

University of Groningen

How Autonomous Are Collective Agents? Corporate Rights and Normative Individualism

Hindriks, Frank

Published in:
Erkenntnis

DOI:
[10.1007/s10670-014-9629-6](https://doi.org/10.1007/s10670-014-9629-6)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2014

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):
Hindriks, F. (2014). How Autonomous Are Collective Agents? Corporate Rights and Normative Individualism. *Erkenntnis*, 79(Supplement 9), 1565-1585. <https://doi.org/10.1007/s10670-014-9629-6>

Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.

How Autonomous Are Collective Agents? Corporate Rights and Normative Individualism

Frank Hindriks

Received: 11 April 2014 / Accepted: 11 April 2014 / Published online: 19 April 2014
© Springer Science+Business Media Dordrecht 2014

Abstract Corporate responsibility requires a conception of collective agency on which collective agents are able to form moral judgments and act on them. In spite of claims to the contrary, existing accounts of collective agency fall short of this kind of corporate autonomy, as they fail to explain how collective agents might be responsive to moral reasons. I discuss how a recently proposed conception of shared valuing can be used for developing a solution to this problem. Although the resulting conception of corporate autonomy is useful for making sense of corporate responsibility, it also gives rise to what I call ‘the Corporate Autonomy Problem’. Autonomous collective agents are in principle entitled to the same rights as autonomous individual agents. However, at least some individual rights, such as the right to vote, the right to life, and the right not to be enslaved cannot plausibly be attributed to collective agents. This intuition is supported by normative individualism, the position according to which corporate agents are not entitled to non-derivative rights at all. I argue that without a proper solution to this problem—I sketch the available options—saving corporate responsibility requires giving up on normative individualism.

Collective agents are often blamed for what they do, and sometimes praised. US President Barack Obama, for instance, praised the Supreme Court for its decision on the Affordable Care Act.¹ In addition to moral responsibility, people often ascribe rights and obligations to collective agents. A controversial case is *Citizens United v. Federal Election Commission*, a 2010 ruling of the US Supreme Court. According

¹ <http://thecaucus.blogs.nytimes.com/2012/06/28/obama-praises-courts-decision-on-health-care/>. Accessed 10/12/12.

F. Hindriks (✉)
Faculty of Philosophy, University of Groningen, Oude Boteringestraat 52, 9712 GL Groningen,
The Netherlands
e-mail: f.a.hindriks@rug.nl

to this ruling, not only individual human beings but also collective agents such as corporations and labor unions have a right to free speech. This means that, just as individuals, such collective agents are free to endorse or call to vote for or against specific candidates, as well as to invest money in doing so. Obama opposes this ruling fiercely. He has in fact said that he considers mobilizing a constitutional amendment to overturn it.²

Corporations are protected as persons in the jurisprudence of the United States under the fourteenth amendment to the constitution. This suggests that things could be worse: collective agents could also have other basic individual rights, such as the right to vote. Now, I suppose that the very idea of giving them this right will seem preposterous. It is an integral part of liberal democracy that only individuals vote. Few of those who are willing to ascribe moral responsibility to collective agents will want to let go of this idea. Note, however, that corporate responsibility presupposes that collective agents can be moral agents. And as soon as this is granted, it is far from obvious that the conclusion that collective agents should have a wide range of rights can be avoided, even though we are reluctant to attribute most if not all of these rights to them. The problem of how to develop a coherent and plausible conception of collective rights for autonomous collective agents is what I call ‘the Corporate Autonomy Problem (CAP)’.

How exactly does the CAP arise? The first thing to see is that it only makes sense to praise or blame an agent if she has certain duties that she has fulfilled or flouted. Holding someone responsible for what she has done presupposes standards by which her actions can be evaluated, and the obligations that she has provide for such standards. This means that it is incoherent to praise or blame an agent to which one ascribes no obligations.³ As obligations and rights go together, responsibility also presupposes rights. Now, when someone is held responsible for an event, she is expected to answer for what she has done. Hence, a practice of holding each other responsible makes sense only against a background of a package of normative statuses that involve both rights and obligations.⁴

The next thing to note is that responsibility attributions, rights, and obligations accrue to agents in virtue of the kind of agency they exhibit. People have, for instance, very different expectations of children or psychopaths as compared to well-functioning adults (Kennett 2002; Nichols 2004). This observation paves the way for what I call ‘the agency defense’ of normative statuses: If you want to know which (non-derivative) normative statuses a certain entity has, the thing to do is to identify the kind of agency it exhibits, and to determine which normative statuses come with that kind of agency.

The agency defense serves to bring into focus the problem that lies at the heart of this paper. French (1979, 1984) has famously argued that collective agents can be moral agents, as Copp (2006, 2007) and Pettit (2007) have done more recently.

² <http://www.guardian.co.uk/world/2012/aug/29/barack-obama-citizens-united-ruling>. Accessed 12/15/12.

³ In other words, retrospective responsibility presupposes prospective responsibility (Cane 2002).

⁴ One can have instrumental reasons for praising or blaming someone, perhaps hoping to ‘responsibilize’ him (Pettit 2007). The cases with which I am concerned in this paper are not of this kind.

Pettit's account of collective moral agency is particularly rich in that he develops an account of how collective agents can be rational and sensitive to values. The fact that such a rich account of collective moral agency is now available is *good news* for those who believe in irreducible ascriptions of praise or blame to collective agents. However, as the agency defense extends to other normative statuses as well, it might be *bad news* for those who believe that the range of rights and obligations that collective agents have is more limited than the range of normative statuses that individuals enjoy. Very roughly, the question of this paper is whether bad news is unavoidable for anyone who accepts the good news. More precisely, I ask whether ascribing moral responsibility to collective agents is consistent with taking the rights and obligations they have to be limited. The underlying worry is that, especially given recent defenses of corporate moral agency, the agency defense proves too much and requires us to ascribe not only moral responsibility to collective agents, but also problematic normative statuses such as the right to vote.

In Sect. 1 I discuss the notion of collective agency, and in Sect. 2 I ask whether a conception of corporate autonomy can be developed that supports the ascription of corporate moral responsibility. In Sect. 3 I consider normative individualism, the principle according to which the design of our socio-political institutions should ultimately be sensitive only to the concerns of human beings. I argue that it cannot be used to block the entailment from corporate autonomy to problematic normative statuses. In fact, it may well be that saving corporate responsibility by accepting the idea that collective agents can be autonomous agents requires giving up on normative individualism.

I end the paper by presenting the outlines of two solutions to the CAP. On the first of these, some rights require, perhaps in addition to autonomy, another feature that is unique to human beings. This property—perhaps human sentience—sets them apart from collective agents. Although autonomous collective agents have some rights, they lack many others because they do not possess the other normatively significant property. The second solution is that the problematic corporate rights require a degree of autonomy that collective agents cannot or do not acquire. The upshot is that how the CAP is to be resolved depends to a large extent on the normatively significant properties collective agents can possess, and on the degree to which they can be autonomous.

