds to a violated directed duty; and c) The power to waive compensation for a violated directed duty.¹¹ Particular will theorists may disagree about which powers are required,¹² but according to the will theory, directionality is reducible to clearly enumerated, normatively significant powers, such as the power to waive or the power to enforce. If B has the power to control A's duty to Φ in some normatively significant way, then A's duty to Φ is a directed duty owed *to B*. The will theory thereby allows us to reach an apparent conditional conclusion about collective counterparties: If the will theory of directionality is true, then whenever collectives—or individuals acting for a shared interest—exercise traditional counterparty authority, the collective is the counterparty for those directed duties.

2. The possibility of collective proxies

It is, I believe, this near universal agreement about collectively relevant decisions that explains the paucity of consideration of groups as collective counterparties. One might think, "*Of course* agents can owe a duty to their nation to pay taxes, owe it to their universities

to teach classes, or owe it to a corporation to repay a debt. If all that's implied by owing a duty to a collective is that a collective—or individuals acting for a shared interest—exercises the traditional normative powers as a counterparty, it's it obvious that directed duties can be owed to collectives?" As I argue in this section, however, there are good reasons to proceed cautiously with respect to this common conclusion. Often collectives act as proxies rather than counterparties.

First, we should note that a collectively relevant decision could be the decision of a proxy. To see how, we can imagine a hypothetical long-ago king named Leo. Leo has control over many directed duties, and since he is an ancient king, we can safely assume that they are owed to him rather than to the state he leads. Leo must leave his kingdom temporarily to expand his territory; so, he must determine a way to manage his affairs, including a way to execute counterparty authority for the duties owed to him. Leo considers his options. He has a trusted advisor for agriculture, another for financial matters, and a third for military affairs, but Leo fears that any one of those advisors would inappropriately weigh the impacts a given action would have on his own area of expertise. So, Leo decides to set up a board to act in his stead: the L.E.O. board (where L.E.O. stands for: Land, Economics, and Ordinances). Each of his three trusted advisors will serve on the board, which will exercise of the power to waive, enforce, and prioritize duties via a majority vote. While there is disagreement about what, if anything, such situations demonstrate about irreducibly collective intentional action and irreducible collective responsibility,¹³ at the very least, these cases demonstrate that collective decisions are not reducible to an aggregation of comparable individual decisions. Here we have a collective (and not merely its members) exercising authority for directed duties. Yet while this particular collective exercises *de jure* authority for directed duties, it does so on behalf of another.

More traditional collective action theorists assumed that if a collective exercises the authority to waive or enforce authorities, then the group itself must be the counterparty to those duties. Peter French, for example, famously concluded that a directed duty is owed to a group whenever the group exercises typical counterparty authority.¹⁴ This quick move is surprising because French explicitly notes that one can be the *subject* of claims (i.e., possessing a claim) without being an *administrator* of claims (i.e. having the ability to exercise the normative powers associated with those claims) Unfortunately, French failed to consider the other way in which being the *subject* of claims and being an *administrator* of claims can come apart: one can exercise the authorities associated with having a duty owed to one without herself being the counterparty. A collective could exercise counterparty authority for a host of duties, without being the counterparty to any.

In the case of individuals, If Y has the authorities to waive, enforce, and prioritize a duty of X's, we cannot conclude that X owes a directed duty *to* Y. We can only conclude that either X owes a directed duty to Y, or Y is acting as the proxy for X's directed duty to another. This is a commonly cited limitation of the will theory: it lacks an internal structural mechanism for distinguishing proxies from counterparties.¹⁵ For involving individual agents, the impact of this shortcoming is limited: if Y has the authorities to waive, enforce, and prioritize a given duty, then we cannot conclude that Y is necessarily a counterparty for *that* duty. In the collective case, however, the limitation is much more significant: One cannot conclude that groups can be counterparties to any directed duties merely because they exercise normative authority with respect to such duties, because collectively relevant decisions could merely be the exercise of proxy counterparty authority over the duties that are owed to its members. When determining whether collectives can be the types of entities to which duties can be owed, therefore, we cannot simply assume that when a group

exercises these authorities it does so with respect to duties owed *to itself*. To do so would be to beg the question at hand (and violate parsimony).

The possibility of a collective simply acting as a proxy with respect to duties owed to members who comprise the collective cannot be dismissed merely because agents make agreements with the collectives.¹⁶ Hobbes famously argued, for instance, that it is impossible for an agent to engage in a contract with a set of people. He believed that one could not make a contract with “the whole as one party,” unless they were a unity.¹⁷ One cannot engage with a multitude; one cannot even properly consider a multitude to be a collective until the members have instantiated and recognized a way for the collective to act *as a collective*.¹⁸ We can accept this analysis, however, without accepting the *further* claim that when making such a contract, one engenders a directed duty owed to the collective itself. This should be a rather uncontroversial contention, for the same principle holds for individuals. Even if Bob incurred a debt through an agreement with Galen, we cannot conclude that Bob owes a directed duty *to Galen*, for Galen could possess the proxy authority to reach agreements on behalf of another. One cannot make an agreement with an individual agent unless she can speak on her own behalf, *or* another agent has the authority to speak *for her*. The existence of the second disjunct is what blocks the inference from ‘X reached an agreement with Y that X would Φ ’ to ‘X owes a directed duty to Y to Φ .’ Likewise, an agreement with a collective need not imply the creation of a directed duty owed to the collective itself.