1 Collective Agency

1.1 Collective Decision Mechanisms

French's (1984) account of collective agency revolves around the notion of a corporate internal decision (CID) structure. A CID structure defines the players, their rank, as well as how their responsibilities interrelate (French 1979, p. 213). It encompasses policies, procedural rules, and a formal or informal flowchart (*ibid.*, pp. 39–53). A flowchart defines the tasks and roles of the members of a collective agent (cf. Tuomela's 1995 notion of an authority system). Tasks and roles, in turn,

are collections of rights, obligations, or other normative powers that are imposed on particular members of a collective agent.

At the heart of French's (1984) proposal lies the idea that the notion of a collective agent can be explicated in part in terms of that of a collective decision mechanism (CDM). This idea is common to a lot of accounts of collective agency including those of Tuomela (1995), Pettit (2003a), and myself (Hindriks 2008). Voting procedures are examples of CDMs. However, using a voting procedure as such is not sufficient for a number of individuals to form a collective agent. People might not be serious about casting a vote, or they might not care about what happens after the votes have been cast. They might be intent on thwarting the actions that others undertake on the basis of the outcome of the votes. In light of this, an additional requirement of collective agency is that the relevant individuals have collectively accepted the procedure as their procedure (Tuomela 1995; Hindriks 2008).

Collectively accepting a CDM involves being jointly committed to decisions that are based on it (Gilbert 1989; Tuomela 2005). I will assume that any collection of individuals who have collectively accepted a CDM constitutes a collective agent. This notion of a collective agent is broad enough so as to encompass clubs and teams as well as governments and multinationals. A lot of collective agents have a non-trivial internal structure in the sense that they involve a division of tasks and roles.⁵

Now, why should we believe in the existence of collective agents? Some regard the very existence of corporate responsibility as an argument in favor of the existence of collective agents (see the irreducibility argument in Sect. 2.1). Another reason is that over the years rather plausible conceptions of collective agency have been proposed that make it difficult to see why one would not believe in them. Many of those who reject the notion of collective agency maintain that it is simply mysterious to postulate agents over and above individual human beings. On its most charitable interpretation, this 'argument from mystery' is a request for clarification, a call for a reasonably plausible explication of what collective agency might be.⁶ People who voice it may be skeptical and believe that such an explication is not to be had.

Perhaps philosophers had good reasons to be skeptical before French's account of CID structures. However, since his work, and especially since the burgeoning literature on joint action and CDMs, some of which is discussed below, the argument from mystery has become somewhat obsolete (see the agency defense in Sect. 2.2). This is not to say that the existence of collective agents has been proven.

⁵ Collective agents can acquire institutional statuses, such as that of a limited liability company or that of a university. Such statuses consist of normative powers, such as limited liability or the power to confer university degrees, which give many of its actions wider significance (Hindriks 2008, 2012, 2013; Searle 1995, 2010).

⁶ The argument from mystery is perhaps more frequently voiced in conversation than in writing. Miller (2001, p. 33, 213) rejects the notion of a collective agent arguing that supra-individual entities are mysterious (see also Miller and Makela 2005, pp. 639–40). Proponents of collective agents sometimes defend their proposals arguing that they are not mysterious (French 1979, p. 215, 1984, p. 47; List and Pettit 2011, vii, p. 4, 9–10, 75).

It does mean, however, that, in the face of the reasonably plausible conceptions of collective agency that have been developed in the past decades, more of a counter-argument is needed than an incredulous stare.

1.2 Corporate Rationality

French maintains that his account of collective agency concerns intentional agency. Without explicating this in any detail, he takes intentional agents to be rational agents, which he takes to be agents that can make rational decisions and consider rational arguments (French 1984, pp. 12–13). In contrast to French, Pettit spells out in considerable detail in what sense collective agents can be rational and what it means for them to be able to think and act rationally. The point of departure of his account of collective rationality is the observation that voting procedures can issue in inconsistent decisions (Pettit 2003a, b; List and Pettit 2011). Inconsistent decisions provide a poor basis for reaching goals, and undermine the credibility of the relevant collective body. Pettit maintains that collective agents aspire to take collectively rational decisions, and that they do so by adopting rational decision procedures.⁷

The distinctiveness of collective rationality can be appreciated by reflecting on inconsistencies that can arise when people vote on a number of interconnected issues. Consider a multi-member court consisting of three judges who have to determine whether a particular person is liable for breaking a contract. Assume that the law stipulates that the defendant is liable exactly if a contract was in place and it was broken. And suppose that each of the three judges has consistent opinions on these matters: each of them regards the defendant as liable exactly if she judges that the two conditions that feature in the law are satisfied. As it turns out, in such a situation an inconsistency can arise at the collective level if majority voting is used. It might be, for instance, that a majority does not regard the defendant as liable, even though different majorities support both the existence of a contract and the claim that the defendant broke it. In such a situation, the collective judgments are inconsistent.

This is what I have called elsewhere ‘a disagreement case’, as none of the individuals agrees with the collective decision that is implied by the majority votes on the premises (Hindriks 2009). Such disagreement cases illustrate the discursive dilemma, which consists in the fact that no attractive voting procedure exists that rules out the possibility that a collective agent relying on it ends up forming inconsistent judgments. In order to systematically avoid such inconsistencies one has to refrain from voting on all issues that bear on the plans that are seriously considered. In the example just described, the judges could, for instance, vote only on the two conditions that feature in the law and have their verdict consist of whatever the majority votes on those two issues imply concerning liability. This is what Pettit has called ‘the premise-based procedure’. Adopting this procedure is a

⁷ As a consequence, collective agents can be intentional agents in a stronger sense than cats and dogs. Whereas the latter can exhibit rational unity in fact, the former can actively strive for rationality (Pettit 2003b).

way of ‘collectivizing reason’ (List and Pettit 2011, p. 58). It serves to avoid inconsistencies at the collective level, and is thereby conducive to collective or corporate rationality.⁸

Pettit argues not only that collective agents are rational, but also that they are autonomous agents. Collective agents are autonomous agents in a weak sense of the term ‘autonomy’ on which it means little more than ‘independent’. This use of the term ‘autonomous agent’ is particularly popular in artificial intelligence. The core idea is that autonomous agents process information about a complex environment and perform actions in order to realize their goals (Franklin and Graesser 1996). List and Pettit (2011, p. 8, pp. 75–78), however, introduce a richer notion of autonomy when they argue that collective agents have minds of their own (see also Pettit 2003a). By this they mean that the attitudes of a collective agent can be discontinuous with the attitudes of its members. More specifically, the claim is that a rational collective agent is an autonomous agent due to the fact that it has attitudes that do not supervene on the attitudes of its members (List and Pettit 2006, 2011, pp. 64–72). On this usage, autonomy means more than independently trying to realize your own goals. It also means that the goals of the collective agent can be independent of those of its members in the precise sense that they can be discontinuous from them. A key question in the next section is whether this sense of autonomy is rich enough to accommodate corporate responsibility.

2 Corporate Responsibility and Corporate Autonomy

2.1 Rationality and Personhood

Does it make sense to blame the US Supreme Court for the *Citizens United* ruling? This depends in the first instance on whether the US Supreme Court is a moral agent. In this section I ask whether collective agents can be moral agents, and whether it makes sense to ascribe corporate responsibility to at least some of them.

French (1984) and Pettit (2007) argue that corporate responsibility requires nothing more than collective intentional agency, which they take to entail rationality. In other words, they claim that any collective that meets the conditions of collective agency discussed in the previous section is a moral person. On French’s view, a collective agent is an intentional agent in virtue of its collective internal decision (CID) structure. He emphasizes that CID structures enable collective bodies to adjust their behavior when needed. This means that they are capable of altering their behavior when they learn that their past unintentional actions led to ‘untoward and valued events’ (French 1984, p. 165).

Pettit (2007) maintains that collectives are agents only if they are rational, and claims that rational collective agents bear moral responsibility. He formulates three

⁸ Collectivizing reason makes sense only if the relevant individuals are committed to executing the decisions the collective agents makes. This supports the claim defended in Sect. 1.1 that the members of a collective agent have to collectively accept its CDM. In this respect my approach differs from that of Pettit.

conditions for corporate autonomy. He proposes that in order to be fit to be held responsible an autonomous agent should face ‘a value-relevant choice’, have ‘the understanding and access to evidence required for being able to make judgments about the relative value of such options’, and have ‘the control necessary for being able to choose between options’ on the basis of these judgments (ibid., p. 175; see also List and Pettit 2011, p. 155, 158). Pettit believes that genuine collective agents satisfy these conditions.

French and Pettit also argue that collective agents can be morally responsible without any of their members being morally responsible.⁹ Elsewhere I have called this ‘the Irreducible Corporate Responsibility thesis’ (Hindriks 2009). French has investigated the 1974 plane crash in Paris and argues that it supports the thesis. He argues that individual members of a collective agent have only limited control, and traces the fault to the CID structure of McDonnell-Douglas, the manufacture of the CD-10 that crashed. French concludes that, except if McDonnell-Douglas as such is held responsible, ‘the real villain of the piece will escape moral detection’ (ibid., p. 144). The last step in this line of reasoning reveals that the ascription of corporate responsibility is seen as a consideration in favor of attributing collective moral agency.

Whereas French focuses on control and structure, Pettit (2007) zooms in on intentional attitudes, more specifically on disagreement cases, or cases in which the majority vote on a conclusion differs from what is implied by the majority votes on the premises. Pettit argues that, when a collective agent that faces a disagreement case makes a decision based on the majority vote concerning the conclusion, only the collective agent as such is to be blamed. The reason for this is that none of the members was individually in favor of that decision. Pettit concludes: ‘The responsibility of enactors may leave a deficit in the accounting books, and the only possible way to guard against this may be to allow for the corporate responsibility of the group in the name of which they act’ (Ibid., p. 194).¹⁰

The arguments for the ICR thesis that French and Pettit provide are instances of what I call ‘the irreducibility argument’. They are meant to bring to the fore that our commitment to ascribing responsibility to collective agents is stronger than the doubts we might have about collective agency. The ICR thesis reveals that a robust notion of collective agency is needed in order to make sense of corporate responsibility because it cannot be captured adequately only in terms of distributive responsibility assignments. Copp summarizes the point in an apt way when he concludes that ‘our normative views commit us to seeing collectives as agents’ (2006, p. 220).

⁹ See also Copp (2006, 2007). Copp argues that a mismatch in corporate and individual responsibility can be due to a mismatch in available excuses: individual members can have excuses that are not available to the collective agent (see also Gilbert 2002, pp. 128–30, 2006, p. 110).

¹⁰ I am not convinced by Pettit’s argument in favor of the ICR thesis. In the judgment aggregation framework that he employs, the collective agent will take the right decision as long as none of the individuals involved in the decision-making process makes a mistake. This means that nothing in Pettit’s argument counts against tracing a faulty decision of a collective agent to misguided votes by one or more individuals on one or more of the premises of the decision problem (Hindriks 2009).

2.2 Evaluative Understanding

To the extent that the irreducibility argument is successful, it in fact establishes a somewhat stronger conclusion. Our normative views commit us to seeing the relevant collective bodies as collective *moral* agents, as bodies that possess the kind of agency that warrants the ascription of moral responsibility. French takes this to imply that collective agents can be ‘full-fledged members of the moral community, of equal standing with ... human beings’ (1984, p. 32). This in turn means, on his view, that they can have ‘whatever privileges, rights and duties as are, in the normal course of affairs, accorded to moral persons’ (ibid., p. 32, French 1979, p. 207).¹¹

As indicated above, there are some privileges, such as the right to vote, of which it is rather implausible to think that collective agents are entitled to them. Before investigating this problem more deeply in Sect. 3, I want to be sure that it pose a genuine threat to our understanding of collective agents. It does so only if collective agents really can possess moral agency. French believes that this requires nothing more than intentional agency. Pettit adds that the relevant intentional agents should actively strive for rationality. Each holds that agents that are intentional and rational agents in the sense each is concerned with are moral persons. But perhaps they are wrong about this and moral agency requires more. If so, the question arises whether collective agents can acquire this richer or more complex kind of agency.

There is indeed ample reason to be skeptical of the idea that intentional agency suffices for moral agency, let alone moral personhood. Young children as well as psychopaths are intentional agents. However, they fall short of (full-blown) moral agents, because they are not (sufficiently) able to recognize the significance that the concerns of other agents should have for their behavior (Kennett 2002; Nichols 2004). They may be rational in some sense, but they lack the ability to recognize good and bad, as well as right and wrong. I refer to this ability as ‘evaluative understanding’, which in slightly different terms is the ability to form moral judgments, or to appreciate and respond to moral aspects of a situation.¹² Autonomy in the morally relevant sense at issue here encompasses evaluative understanding.¹³ This consideration is of more than theoretical significance, as an important complaint about many collective agents is that they are insensitive to the well being of other agents (Bakan 2004). The upshot is that, *pace* French and Pettit, intentional agency falls short of moral agency.¹⁴

¹¹ In his more recent work, French (1995) refrains from calling collective agents moral persons.

¹² Wallace (1994) uses the term ‘normative competence’ as a label for the epistemic ability to grasp and apply moral reasons on the one hand, and the practical ability of a moral agent to control or govern her behavior in the light of those reasons on the other (cf. Scanlon 1988 on rational self-governance, and Fischer and Ravizza 1999 on reason-responsiveness). The epistemic ability is what I have called evaluative understanding. The practical ability might be called ‘normative control’. In this paper, I focus on evaluative understanding and abstract from any problems related to normative control.

¹³ Gilbert (2002) and Tuomela (2007) defend the claim that collective agents can be autonomous in another sense (although only Tuomela uses the term; ibid., p. 234): they can be free from internal and external coercion.

¹⁴ Preda (2012) makes this point with respect to French’s (1984) view.

In defense of French, someone might object and suggest that he requires more than mere intentional agency when he insists that collective agents be able to change their behavior in the light of past ‘untoward and valued events’ (1984, p. 165). This claim, however, should be more than a mere stipulation. What we need to know is in virtue of what collective agents might be capable of doing so. French can say that it does so in virtue of its CID structure. In response, I ask what feature of the CID structure enables it to register and process moral considerations. French provides no answer to this question.