Similarly, the possibility of a collective acting as a proxy with respect to duties owed to individuals who comprise it cannot be dismissed merely because members change over time.¹⁹ Obviously, the members of a university or corporation can change. Membership can even change so dramatically that no member of a collective at *t1* is also a member at *t2*. The

concern of some theorists is that if duties colloquially termed “duties owed to groups” are analyzed as duties owed to individuals controlled by the collective, each change in the collective membership must entail a change in the identity of the claim-holder.²⁰ Yet one ought not to confuse the common-sense requirement that a given duty and its content must remain consistent while members change, with the requirement that the counterparty itself cannot change as individuals change. If collectively relevant decisions stand in as proxy decisions for duties owed to individuals, claims will not be released, nor will the content of those duties be radically modified, unless the spokesperson for that duty exercises the relevant authority. That fact does not imply, however, that the collective is the counterparty to the directed duty.

In cases in which collective decisions are constructed as nothing more than a more efficient means to pursue the isolated interests of individuals, the only relevant interests that constitutively matter—the only interests that could constitutively matter—are the interests of the individual members. There is no interest of the collective itself; there are merely the aggregative interests of the members.²¹ To analyze a directed duty created through an agreement with such a collective as a directed duty owed to the collective itself risks giving individual interests more normative significance than they would otherwise possess merely because they were pursued together. That seems not only to misidentify the relevant moral interests, but also to risk double counting, giving greater credence to individual interests merely because they were pursued together rather than alone.

By itself, the possibility of collectively relevant decisions cannot demonstrate that directed duties can be owed to collectives. The point of this section has been to argue—counter to common assumptions and counter to the conclusions we appear to reach by applying the will theory of directionality to the collective case—that the existence of

collectively relevant decisions is not sufficient for a collective to be a candidate counterparty. The lack of inherent structural mechanism for distinguishing proxies from counterparties, a minor difficulty in the individual case, becomes a serious drawback for the will theory when considering the possibility of collective counterparties. It turns out that some duties that we colloquially refer to as duties “to a collective” might well be better analyzed as duties owed to *them*, controlled by *it*.

3. The limits of collective proxies

The previous section argued for the possibility that collectives could act as proxies for duties owed to their members. While this analysis is, to the best of knowledge, a novel way of approaching the duties we colloquially refer to “duties to collectives,” the underlying assumption that analysis captures is, in fact, rather common.²² It is in fact, so common, that at this point some readers may be left wondering, “What else could one mean by claiming that a collective is the counterparty to a directed duty?” In this section, I consider the possibility of universalizing the analysis of the previous section, taking all apparent directed duties owed to collectives to be duties controlled by collectives but owed to their members. As I argue, however, doing so would fail to account for the normative significance of collective autonomy.

Let us begin, however, by considering the reasons why one might favor taking all apparent directed duties owed to collectives to be duties controlled by collectives but owed to their members. Will Kymlicka is a useful paradigm case here because he contends that a complete explanatory analysis often requires irreducible facts about collectives themselves.²³ Nonetheless, Kymlicka contends that collectives can never be moral patients; collective interest can never matter directly in the moral calculus. According to Kymlicka, “It is

individual, sentient beings whose lives go better or worse, who suffer or flourish, and so it is their welfare that is the subject matter of morality.²⁴ *Normative reductivists* like Kymlicka believe that the only interests that can matter morally are the interests of individual moral patients.²⁵ Applying normative reductivism to the question of collective directionality garners the answer that collectives can never be counterparties to directed duties—so long as being a counterparty to a directed duty involves more than exercising normative authority.

Before considering the limitations of this position, I should note that normative reductivists do appear to be right about the following: the relevant feature in determining whether collectives can be candidate counterparties cannot be how many individuals care about a the interest of a collective. By itself, the mere fact that many people have a wish, desire, hope, or preference (however one wants to analyze such mental states) that a given collective achieves its interests cannot transform that collective into a candidate counterparty any more than a material object could be transformed into a candidate counterparty by people having similar attitudes about it.

Consider the fans of Manchester United, a football team in the English Premier League. They each have an individual interest in Manchester United winning. Unlike cases in which individuals create a collective actor as an effective means to promote aggregative individual interests, fans of Manchester United generally want the team, read as an irreducibly joint entity, to succeed. In other words, a typical Manchester United fan has an individual interest in the team fulfilling its collective interest. In these cases, however, the joint interest merely appears in the content of the fans' individual interests. In cases like these, with respect to the interests of fans, the collective matters to the moral calculus, but only indirectly—only because it matters to individuals. In these kinds of cases, the collective can matter the same way that an object can matter: because it matters to individual moral

patients.

So, why not universalize this possibility? Why not follow Kymlicka's lead and claim that collectives can never be counterparties to directed duties—so long as being a counterparty requires something more than merely exercising normative authority for the duties owed to its members? Why not simply contend that collective interests never matter directly in the moral calculus, that collectives can, at best, act as proxies for duties owed to their members or appear in the content of individual interests? The answer can be found, I contend, in cases in which collective interests are not reducible to similar individual interests.