List and Pettit maintain that collective agents are persons when they possess ‘a rich capacity for self-regulation’, which requires them to ‘intentionally generate checks on themselves that are designed to guard against certain failures of rational or normative processing’ (ibid., p. 178). This is reminiscent of French’s requirement that collective agents be able to adapt their behavior in the light of past events. Their reference to self-regulation could be taken to suggest that they have a richer conception of agency in mind than French. It may well be that collective agents might be rational in this sense. The problem that remains, however, is that a rational collective agent as conceptualized by List and Pettit might be rational in the same sense as psychopaths might be: calculative, effective, and amoral.¹⁵ There is nothing in their account that secures evaluative understanding on the part of collective agents.

List and Pettit (ibid., p. 159) point out that the individual members can have evaluative understanding and suggest that the collective agent can be autonomous in virtue of their evaluative understanding. There is, of course, no guarantee that the members of a collective agent possess such understanding. However, corporate autonomy might be restricted to those that do. The problem with this line of argument is that it begs the question. The discursive dilemma reveals that collective attitudes can be inconsistent even if the individual attitudes on which they are based are consistent. Thus, it might be that a collective agent is unable to form judgments that satisfy certain desiderata even though the individual members are able to do so. It may well be that this also holds for the desiderata involved in evaluative understanding. The fact that individual members can propose evaluative propositions ‘for inclusion in the group’s agenda’ (ibid.) does not entail that the collective agent is in a position to process them adequately, and make appropriate decisions on the basis of them. The upshot is that none of the conceptions of collective agency discussed so far can function as an account of corporate autonomy when autonomy is taken to encompass evaluative understanding.

2.3 The Substitution Strategy

It would be too easy at this point to conclude that collective agents cannot be moral agents after all. Instead, I suggest switching to a different strategy. Rather than looking at available conceptions of collective agency, we could take a closer look at

¹⁵ See Blair (1995) and Hare (1999). The serial killer image of psychopaths that prevails in popular culture supports this image of the successful psychopath. It appears, however, that not all psychopaths fit this image, and that some of them are in fact rather bad at reaching their goals (Hart and Dempster 1997).

the kind of agency that individual moral agents possess. For my purposes here, a sketch of the terrain will do. Both the rationalist and the sentimentalist tradition within ethics have developed ideas about moral agency, and widely diverging ideas at that. Rationalists assign a fundamental role in their theorizing to rationality in general and deliberation in particular, while sentimentalists take moral emotions to play a fundamental role. Rationalists might insist on a capacity to recognize moral value, or they might hold, as some Kantians do, that moral imperatives follow from standards of rationality such as consistency. Sentimentalists, in contrast, hold that our affective responses provide the basis for appropriate moral judgments. Hume gives pride of place to our responses of approbation and disapprobation. Presumably these include moral emotions such as gratitude and indignation. Note that sentimentalists need not embrace subjectivism. One way in which a more or less impartial point of view can be part of a sentimentalist theory is by letting empathy play a central role in the formation of moral judgments, as in ideal spectator theories.

Consciousness plays a central role both in the rationalist and in the sentimentalist tradition. Arguably, both deliberation and moral emotions involve consciousness, at least in the sense that only conscious agents can engage in rational deliberation and only conscious agents experience moral emotions. And it does not appear to be possible to provide a remotely plausible theory of corporate consciousness. This suggests that it is rather difficult to progress beyond some notion of collectively rational collective agency. It may well be that, if moral agency requires consciousness, there is no such thing as collective moral agency.¹⁶

The way out of this conundrum is to employ what I call ‘the substitution strategy’. This is in effect the strategy that List and Pettit employ in order to provide an account of collective rationality. They claim that the rationality of a collective agent is due to the CDM it employs. Where consciousness plays a central role in accounting for individual rationality, certain kinds of CDMs can be used to make sense of collective rationality. The relevant CDMs serve as a substitute for consciousness. A similar line of reasoning can be developed for consciousness and the way in which it contributes to moral agency.

The substitute strategy relies on the idea that it might be possible to find a substitute for a capacity that realizes a certain property in individual agents. The proposal I want to make is that CDMs can play a central role in capturing corporate moral agency, just as they do with respect to corporate rationality. Bratman (2004) has proposed an account of what he calls ‘shared valuing’ on which individuals engage in shared valuing by adopting shared policies to give weight to particular considerations in relevant shared deliberations. In order to be appropriately shared,

¹⁶ Copp (2006, pp. 197–200) argues that, even though collective agents do not have phenomenal consciousness, they do have access consciousness. An agent has access consciousness if its intentional states are immediately available to it. Even if some collective agents have access consciousness, not all do, and certainly not all of the time. Taking minutes is important in part because it provides people with the means to check what was decided even when the participants do not remember this. Pettit claims that not even rational collective agents have ‘spontaneous inferential or other dispositions [and that they operate] only under painstaking procedures’ (2003b, p. 79). In light of these considerations, I am not convinced that access consciousness can provide a suitable basis for corporate moral agency.

Bratman argues, the policies have to be mutually interdependent and involve meshing subplans. Bratman's account of shared valuing can be used to make sense of how collective agents acquire evaluative understanding, which is a central requirement for autonomous agency. In Sect. 1 I argued that in order for a CDM to be the CDM of a particular collective agent, it has to be collectively accepted by its members. In line with this, I propose that a policy of valuing can be attributed to a collective agent exactly if its members collectively accept it.

Bratman's account of shared valuing can be used to make sense of evaluative understanding without invoking either moral emotions or consciousness. As such, it may appeal to rationalists and sentimentalists alike. Note that the structure of this application of the substitution strategy is identical to the one List and Pettit have developed concerning collective rationality. Rather than invoking consciousness, List and Pettit appeal to particular kinds of CDMs in order to conceptualize corporate rationality. Shared valuing is also a matter of employing a particular kind of CDM. Hence, the current suggestion amounts to the proposal that morally appropriate decisions do not require corporate consciousness, but can be formed by a collective agent that employs a CDM suitable for shared valuing.¹⁷

This sketch of an account of evaluative understanding provides reason to believe that it may well be possible to develop an adequate theory of corporate autonomy.¹⁸ Even though the suggestion just made needs to be developed in more detail, it does provide for a suitable structure of such a theory (cf. Applbaum 2007, pp. 75–77). A plausible conception of corporate autonomy is important, because it serves to complement the irreducibility argument. In the introduction I referred to a second line of argument in favor of corporate responsibility as 'the agency defense', which turns on the kind of agency that collective agents might have. The underlying idea is that collective agents have whatever normative powers are entailed by the kind of agency they have. To the extent that it is successful and a plausible account of collective moral agency can indeed be given, it is a powerful argument for corporate responsibility that reinforces the irreducibility argument, as it can be used to explain why attributing responsibility to a collective agent might make sense. The upshot is that there are good reasons to believe that some collective agents might be autonomous. This in turn provides support for the claim that it makes sense to attribute corporate responsibility to some collective agents.

3 Corporate Autonomy and Normative Individualism

3.1 The Corporate Autonomy Problem

To the extent that the proposed conception of corporate autonomy is indeed plausible, it provides support for the notion of corporate responsibility. In light of this, we have reason to believe that it makes sense to hold collective agents morally

¹⁷ Another possible substitute consists of corporate or shared emotions that do not require corporate consciousness (see Gilbert 2002, 2006; Schmid 2008, and Salmela 2012).

¹⁸ As mentioned in note 12, I abstract from any problems related to normative control.

responsible. It also suggests, however, that collective agents are entitled to a wide range of rights and obligations. French (1984, p. 32) as well as List and Pettit (2011, p. 178) refer to collective agents as ‘persons’, which leaves little room for the thought that there might be differences between the responsibilities, rights, and obligations that individual and collective agents have. At the same time, however, there are a number of normative powers that few people, if anyone, will want to grant to collective agents.

Worries similar to the ones I expressed in relation to the right to vote arise in relation to human rights such as the right to life or the right not to be held in slavery. I will refer to these three rights as ‘the problematic trio’, as they are particularly apt for illustrating problems concerning corporate rights. Do these rights extend to collective agents? If so, bankruptcies and takeovers might be in conflict with the rights that corporate agents are entitled to. The underlying idea would be that a bankruptcy terminates the existence of a moral person (“corporate death”), and that a takeover results in the target becoming the slave of the acquirer (“corporate slavery”). This is rather counterintuitive, to say the least. This reflects how strange it would be to accept that collective agents should be regarded as full-fledged citizens with all the concomitant rights and obligations. Proponents of corporate citizenship theory favor the analogy between collective agents and citizens. However, in spite of their expansive view of the role of corporations in society, not even the staunchest proponents of this theory advocate the idea that collective agents should have all the rights and obligations citizens have (Moon et al. 2005; Brown 2006).

What exactly is at stake here can be made more precise in what I call ‘the Agency-Status Inference’, which serves to further explicate the agency defense of normative powers discussed above. We attribute a wide range of rights, and obligations to individual human beings in virtue of the kind of agency that they exhibit. A particular bundle of such normative powers form a status. In contrast to the social and legal statuses discussed in Sect. 1, the status at issue here is a moral status. The move made in the Agency-Status Inference is from identifying a particular kind of agency to ascribing a particular status to an individual agent (with the help of some normative premise).

Now, there seems to be no reason whatsoever to restrict the Agency-Status Inference to individual agents. If the kind of agency is doing the work, then the level at which the agency is located is irrelevant. If so, it is also possible in the case of collective agents to move from identifying their agency to attributing a certain status to them. The thing to note next is that autonomous agency does not only come with potential praise- and blameworthiness, but also with a wide range of rights and obligations. Thus, the Agency-Status Inference implies that autonomous collective agents enjoy the same rights and obligations as autonomous individuals. This includes all applicable human rights.¹⁹

What I call ‘the Corporate Autonomy Problem’ consists in the implausibility of this conclusion of the Agency-Status Inference as applied to collective agents

¹⁹ By ‘applicable’ I mean to rule out normative powers such as the right not to be tortured, which do not apply to collective agents because they have no physical body. Raz maintains that agents ‘can have a reason to do only what is ‘in principle’ possible for them to do’ (2011, p. 110). Presumably, this holds not only for reasons, but also for normative powers.

combined with the possible or actual existence of autonomous collective agents. Our resistance to attributing extensive rights to collective agents reveals that we regard the conclusion as implausible. It is, however, far from obvious that we can avoid it, as there might be autonomous collective agents. Rovane (1998, pp. 245–49) discusses this problem in a postscript to her book *Bounds of Agency*.²⁰ She suggests that there might be a way around the problem for those who do not accept the idea that all persons ought to be treated equally. This is a somewhat surprising move to make, as the notion of a person plays a crucial role in arguments in favor of equality. Even if it is a legitimate move to make, those of us who do accept equal treatment of persons still have good reason to be worried. The worry, which the Agency-Status Inference makes apparent, is that corporate responsibility is difficult to square with a plausible conception of corporate rights.

The problematic nature of extensive corporate rights can be brought out in a number of ways. The first is to point to particular examples that are implausible as corporate rights. The most obviously problematic ones are perhaps the problematic trio mentioned above: the right not to be enslaved, the right to life, and the right to vote. A second way to bring out the problem is by considering one of the fundamental principles of liberalism: normative individualism. H.D. Lewis (1948, p. 17) formulated it succinctly when he argued that ‘the individual is the sole bearer of value’. In a similar vein, Green (1997, p. 184) maintained that ‘[o]ur ultimate standard of worth is an ideal of personal [i.e. individual] worth’.

Chandran Kukathas and Pettit attribute the following version of the principle of normative individualism to John Rawls: ‘it is only individual agents who matter in the design of socio-political institutions and it is only the interests of individuals that we ought to take into account in devising such arrangements’ (1990, p. 11).²¹ They go on to say that the principle is more or less immediately compelling, and add: ‘After all, it is hard to imagine anyone arguing for one arrangement over another ... on the grounds, say, that it improves the language or culture, or advances the interests of certain institutional entities, though not in a way that makes things better for those people’ (Ibid., pp. 12–13). An implication of normative individualism is that the concerns of collective agents as such are of little or no political significance. Presumably, proponents of this view will hold that the kind of agency they exhibit does not warrant the ascription of rights. As discussed in the next section, this tenet of liberalism may have to go if collective agents can indeed be autonomous.

²⁰ A similar problem has received some attention in the philosophy of law. Although he does not formulate it in terms of corporate autonomy, Hager (1989) discusses whether the real entity theory of collective agents entails that corporations possess natural rights. Rights, however, are often ignored in discussions of normative corporate statuses, and sometimes explicitly excluded from consideration (Phillips 1992, p. 436). This goes some way to explaining why the CAP has not received more attention thus far.

²¹ Pogge provides another formulation of the principle: ‘the ultimate units of concern are human beings, or persons—rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations, or states’ (1992, p. 48).

3.2 Can Normative Individualism Be Saved?

Joseph Raz provides the following formulation of the principle of normative individualism (to which he refers as ‘the humanistic principle’): ‘the explanation and justification of the goodness or badness of anything derives ultimately from its contribution, actual or possible, to human life and its quality’ (1986, p. 194). Raz is important in this connection because he also propounds a conception of collective rights. On Raz’s conception of them, collective rights are rights to collective or public goods. Collective rights exist in virtue of the interests that a number of members of a particular social group have in a particular public good (ibid., pp. 208–09). An example of a collective right is the right to self-determination that nations possess. Note that some individual rights, such as freedom of association, encompass the right to perform certain joint actions. They are individual rights that an individual can only exercise if other individuals have it and are willing to exercise together with her. In contrast to such individual rights, collective rights are rights of collectives.