Consider, for example, a pick-up game of basketball that becomes more regimented when a few players form a loosely organized club. They collect dues, pool their money, rent court space, and buy necessary equipment. The group has a few scheduled times a month when anyone who pays dues can come and play. In cases like these, a long list of theorists have pointed out, it makes sense to talk about the interests of the basketball club, interests that are not reducible to the interests of the individual members.²⁶ The club can persist only if members pay their dues, and it can continue to flourish only if people show up to play. Although they need not do so, the interests of the club can even contradict the interests of each and every one of its members. The basketball club's interest in members paying their dues can be properly analyzed as a collective interest, because fulfilling that interest is necessary to fulfill the joint commitment of playing basketball together. That interest can persist even if paying dues, as an isolated and disconnected activity, is not in the interest of any of the members. In other words, some joint commitments can be derived: they can be commitments that we need to undertake in order to fulfill more basic commitments.

Yet cases in which the collective interest is not reducible to similar individual interests press on the viability of analyzing the collective as a proxy acting for duties owed to

the individuals who comprise it. Generally, if the agent exercises *de jure* counterparty authority with respect to duties tied to her own *de facto* interests, she exercises those authorities as a counterparty to a directed duty. If, however, an agent exercises *de jure* counterparty authority with respect to duties tied to the *de facto* interests of another, then the former acts as proxy for the latter.²⁷ If the collective interest is not reducible to individual interests, it becomes more difficult to argue that what we have is a proxy acting for the interests of another. The problem, however, is not merely that we have strayed quite far our common differentiation between proxies and counterparties. A complete denial of the possibility of collective counterparties appears to require a denying the moral significance of collectives interest that are more than mere aggregations of individual interests, a denial that I contend undermines the significance of collective autonomy. Let me explain.

Agents sometimes designate proxies to make decisions for a subset of the duties owed to them. In these cases, a proxy ought to make choices based on what the counterparty has previously directed, what she would choose, or what's in her best interests.²⁸ In other words, acting *on behalf of another* is different from acting autonomously *for oneself*. To cite just one example, an agent's autonomous actions can constitutively shape her final ends and her practical identity in ways in which the actions of a proxy acting on her behalf cannot. Acting on behalf of another as a proxy in these cases is, in effect, acting in pursuit of pre-determined ends. Acting for oneself, on the other hand, has the possibility to constitutively shape an agent's ends and identity.

Of course, in our messy and complicated world, proxies are sometimes must make decisions that have a transformative impact on the interests of others.²⁹ Parents may have to make decisions that shape the interests of their children, as do the proxies of those whose agency is impaired in some way.³⁰ Yet these real-world complications for those who lack

fully formed agency need not complicate the analysis of the question at hand. In fact, these cases merely serve to underscore the more general point: a proxy's own personal interests and own personal preferences should be silenced when she is deciding for another. As a regulative ideal, proxies ought to make their decisions on behalf of a distinct and a fully separable extensional entity—never for themselves.³¹

Like a proxy, a representative acting on behalf a collective does not act for herself, but for another distinct entity. Unlike a proxy, however, at times, a representative can act for an extensional entity properly regarded as *her own*. Moreover, a representative's actions often play a role in constitutively shaping who we are and what we are doing together in ways the actions of a proxy generally do not. *Acting for us* has the possibility to constitutively shape who we are and what we are doing together. In other words, at times at least, the actions of a representative of a collective endeavor can specify what our collective end is, rather than merely how we are pursuing that end. She can act for us rather than on behalf of a distinct and a fully separable extensional entity.

This distinction helps to explain the intuition that, defeasibly, one of us—or all of us together—ought to make decisions that affect (rather than merely further) a joint interest. In standard circumstances at least, a department head ought to be a member of the department, a provost ought to be a member of the University, a president ought to be a citizen of a nation, and we, as a married couple, ought to determine *ourselves* what we are pursuing together—even though a lawyer acting as the collective's proxy need not. The problem with holding that collectives can never be genuine counterparties lies in the inability to capture the significance of collective autonomy, a significance that one could acknowledge without granting any further claims about the possibility of collective intentional action and collective responsibility. The appeal to collective autonomy here is meant to be just that: an appeal to

the intuitive notion that the collective ought to be able to make collectively relevant decisions for itself. It does not imply that the all or even a majority of the members must be involved in choosing a course of action, or even in choosing who will make those decisions for the collective.

This intuitive notion cannot be justified by the fact that at least one member of the collective (the leader) has control over her own interests, for we generally believe that in these cases a leader ought to be self-effacing with respect to their own personal interests and serve the common interest instead. Individual actions of joint participants need not always and everywhere be instances of acting on our behalf as a proxy, they are often be expressions of acting autonomously for us. An individual participant's acting for us can be an exercise of collective autonomy rather than a best-available substitute for it.

To contend that groups can never be counterparties is thereby to lose any difference between coordinated behavior guided by individual interests, where individuals work together because doing so currently happens to be in each individual's best interests, and collective behavior in which individuals come together to pursue a genuinely collective purpose. Some stark defenders of the will theory may be willing to bite that bullet, but doing so requires alternative and complicated explanations for a vast swath of human behavior.³² The significance of collective autonomy seems to indicate that, at times at least, collective interest themselves can play some role in shaping the moral domain.

At this point, we find ourselves in the domain of the other prominent theory of directionality: *the interest theory*. In the interest theory, claimants are understood as the counterparts to duties that are grounded in a specific way, namely on claimants' interests. An agent (B) has a duty to another agent (A) to Φ if and only if A has some particularly strong type of interest that grounds B's duty to Φ . If the interest theory of directionality is true,

then it appears that we can conclude that the collectives can be entities to which duties can be owed—in a more robust sense than merely exercising authority for duties owed to its membership.