Raz’s position concerning collective rights is consistent with normative individualism, because the rights exist in virtue of individual interests. No supra individual concerns feature in his argumentation. As a right of a nation, the right to self-determination is derivative from those individual interests (cf. Preda 2012). A state represents those interests and the right does not license any actions that are not in the interest of its members. In light of this, Raz’s defense of collective rights does not extend to the problematic trio. It does not sustain corporate rights to vote. And it may well be that it allows for “corporate death” and “corporate slavery”, as they could be in the interests of individuals. The upshot is that normative individualism does not entail individualism about rights but is consistent with at least some corporate rights (Appiah 2011, p. 274).²²

Does this mean that the CAP is not a genuine problem? No. Instead, it reveals that only rights that are attributed to collective agents in virtue of their agency conflict with normative individualism. This means that, rather than solving it, normative individualism brings CAP in sharper relief. Presumably, normative individualism is based on the idea that human beings have a unique normative status in virtue of the kind of agency that they exhibit. On this reading, it presupposes that the kind of agency other agents have is different from that of human beings. Whether this is indeed the case has been the topic of Sects. 1 and 2. The conclusion of those sections was that it is plausible that at least some collective agents can be regarded as autonomous agents. If this means that they are moral persons in the same sense as individual agents, the Agency-Status Inference in fact entails the falsity of normative individualism. French accepts this when he concludes, as we saw in Sect. 2.2, that collective agents can have ‘whatever privileges, rights and duties as are, in the normal course of affairs, accorded to moral persons’ (1979, p. 207).

This line of reasoning reveals that it is problematic to invoke normative individualism in an attempt to reject the implication of the Agency-Status Inference.

²² See also Wall’s (2007) collective freedom argument.

Someone who affirms both normative individualism and the autonomy of certain collective agents needs to explain how the two can be consistently combined, as the autonomy claim combined with the Agency-Status Inferences entails the falsity of normative individualism.

List and Pettit (2011, pp. 180–82) argue that it is perfectly consistent to hold collective agents responsible and at the same time not grant them moral rights in virtue of the agency that they possess. On their view, the fact that they ‘can meet the conditions for responsibility ... is fully consistent with thinking that what status group persons should enjoy ought to depend wholly on the returns promised for individuals’ (ibid., p. 182). They conclude that ‘[b]oth the view defended on corporate responsibility, and the view now upheld on corporate rights, make sense within the perspective of normative individualism’ (ibid.).²³ This might make sense if normative individualism is nothing more than a stipulation concerning the limits of corporate rights. By treating the principle in this way, however, the idea that motivates normative individualism is ignored. That idea is that human beings have unique value matched by no other entities including collective agents. The claim that collective agents can be autonomous agents or even moral persons entails that collective agents have the same kind of value. This poses a significant threat to normative individualism.

The problem would go away, of course, if it turned out to be impossible to develop an adequate conception of autonomous collective agency. This, however, comes with a cost, as it requires us to sacrifice the idea that collective agents can be held morally responsible for their actions. A second perhaps even more radical option, which French (1984) defends, is to bite the bullet, accept the conclusion of the Agency-Status Inference, and reject normative individualism.²⁴ As mentioned above, French embraces this option when he argues that collective agents can be autonomous in the same sense as human beings can be and are entitled to the same normative powers as human beings are. On French’s view, a CID structure ‘incorporates acts of biological persons’ and thereby creates an artificial person (1979, p. 212). He maintains, however, that ‘biological existence is not essentially associated with the concept of a person’ (ibid., p. 210). In light of this, he believes that collective agents can in principle exhibit any feature relevant to normative statuses.

Are there any options that allow us to accept normative individualism without sacrificing corporate responsibility? A third response to the CAP starts from the claim that there are two or more properties in virtue of which agents can have rights. And at least one of them is unique to individual human beings, whereas at least one other of them can also be instantiated by collective agents. Perhaps autonomy is the property that both individual human beings and collective agents can exhibit. Human sentience might be the property that collective agents cannot have. And it

²³ Applbaum (2007) does not seem to appreciate the problem either. He argues that we owe autonomous collective agents respect and that they should in principle not be interfered with, which suggests that they are entitled to a wide range of rights. At the same time, however, he embraces normative individualism, which is inconsistent with an expansive view of corporate rights (ibid., p. 376, 379).

²⁴ Preda (2012) argues that intentional agency suffices for some rights and obligations, and that a stronger form of agency, autonomous agency is required for being held responsible. Against this background, accepting corporate responsibility implies denying normative individualism.

might be the property that is unique to individual human beings that provides the basis for rights such as the problematic trio. The upshot would be that collective agents could not have the problematic normative statuses that feature in CAP. Withholding those statuses would at the same time be consistent with attributing other normative statuses both to individual as well as to collective agents in virtue of their autonomy. This would suffice for holding them accountable and attributing some rights and obligations to them. It would not, however, commit us to attributing any of the problematic normative statuses to them.

The idea underlying this third option is that the agency requirements of moral responsibility differ from those of the problematic moral rights and obligations. Collective agents can satisfy the former, but not the latter. A duty such as the duty not to harm might require autonomy, whereas a right such as the right to life would require sentience. In light of its pluralism about the foundation of rights, I refer to this option as ‘normative pluralism’. In contrast to the first two options, normative pluralism gives us what we were looking for in that it combines corporate responsibility with a limited set of corporate rights. This option sacrifices the letter of normative individualism: as collective agents can have some non-derivative normative powers, at best a restricted version of the thesis can be maintained. In a sense, however, it preserves the spirit of normative individualism, as the most significant rights of individual human beings do not extend to collective agents.

A fourth option that remains is to say that collective agents cannot be autonomous in a sense strong enough to entitle them to non-derivative normative powers, and that they only have corporate rights that are derivative from individual concerns. The extent to which they can be held morally responsible would be tied to the derivative powers they have. The idea would be that collective agents could be held responsible for executing the derivative powers that have been entrusted to them in an appropriate manner. On this fourth option collective agents would be sufficiently autonomous to be capable of adequately handling the derivative normative powers they have, because they possess at least some evaluative understanding. They would not, however, be autonomous enough to have any non-derivative normative powers.

In order to appreciate this suggestion, it is important to note that autonomy is an ideal towards which individuals can strive. It would be rather problematic if the only people we hold responsible were those who actually reached the ideal. A number of philosophers have in fact argued that full-blown autonomy is not required for moral responsibility (Wallace 1994; Watson 1996; Scanlon 1998). This opens up the possibility that the autonomy needed for rights is stronger than that presupposed by moral responsibility (even if it is also less than full-blown autonomy).²⁵ On this fourth option, collective agents would be able to represent our interests—conceived

²⁵ How should the notion of degrees of autonomy be understood? Bratman (2000) distinguishes between eight conceptions of agency that increase in complexity. A case can be made that a number of them qualify as autonomous. The more complex one(s) could then be seen as more autonomous than the less complex one(s). Griffin (2008, pp. 156–57) maintains that autonomy comes in degrees because evaluative understanding comes in degrees. In the case of collective agents, an agent’s degree of autonomy might depend on how well its collective decision making mechanism realizes certain desiderata. List and Pettit (2011) discuss how, at the collective level, certain policies are better than others in securing consistency and truth. It may well be that policies also differ when it comes to realizing moral values.

of so as to encompass our individual rights—and to be held accountable for how they do so. They would not, however, have any self-standing or non-derivative rights and obligations. Hence, this fourth option sustains both corporate responsibility and normative individualism.²⁶

Options three and four have in common that both are meant to make sense of how corporate autonomy can be combined with normative individualism. The fourth option is based on the assumption that corporate autonomy might come in degrees, an idea that motivates the question how autonomous collective agents are or can be. The option comes down to the thesis that the degree of autonomy that collective agents can enjoy is strong enough to entail moral responsibility but too weak to imply any of the problematic rights. In light of this, I refer to it as ‘the degrees-of-autonomy thesis’. The third option fits better with talk in terms of kinds, as it depends on the claim that a property such as sentience is a distinct feature of agency that give rise to different kinds of normative powers than autonomy. The kind of moral agency that involves a property such as sentience is simply not available to collective agents.