4. Normatively insignificant collective interests

The previous section demonstrated that analyzing all apparent duties to a collective as duties controlled by the collective but owed to its members fails to account for the normative significance of collective autonomy. This failure may lead one to wonder whether the discussion of collectives acting as proxies might be an unnecessary complication. Some might wonder why we shouldn't be *robust normative collectivists* with respect to the question of collective directionality, contending that whenever a collective interest exists, the collective itself becomes a counterparty to directed duties. As I argue in this section, however, such a position denies the ways that individuals can become alienated from joint endeavors.

Let us begin by returning to our example of a basketball club. What if there is not a single member of the basketball club who continues to have an interest in playing basketball? Alternatively, and perhaps more realistically, what if the cost of court rentals goes up and now, and now no member of the club regards dues as worth the cost? In this case, individual interests are not served by the collection of dues or even by the continued existence of the club. How should we react to such a situation?

One possibility is that in cases like these, the collective's interests simply cease to exist. Margaret Gilbert considers the possibility that such joint commitments can be rescinded or that they can "fade out."³³ In the case of rescission, one member may say to the rest, "Let's not do this anymore," and the rest may concur, "I agree, it's not worth it to me either."³⁴ Another possibility is that the joint commitment can fade over time. If all members

slowly stop having a given interest, and that fact is common knowledge, then the collective's interests have faded out; it no longer exists.³⁵

While Gilbert's analysis seems accurate, it cannot be considered exhaustive. Perhaps, in cases of the informal joint commitments that Gilbert takes to be paradigmatically illustrative, any collective interest will be eliminated as soon as the correlative individual interests are eliminated. Even here, I am skeptical; but in the case of more structured groups, such skepticism ought to be more obvious. A collective's interests can continue to exist even after they are no longer linked to individual interests. Consider the basketball club once again. As long as the basketball club exists (perhaps there is a meeting this weekend to discuss its future, perhaps the members are talking about disbanding and joining a larger, cheaper club), it makes sense to talk about the club's interests (*e.g.*, whether to continue to exist, to collect dues, to have its rules followed). In fact, the collective's interest continues to exist even if all the members have already made up their minds about the lack of an individual interest in the club's continued existence.

The interests of the members may well fade one at a time. Perhaps the members lose interests in playing basketball while maintaining an interest in setting the club's affairs in an orderly manner.³⁶ This possibility, however, cannot salvage *robust normative collectivism* with respect to the question of collective directionality. One cannot eliminate altogether the possibility that the interests of the collective will become disconnected from the interests of the members without abandoning the defining tenant of robust normative collectivism: collective interests are irreducibly collective—they are the interests of the plural subject itself. But if the collective interests can become disconnected from individual interests, they can also become alienated from those interests, perhaps because a group is not immediately responsive to changes member interests or perhaps because members become alienated

from the collective purposes altogether.

Yet this possibility of disconnected collective interests ought to lead us to question when a collective's interests ought to matter morally—especially if it is at odds with both the well-being of all of its members and all of the rest of us. The normative question regarding collective interests is not merely a question of when such irreducibly collective interests exist, but what role they ought to play in the moral calculus.³⁷ Consider a member who stands up at the last meeting and says that the club ought to continue because doing so would be for “the good of the club.” After questioning, she makes it clear that her interests would be best served by disbanding the club. She also recognizes that the same is true for all the other members. Finally, she grants that the club's non-existence would not negatively affect non-members or future potential members, all of whose interests would be either unaffected or positively affected by the club's dissolution. Rather, she claims, the club exists, and has interests; and it would be wrong to thwart those interests, even more wrong to eliminate them.

In this case, it ought to be clear that the vocal member is simply making a moral mistake. If we are deliberating about whether a given collective should continue to exist at all, the mere fact that it would be in the club's interest to continue cannot be, by itself, a reason that speaks against disbanding. There is, in this case at least, no moral reason that speaks against thwarting the interest of the collective. If a collective's interest is completely detached from *any* individual interest, then the collective's interest does not, by itself, warrant any consideration in the moral calculus.³⁸ As Christopher McMahon says bluntly, “It seems absurd that there could be any moral objection to the departure of the members based [solely] on the grounds that the organization will cease to exist if they leave.”³⁹

The interest theory of claims turns out to poorly suited for considering directed

duties owed to collectives: The possible deontic impotence of collective interests stands in stark contrast to individual interests. In standard circumstances at least, the harm caused to an individual will be a wrong-making feature of a given action and the potential source of a directed wrong. To cite the most extreme example, there is a *pro tanto* directed duty not to kill individual agents.⁴⁰ Collectives, however, are at best artificial agents. One need not justify the elimination of a basketball club or a company by appealing to the clear and present danger to oneself or others. “Everyday murder” of collectivities can be morally acceptable, while their individual correlates would be a moral failing of the highest order. The reason lies, in part, with the fact that collectives are not inherent counterparties. Merely by existing, collectives do not become entities to which directed duties are owed.

5. Owing it to us

At this point, we are left with an apparent dilemma. If a “collective” interest is merely an aggregation of individual interests, then collectively relevant decisions act as proxy decisions for duties owed to the members. Yet holding that collectives are always proxies to duties owed to their members fails to capture the significance of collective autonomy. Holding that collectives are counterparties to directed duties whenever an irreducibly collective interest exists, on the other hand, cannot account for the potential deontic impotence of alienated collective interests. Moreover, if collective interests merely appear in the content of individual interests (as they do for fans of Manchester United), then collective interests matter in the moral calculus only indirectly, the way objects do. In this penultimate section, I argue that we can move past these unsatisfying, extreme answers to the question of collective counterparties by considering cases in which there is a constitutive and causal bidirectional counterfactual dependence between individual and collective interests, a state of

affairs I refer to as an *integration* of interests. This *integration* of interests is, I contend, one way in which duties can be owed to others *qua* participant in a shared, ongoing collective endeavor.

Some may want more. Some may want to differentiate duties owed to others *qua* participant in a shared, ongoing collective endeavor with duties owed to the collective *itself*. The analyses of the previous sections, however, provide us with reasons to be skeptical about that desire: to owe a duty to others *qua* participant in a shared, ongoing collective endeavor may be what it is to owe a duty to the collective *itself*. Even for those who hold out hope for a distinction between these two possibilities, there are several reasons to be satisfied with focusing on duties owed to others *qua* participant in a shared, ongoing collective endeavor. First, the two most straightforward ways to ground duties owed to collectives themselves is to appeal to the presence of an irreducibly collective intention or irreducibly collective interest. As we have already seen, however, neither the will theory nor the interest theory produce satisfying results when applied to the question of collective directionality. Second, skepticism about a distinction between owing a duty to others *qua* participant in a shared, ongoing collective endeavor and owing a duty to a collective *itself* does not entail a similar kind of skepticism between individuals acting towards a shared, ongoing collective end and collectives themselves acting together. Questions about collective moral agents need not and ought not resolved in the same way as questions about collective moral patients. Therefore, focusing on duties owed to others *qua* participant in a shared, ongoing collective endeavor allows a defense of collective counterparties without a commitment to broader, more contentious issues of social ontology. In other words, we can say—in as ontologically neutral a way as possible—that acting towards integrated ends creates duties owed to the collective and not merely one's fellow participants.

To make that case, however, we must first unpack the idea of integrating interests. Consider first a case in which interests overlap but are not integrated. Recall Searle's famous example: After it starts to rain, several people start running towards a shelter.⁴¹ Each of the agents has an individual interest in staying dry, an interest that does not involve the others. Each of them would continue to have the same interest if she were alone.⁴² Finally, in the unlikely scenario in which one of them had an idiosyncratic interest in getting wet, that interest would not influence the interests of the others. Consider as well the other extreme: a sort of union in which the members were wholly invested in a unified interest without any regard to any personal interests at all.

In between such extremes are cases in which interests can influence one another. "Influence" is, of course, a broad and generous concept. In order to understand the integration of interests we need to distinguish between the way in which interests can constitutively and causally influence one another, and we need to delineate between unidirectional and bidirectional influence. Consider a weak form of constitutive dependence. Some fans of Taylor's Swift music, for example, might have a wish, desire, hope, or preference that some of Swift's own individual interests be fulfilled. The fans' interests are thereby satisfied when Swift's interests are satisfied. We can contrast this form of constitutive dependence, in which the interests of one agent appear in the content of the interests of another, with causal dependence. If, for instance, Swift were to develop a new interest in reggae, her changing interests would likely influence the interests of other songwriters. Of course, constitutive and causal dependence are not mutually exclusive categories. There are almost assuredly some "super fans" of Taylor Swift, who not only want to see Swift's interests be fulfilled, they also want to *share* in her interests, so that if Swift were to develop a new-found interest in *krav maga*, they would do so as well. In this last case,

there exists a *unidirectional* causal and constitutive dependence between Swift's interests and the interests of her rabid followers.

With this analysis in hand, we can now turn to consider a state of affairs I refer to as the *integration* of interests. In my analysis, interests are *integrated iff* they possess a constitutive and a causal *bidirectional* counterfactual dependence.⁴³ Most of us are most familiar with such interplay of interests in more intimate relationships. Consider, for example, friendship. As has been noted countless times before, when two people are friends, each has an interest in seeing the other person's interests satisfied.⁴⁴ In other words, there is a *bidirectional constitutive* relationship between (some of) the interests of friends. If A and B are friends, then some of A's interests are interests of B's *simply because* they are interests of A's, and visa-versa. A further critical point—arguably another defining element of friendship—is that each friend's interests have a *bidirectional causal influence* on the interests of the other. If Abby and Mike are friends, then Abby's interests also have the ability to modify Mike's interests and his changing interests, likewise, can modify hers. If Abby develops a newfound interest in roller derby, then *because* of their friendship, Abby's interests give Mike a reason to modify his interests as well. A friend's interests ought to have the ability to influence, both constitutively and causally, at least some of the interests of her comrade. In other words, friendship involves both a constitutive and causal bidirectional counterfactual dependence of interests, an *integration* of interests.⁴⁵

Moving to the collective case, we can see that intuitively, collective activity often brings with it normative entanglements. Acting together generally allows us to call on one another to do our part, and to criticize one another when we fail to do so. Defeasibly, our going for a walk together, our painting a house together, and our dancing the tango together provide us with a claim against participants to do their respective parts.⁴⁶ In fact, several

authors have developed robust theoretical frameworks to capture this intuitive notion, arguing that collective activity creates participant obligations to one another. According to Margaret Gilbert, for example, this state of affairs is created, in part, because “the joint commitment is *theirs* together” [emphasis original].⁴⁷ Although Raimo Tuomela provides a more individualistic analysis, he too argues that by committing to act together, group members garner defeasible normative requirements to one another.⁴⁸ As Tuomela says, “a participant has the right to expect that the others will perform their parts and is also obligated to respect their analogous right.”⁴⁹