Those who are both friends of corporate responsibility and foes of extensive corporate rights can embrace the third or the fourth option. These options need to be developed in more detail, however, in order for them to be convincing solutions to the CAP. Proponents of the third option need to provide a systematic account of the properties that ground rights, and of which rights depend on which property. Furthermore, they have to argue that at least one of these features is not to be had by collective agents. And they have to make a case for the resulting distribution of rights being a plausible one.

Proponents of the fourth option have to answer the following questions: Why would there be a limit to the degree of autonomy that collective agents can exhibit? If it is a contingent matter that collective agents as they are now do not exhibit a degree of autonomy that is strong enough for the problematic normative statuses, this solution appears to be unstable. It leaves open the possibility that collective agents acquire the requisite degree of autonomy, which would make them entitled to the problematic normative statuses after all.

It is far from obvious whether List and Pettit (2011) have a solution to the CAP, and if so which one it is. They define normative individualism as the view ‘that something is good only if it is good for individual human or, more generally, sentient beings’ (ibid., p. 182). Their use of the term ‘sentience’ could be taken to imply that they embrace the third option, normative pluralism. However, they go on to qualify their conception of normative individualism as follows: ‘We take it as a working assumption that group persons do not have whatever functional characteristic it is that makes individual human beings distinctively valuable, such as sentience of the right kind or other distinctively human qualities’ (Ibid.,

²⁶ Jones distinguishes between collective and corporate rights, and argues that only the corporate conception locates the moral standing ‘in the group conceived as a single unitary entity’ (1999, p. 377). Given this terminology, the fourth option amounts to the claim that collective agents only have collective rights and no corporate rights. The third option comes with a commitment to ascribe corporate rights to collective agents, and also allows for the ascription of collective rights. Normative individualism is inconsistent with corporate rights, but not with collective rights.

pp. 227–28). This working assumption does not fit well with normative pluralism. If sentience is a functional property, it cannot be tied uniquely to a particular kind of matter. Such functionalism about the base properties of normative statuses blocks principled arguments as to why collective agents could not possess the relevant property. For all we know, the substitute strategy could be used to identify a property on which the normatively significant property supervenes. This reveals that it is hard to combine functionalism about properties such as sentience with normative pluralism, as it poses a threat to the claim that the relevant property is uniquely human.

List and Pettit's claim that collective agents do not have 'morally commanding interests' (ibid., p. 182). This could mean that collective agents have no non-derivative rights at all. Normative pluralists claim that collective agents have substantially fewer rights than individual human beings, but they do not deny that collective agents have some non-derivative rights. So perhaps List and Pettit opt for the fourth alternative, and support the degrees-of-autonomy thesis. There is, however, no direct evidence that List and Pettit support the idea that autonomy comes in degrees. And if they do indeed embrace this option, they need to provide an argument as to why collective agents cannot exhibit the requisite degree of autonomy. Perhaps there is a fifth option that provides for a way out of these problems. If so, it is rather important to explicate it. In addition to solving CAP, it might serve as a philosophically sound basis for evaluating rulings such as *Citizens United*.

4 Conclusion

Corporate responsibility requires corporate moral agency, and existing conceptions of collective agency fall short of this, or so I have argued. Perhaps the most promising conception, the one proposed by List and Pettit, supports collective rationality, but it does not facilitate genuine evaluative understanding. There is, however, reason to be optimistic about the possibility of developing a satisfactory conception of corporate moral agency. I have argued that rational collective agents can acquire evaluative understanding by adopting policies of valuing. Collective agents that do this are moral agents.

As soon as this is granted, however, a problem arises. Corporate moral agents will be autonomous in some sense of the term, and autonomy also provides the basis for moral rights and obligations. And it is not obvious that collective agents have such normative powers. It is particularly implausible that they might be entitled to rights such as the right not to be enslaved, the right to life, or the right to vote (the problematic trio).

I have discussed four responses to this CAP. One is to deny that collective agents can be autonomous agents. The cost of this solution is rather high, as it requires us to give up the notion of corporate responsibility. The irreducibility argument reveals how high this cost is. Another is to accept corporate autonomy and the concomitant corporate rights. This solution will be unattractive to many, as it requires giving up

on normative individualism. The remaining two responses are aimed at securing corporate responsibility without granting extensive corporate rights.

According to the third response, normative pluralism, more than one property can generate normative powers. One of these is unique to human beings and is not to be had by collective agents. This one, perhaps sentience, is the property in virtue of which human beings have the rights we are reluctant to attribute to collective agents. As it allows for non-derivative corporate rights, this option is strictly speaking inconsistent with normative individualism. However, it does restrict the range of rights to which collective agents are entitled. The fourth response, the degrees-of-autonomy thesis, is to say that the autonomy that collective agents can exhibit suffices as a basis for some moral rights, but not for all the ones that accrue to human beings. The problematic normative statuses including the problematic trio require more autonomy than collective agents can possess. As collective agents only have derivative rights on this alternative, it is consistent with normative individualism.

It is tempting to see the options I have presented as a menu from which one can pick the preferred solution. This, however, is a misleading picture. Only one of these responses is the correct one, and which one this is depends in part on the agency collective agents can exhibit. It also depends on the kind of features in virtue of which agents possess particular rights and obligations. Both of these issues are complex and controversial. This means that an obviously correct answer is not to be had. At the same time, many people have strong beliefs about the basis of moral rights and obligations. And a lot of progress has been made in recent years concerning our understanding of collective agency. This provides resources for developing a number of possible solutions to the CAP that I have identified in this paper including normative pluralism and the degrees-of-autonomy thesis.

Acknowledgments I have presented earlier versions of this paper at a Philosophy and Public Affairs workshop on Autonomy, Collectives, and Responsibility at the University of Amsterdam in February 2012, at the Vienna workshop on Group Agency and Collective Intentionality in May 2012, at the conference Collective Intentionality VIII in Manchester, August 2012, and in the Research Seminar of TINT Finnish Centre of Excellence in the Philosophy of the Social Sciences in Helsinki, May 2013. I am grateful for all the useful comments I have received not only from the audiences of these events, but also from two anonymous referees.