In some cases, the duties engendered by collective activity are clearly directed to the individual moral agent with whom one is engaged. When Ben and Anne go for a walk together in New York City, for instance, it would seem absurd to believe that any duties Ben has to the Anne that stem from their walking down the street side-by-side (*e.g.*, duties of notification, responsiveness, etc.) transfer to whomever happens to be strolling next to him after Anne heads home. Similarly, if two professors meet for coffee every year before the first day of an annual conference, any duties one has to the other stemming from their long history together would not transfer to someone else after one of the two retires. In both cases, the reason for the duties being owed to an individual, isolated agent seems rather straightforward: whatever collective purpose the participants shared fades out of existence once these two individual agents stop acting together.⁵⁰

As has been noted numerous times before, however, collective purposes do not always simply fade out of existence once particular members stop acting together. Participants sometimes care about the joint endeavor itself. At times, joint successes and enjoyments become “necessary for and complementary to our own good.”⁵¹ A life without caring about such common ends could be a life of compassion, where we sacrifice our good

for the good of another, and it could be a life that harnesses the power of collective action, but it cannot be a life in which we are part of something larger than ourselves. At times, we need one another as partners in ways of life that we engage in for their own sake. To borrow a phrase from Rawls, it is only in these cases that we “cease to be mere fragments.”⁵² In these cases, duties are often owed to a fellow participant in a collective endeavor *qua* participant rather than *qua* individual. Yet individual interests are not simply subsumed within the collective interests. People often continue to disagree even *qua* members about what is best for the collectives to which they belong. Even in these cases—perhaps even particularly in these cases—the collective interests that help to unify the members offer the possibility to distinguish participants from mere fans. The integration of participant interests allows the collective interest to represent those individual interests, even though it does not express any correlate interest of any individual participant.

This integration of interests can have a significant effect on group behavior. Consider, for example, the activities of an improvisational comedy troupe. Members *qua* members have an interest in performing effective scenes and in improving the reputation of troupe. To further those interests, members have to accept and further shape the collective activity initiated by their fellow members. As Steven Colbert says, “They say you're doctors--you're doctors. And then, you add to that: We're doctors and we're trapped in an ice cave.”⁵³ In other words, participants must be willing to affirm what has been proposed for the collective endeavor (in some way) and to play some role (however minor) in further shaping that collective activity. These activities require an ongoing commitment to solve any problems together and practices (in both senses of the term) that have been designed to foster the ability to do so.

Success in this regard thereby requires more than individuals who value and have an

interest in listening to others, and more than individuals who value and have an interest in comedy. Success requires a shared willingness to take responsibility for the structural mechanisms that organize joint-activities, a shared willingness to adopt new ends where they are revealed through these deliberative processes, and a shared willingness to reform those processes if they come into conflict with ends that are revealed through further joint activity. At some point it could become necessary, for instance, to create new activities to foster autonomy and cooperation that are dynamic and sensitive to member's needs and interests. Success requires, in other words, troupe members acting together who recognize the duties owed to fellow members *qua* members.

In these cases, the common ends do not always matter indirectly, *i.e.*, they do merely because they are important to individuals—the way objects can matter because they are important to individuals. Joint participants are not always mere fans rooting for the success of an external common end. Common ends can possess a constitutive and a causal bidirectional counterfactual dependence with the ends of (at least some of) the individual participants. In those cases, the collective interests provide action guidance for the members *qua* members, and the interests of the members *qua* members provide action guidance for the collective, as well.⁵⁴ The individual interests are not merely furthered by collective interest; in a significant sense, they are contained within it. When individual interests are integrated with collective ones, the collective interest becomes more than a mere aggregation of individual interests. Owing a duty to participant in a shared, ongoing collective endeavor thereby becomes, in a very significant sense, to owe a duty to the collective *itself*. As Mill says, “It must often be impossible to disentangle their respective parts, and affirm that this belongs to one and that to the other.”⁵⁵

Holding that collectives can be counterparties to directed duties if individual interests

are integrated with collective interests also avoids the difficulties highlighted earlier. Since the interests of fans lack bidirectional constitutive dependence with the collective interests, there is a clear delineation between fans and participants. In considering the integration of interests as a potential grounding for collective counterparty status, it turns out that formal membership and control much less than if the collective interest is causally and counterfactually responsive to the interest of an individual. Moreover, holding that collectives can be counterparties if interests are integrated does not require glossing over the distinction between *acting on our behalf* in pursuit of pre-determined ends and *acting for us*. When collective interests are integrated with participant interests, members have the potential to be acting for us rather than merely acting on our behalf. Finally, a focus on integrated interests allows for the possibility that individual interests can become alienated from collective ones. The normative significance of collective interests turns out to be dependent upon, but not reducible to, the normative significance of the individual interests of collective participants.