References

- Applbaum, A. I. (2007). Forcing a people to be free. *Philosophy & Public Affairs*, 35, 359–400.
- Bakan, J. (2004). *The corporation: The pathological pursuit of power*. London: Constable.
- Blair, R. J. R. (1995). A cognitive-developmental approach to morality: Investigating the psychopath. *Cognition*, 57, 1–29.
- Bratman, M. (2000). Valuing and the will. *Philosophical Perspectives: Action and Freedom*, 14, 249–265.
- Bratman, M. (2004). Shared valuing and frameworks for practical reasoning. In J. Wallace, P. Pettit, S. Scheffler, & M. Smith (Eds.), *Reason and value: Themes from the moral philosophy of Joseph Raz* (pp. 1–27). Oxford: Oxford University Press.
- Brown, M. T. (2006). Corporate integrity. *Journal of Business Ethics*, 66, 11–18.
- Cane, P. (2002). *Responsibility in law and morality*. Oxford: Hart Publishing.

- Copp, D. (2006). On the agency of certain collective entities: An argument from “normative autonomy”. *Midwest Studies in Philosophy*, 30, 194–221.
- Copp, D. (2007). The collective moral autonomy thesis. *Journal of Social Philosophy*, 38, 369–388.
- Fischer, J. M., & Ravizza, M. (1999). *Responsibility and control: A theory of moral responsibility*. Cambridge: Cambridge University Press.
- Franklin, S., & Graesser, A. (1996). Is it an agent, or just a program? A taxonomy for autonomous agents. In J. Müller, M. J. Wooldridge, N. J. Jennings, & R. Nicholas (Eds.), *Intelligent agents III: Agent theories, architectures, and languages* (pp. 21–35). Berlin: Springer.
- French, P. A. (1979). The corporation as a moral person. *American Philosophical Quarterly*, 16, 207–215.
- French, P. A. (1984). *Collective and corporate responsibility*. New York: Columbia University Press.
- French, P. A. (1995). *Corporate ethics*. New York: Harcourt Brace College Publishers.
- Gilbert, M. (1989). *On social facts*. London: Routledge.
- Gilbert, M. (2002). Collective guilt and collective guilt feelings. *Journal of Ethics*, 6, 115–143.
- Gilbert, M. (2006). Who is to Blame? Collective Moral Responsibility and Its Implications for Group Members. *Midwest Studies in Philosophy*, 30, 94–114.
- Green, T. H. (1997). Prolegomena to ethics. In R. L. Nettlehip & P. P. Nicholson (Eds.), *Collected works of Thomas Hill Green* (Vol. 4). Bristol: Thoemmes.
- Griffin, J. (2008). *On human rights*. Oxford: Oxford University Press.
- Hager, M. M. (1989). Bodies politic: The progressive history of organizational “real entity” theory. *University of Pittsburgh Law Review*, 50, 575–654.
- Hare, R. D. (1999). *Without conscience: The disturbing world of the psychopaths among us*. New York: Guilford Press.
- Hart, S., & Dempster, R. (1997). Impulsivity and psychopathy. In C. Webster & M. Jackson (Eds.), *Impulsivity: Theory, assessment, and treatment* (pp. 222–232). New York: Guilford Press.
- Hindriks, F. (2008). The status account of corporate agents. In H. B. Schmid, K. Schulte-Ostermann, & N. Psarros (Eds.), *Concepts of sharedness—Essays on collective intentionality* (pp. 119–144). Frankfurt: Ontos Verlag.
- Hindriks, F. (2009). Corporate responsibility and judgment aggregation. *Economics and Philosophy*, 25, 161–177.
- Hindriks, F. (2012). But where is the university? *Dialectica*, 66, 93–113.
- Hindriks, F. (2013). The location problem in social ontology. *Synthese*, 190, 413–437.
- Jones, P. (1999). Group rights and group oppression. *Journal of Political Philosophy*, 7, 353–377.
- Kennett, J. (2002). Autism, empathy, and moral agency. *Philosophical Quarterly*, 52, 240–257.
- Lewis, H. D. (1948). Collective responsibility. *Philosophy*, 23, 3–18.
- List, C., & Pettit, P. (2006). Group agency and supervenience. *Southern Journal of Philosophy*, 44, 85–105.
- List, C., & Pettit, P. (2011). *Group agency*. Oxford: Oxford University Press.
- Miller, S. (2001). *Social action: A teleological account*. Cambridge: Cambridge University Press.
- Miller, S., & Makela, P. (2005). The collectivist approach to collective moral responsibility. *Metaphilosophy*, 36, 634–651.
- Moon, J., Crane, A., & Matten, D. (2005). Can corporations be citizens? corporate citizenship as a metaphor for business participation in society. *Business Ethics Quarterly*, 15, 429–453.
- Nichols, S. (2004). *Sentimental rules: On the natural foundations of moral judgment*. Oxford: Oxford University Press.
- Pettit, P. (2003a). Groups with minds of their own. In F. F. Schmitt (Ed.), *Socializing metaphysics. The Nature of Social Reality* (pp. 167–194). Lanham: Rowman & Littlefield.
- Pettit, P. (2003b). Akrasia, collective and individual. In S. Stroud & C. Tappolet (Eds.), *Weakness of will and practical irrationality* (pp. 68–96). Oxford: Oxford University Press.
- Pettit, P. (2007). Responsibility incorporated. *Ethics*, 117, 171–201.
- Phillips, M. J. (1992). Corporate moral personhood and three conceptions of the corporation. *Business Ethics Quarterly*, 2, 435–445.
- Pogge, T. W. (1992). Cosmopolitanism and sovereignty. *Ethics*, 103, 48–75.
- Preda, A. (2012). Group rights and group agency. *Journal of Moral Philosophy*, 9, 229–254.
- Raz, J. (1986). *Morality as freedom*. Oxford: Clarendon Press.
- Raz, J. (2011). *From normativity to responsibility*. Oxford: Oxford University Press.
- Rovane, C. (1998). *The bounds of agency. An essay in revisionary metaphysics*. Princeton: Princeton University Press.
- Salmela, M. (2012). Shared emotions. *Philosophical Explorations*, 15, 33–46.

- Scanlon, T. M. (1998). *What we owe to each other*. Cambridge: Belknap Press.
- Schmid, H. B. (2008). Shared feelings: Towards a phenomenology of collective affective intentionality. In H. B. Schmid, K. Schulte-Ostermann, & N. Psarros (Eds.), *Concepts of sharedness—Essays on collective intentionality* (pp. 59–86). Frankfurt: Ontos Verlag.
- Searle, J. R. (1995). *The construction of social reality*. New York: The Free Press.
- Searle, J. R. (2010). *Making the social world: The structure of human civilization*. Oxford: Oxford University Press.
- Tuomela, R. (1995). *The importance of US*. Stanford: Stanford University Press.
- Tuomela, R. (2005). We-intentions revisited. *Philosophical Studies*, 125, 327–369.
- Tuomela, R. (2007). *The philosophy of sociality: The shared point of view*. Oxford: Oxford University Press.
- Wallace, R. J. (1994). *Responsibility and the moral sentiments*. Cambridge: Harvard University Press.
- Watson, G. (1996). Two faces of responsibility. *Philosophical Topics*, 24, 227–248.