6. Conclusion

The relevant feature in determining whether groups can be candidate counterparties cannot be how many individuals care about a collective interest. By itself, the mere fact that many people have a wish, desire, hope, or preference that a given group achieves its interests cannot transform that group into a candidate counterparty, no matter how strong those individual interests may be. Moreover collective interests need not be mere aggregations, nor need they be merely irreducibly joint interests of the collectives themselves. The *integration* of interests has the potential to make collective interests more than merely an indirect matter of concern. Collective interests do not always matter merely because they are important to

individuals, the way objects can. One can, in such cases, owe a duty to *it*, and not merely to *them*. Significantly, the possibility that a group can be a counterparty if it is pursuing an irreducibly collective interest that is integrated with the interests of at least some of its members takes seriously the gap between collective actors and moral patients. It can track the intuitive difference between collective action undertaken to pursue individual ends and collective action undertaken to pursue genuinely collective ends. Most importantly, it can justify the internal perspective. Members are not always making a mistake when they consider the collective interest itself to be a good worth pursuing.

NOTES:

¹ This paper has benefited from the insight of numerous individuals who have helped make the writing of it a more collective endeavor than I could reasonably expect it to be. Special thanks to Margaret Little, Henry Richardson, Bryce Huebner, Mark Lance, Kyle Fruh, Luke Maring, Travis Rieder, Jake Earl, Colin Hickey, Kelly Heuer, Margaret Gilbert, and Phillip Pettit.

² See, for example, Margaret Gilbert, *Joint Commitment: How We Make the Social World* (Oxford: Oxford University Press, 2013); Michael Bratman, *Shared Agency: A Planning Theory of Acting Together* (New York, Oxford University Press, 2014); Christian List, & Philip Pettit, *Group Agency: The possibility, design, and status of corporate agents* (Oxford: Oxford University Press, 2011); Keith Graham, *Practical Reasoning in a Social World: How We Act Together* (Cambridge: Cambridge University Press, 2002).

³ See, for example, Will Kymlicka, "Individual and Community Rights," in Ed. by J. Baker, ed., *Group Rights*, (Toronto: University of Toronto Press, 1994); Thomas Simon, "Group Rights, Wrongs, and Culture," in C. Sistare, L. May, & L. Francis, ed., *Groups and Group Rights* (Lawrence: University of Kansas Press, 2001); Jacob Levy, "Classifying Cultural Rights," in I. Shapiro and W. Kymlicka, eds., *Ethnicity and Group Rights, Nomos XXXIX* (New York: New York University Press, 1997.)

⁴ See, for a rare exception, Peter French, *Collective and Corporate Responsibility*, (New York: Columbia University Press, 1984.)

⁵ See, for example, Leif Wenar, "The Nature of Rights," *Philosophy and Public Affairs*, Vol. 33, No. 3 (2005); Gopal Sreenivasan, "Duties and their direction," *Ethics*, Vol. 120, No. 3 (2010); Stephan Darwall, "Bi-polar obligation," in R. Shafer-Landau, ed., *Oxford Studies in Metaethics*, (Oxford: Oxford University Press, 2012).

⁶ See, for example, Tom Beauchamp, "Rights theory and Animal Rights," in T. Beauchamp and R.G. Frey, eds., *The Oxford Handbook of Animal Ethics* (Oxford: Oxford University Press, 2011).

⁷ See, for example, Kristin Shrader-Frechette, "Human rights and duties to alleviate environmental injustice: The domestic case," *Journal of Human Rights*, Vol 6 (2007).

⁸ See, for example, Neal Tognazzini, "The hybrid nature of promissory obligations," *Philosophy and Public Affairs*, Vol. 35, No. 3 (2007); Niko Kolodny & R. J. Wallace, "Promises and Practices Revisited," *Philosophy and Public Affairs*, Vol. 31, No. 2 (2003).

⁹ See, for example, Arthur Isak Applebaum, "Legitimacy without the Duty to Obey," *Philosophy and Public Affairs*, Vol. 38 (2010); Christopher Wellman, "Toward a Liberal Theory of Political Obligation," *Ethics*, Vol. 111, No. 4 (2001); Scott Shapiro "Authority,"

in J. Coleman & Scott Shapiro, eds., *The Oxford Handbook of Jurisprudence and Philosophy of Law* (Oxford: Oxford University Press, 2002).

¹⁰ See, for example, Michael Bratman “Dynamics of Sociality”, *Midwest Studies in Philosophy*, Vol. 30, No. 1 (2006); Marilyn Friedman & Larry May, “Harming Women as a Group,” *Social Theory and Practice*, Vol. 11 (1985); David Sosa, “What is It Like to Be a Group?” *Social Philosophy and Policy*, Vol. 26, No. 1 (2009).

¹¹ H.L.A. Hart, *Essays on Bentham*, (Oxford: Clarendon Press, 1982), pp. 183-184.

¹² See, for example, Carl Wellman, *A theory of Rights* (Totowa, NJ: Rowman & Allanheld Press, 2001); Hillel Steiner, *An Essay on Rights* (Oxford: Blackwell, 1994).

¹³ See, for example, Seumas Miller, *Social Action: A Teleological Account* (New York: Cambridge University Press, 2001).

¹⁴ French, *op. cit.*, p. 32.

¹⁵ For more on this criticism, see Marcus Hedahl “The Significance of a Duty’s Direction: Claiming priority rather than prioritizing claims” *Journal of Ethics and Social Philosophy*, Vol. 7, No. 3, September, 2013, pp. 22-23.

¹⁶ C.f. Philip Pettit, *Made with Words: Hobbes on language, mind, and politics* (Princeton: Princeton University Press, 2008.)

¹⁷ Thomas Hobbes, *Leviathan*, Reprinted in E. Culy, ed., *Leviathan: with selected variants from the Latin edition of 1668*, 1994, Indianapolis: Hackett Press (1994), 18.4).

¹⁸ I am grateful for discussions with Phillip Pettit on this point.

¹⁹ C.f. Dwight Newman, “Collective Interests and Collective Rights,” *American Journal of Jurisprudence*, Vol. 49 (2004).

²⁰ *Ibid.*, p. 134.

²¹ Or, perhaps more precisely, there is no collective financial interest, merely an *aggregative* financial interest. There may be certain joint interests created by the minimal bureaucratic nature of the organization. For more on this issue see, Marcus Hedahl, “The Collective Fallacy: The possibility of irreducibly collective action without corresponding collective moral responsibility,” *Philosophy of the Social Sciences*, Vol. 43, No. 3, September, 2013.

²² See, for example, Raimo Tuomela, *The Philosophy of Sociality: The Shared Point of View* (Oxford: Oxford University Press, 2007) He notes in passing that, “to act ‘in the name of the group’ could be analogous to the case in which “an attorney represents... an agent” (2007:31)].]

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- ²³ Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989)
- ²⁴ *Ibid.*, p. 242.
- ²⁵ See, for a similar argument, Christopher McMahon, *Authority and Democracy* (Princeton: Princeton University Press, 1994).
- ²⁶ See, for example, Margaret Gilbert, *A Theory of Political Obligations* (Oxford: Clarendon Press, 2006), p. 140; Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), p. 51.
- ²⁷ For more on this point see Hedahl, *op. cit.*, pp. 23-24.
- ²⁸ See Allen Buchanan & Dan Brock, *Deciding for others: The ethics of Surrogate Decision Making* (Cambridge: Cambridge University Press, 1990), p. 88.
- ²⁹ I am grateful to an anonymous reviewer for helping me develop this point.
- ³⁰ See, for example, Dana Howard, “Transforming Others: On the Limits of ‘You’ll Be Glad I Did It’ Reasoning,” *Res Philosophica*, Vol. 92, No. 2 (2015).
- ³¹ Buchanan & Brock, *op. cit.*, p. 89.
- ³² See, for example, Joseph Henrich, Robert Boyd, Samuel Bowles, Colin Camerer, Ernst Fehr, Herbert Gintis and Richard McElreath, “In Search of Homo Economicus: Behavioral Experiments in 15 Small-Scale Societies,” *The American Economic Review*, Vol. 91, No. 2.
- ³³ Gilbert (2006), *op. cit.*, p. 141.
- ³⁴ *Ibid.*, pp. 141.
- ³⁵ *Ibid.*, pp. 142.
- ³⁶ I am grateful to Henry Richardson for helping me develop this point.
- ³⁷ *C.f.*, Denise Réaume, “The Group right to Linguistic Security: Whose right, what Duties,” in. by Judith Baker, ed., *Group Rights* (Toronto: University of Toronto Press: 1994), p. 122.
- ³⁸ See Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), p. 51.
- ³⁹ McMahon, *op. cit.*, p. 65.
- ⁴⁰ For more on this point, see Hedahl, *op. cit.*, pp.15-20.
- ⁴¹ John R. Searle, 1983. *Intentionality: An Essay in the Philosophy of Mind* (Cambridge: Cambridge University Press), pp. 3-4.

⁴² *Ibid.*, p. 452.

⁴³ I am indebted to Margaret Little for insight on this issue.

⁴⁴ See, for example, “I ... look after his happiness and he similarly looks after mine” in Immanuel Kant, 1780. *Lectures on Ethics*, in P. Heath and J.B. Schneewind, eds., P. Heath, trans., *Immanuel Kant: Lectures on Ethics* (Cambridge: Cambridge University Press, 1997), p. 388.

⁴⁵ The concept of integrating interests may bring to mind the relationship between the shared intentions in collective action (e.g., Bratman, *op. cit.*) or the relationship required for extended cognition (e.g., Bryce Huebner, *Macrocognition: A Theory of Distributed Minds and Collective Intentionality* (New York: Oxford University Press, 2014)). Although *integration* is distinct from each of these theoretical constructs, the similarities ought not be surprising given the similar tasks of each of those frameworks.

⁴⁶ These examples are the paradigm examples of Gilbert, Bratman, and Alonso, respectively.

⁴⁷ Margaret Gilbert, *Sociality and Responsibility: New Essays in Plural Subject Theory*, (Lanham, MD: Rowman and Littlefield, 2000), p. 55.

⁴⁸ Raimo Tuomela, *The Philosophy of Sociality: The Shared Point of View* (Oxford: Oxford University Press, 2007) p. 18.

⁴⁹ *Ibid.*, p. 88.

⁵⁰ Both these cases come from Gilbert (2000), *op. cit.*

⁵¹ John Rawls, *A Theory of Justice*, Revised Edition (Cambridge: Harvard University Press), p. 458.

⁵² *Ibid.*, p. 452.

⁵³ Stephen Colbert, “Commencement Address” *Knox College* (June 3, 2006).

⁵⁴ I am grateful to Margaret Little for helping me develop this point.

⁵⁵ John Stuart Mill, *The Autobiography of John Stuart Mill*, in J. Robson, ed., *Autobiography of John Stuart Mill* (New York: Penguin Books, 1989), Chapter VII.