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Author(s): Hirvonen, Onni

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Onni Hirvonen

University of Jyväskylä

Group personhood in the contemporary social ontology

Introduction – on the question of group personhood

It does not take much to notice the group person talk in our everyday language use. Groups are described and discussed as if they had intentions, beliefs, attitudes, rights, responsibilities, and so forth. This practice is especially prevalent in the legal context where corporations are taken to be fully capable legal entities. Taking a personifying stance towards a group enables us to place blame on the collective level and stop the almost impossible search for single blameworthy individuals in a complex network of events.

While neither everyday language nor the ongoing legal practices yet prove that groups are persons in any philosophical sense, it is not difficult to find references to group personhood in the history of philosophy either. Hobbes (2000, 75) goes as far as to state that “inanimate objects, as a church, a hospital, a bridge, may be personated by a rector, master, or overseer”. Although they lack authorship, in proper conditions these entities may be personated and spoken for by spokespersons. For Rousseau (2012, 173) it was self-evident that that in making a social compact, individuals also constitute a new collective person: “Instantly, in place of the particular person of each contracting party, this act of association produces a moral and collective body made up of as many members as there are voices in the assembly, which receives from this same act its unity, its common *self*, its life, and its will. This public person thus formed by the union of all the others formerly took the name *city*”. Also in Hegel we find the claim that the social order in itself is as self-determining and self-reproducing rational entity (see Neuhouser 2000, 121).

However, when we get to the latter half of the 20th century, it seems that the more individualist notions have come to the fore. Margaret Gilbert summarizes the prevalent contemporary intuitions as “psychologism about belief” and “anti-psychologism about groups” (Gilbert 1992, 238). Whatever it is that makes a mindful agent, that property is certainly lacking from a collection of those agents.

While the individualistic intuitions might be largely shared, there are still some who take the idea of group personhood seriously. This article focuses on three particular theories – by Peter French, by Carol Rovane, and by Christian List and Philip Pettit – that fit within a same family of theories of group personhood. However, before analyzing the example theories, it is useful to make some preliminary distinctions.

The question of the possibility of group personhood is a sub-question amongst the bigger issues within the field of social ontology. Following Pettit and Schweikard's (2006, 35-36) division, we can point out three central social-ontological debates. Firstly, there is the atomism–holism issue that deals with the possible social constitution of individual psychology. The second is the individualism–collectivism debate that deals with the relationships of individual psychology and social structures. The third issue is the singularism–non-singularism debate where the central question is the possible existence of collective agents.

The group personhood question can be seen as a sub-question of the singularism–non-singularism debate because to defend the reality of group persons, one needs to take also defend the possibility of group agency. Thomas Szanto (2015, 297) presents a further desideratum (a-d) that any particular defense of group personhood has to take into account. “Plurality requirement” (a) states quite the obvious: group personhood should deal with group persons comprising of pluralities or multitudes – that is, groups – of people. According to the “integrity requirement” (b) group persons ought to integrity as persons and autonomy vis-à-vis their individual members. Thirdly, “normativity, or moral accountability, requirement” (c) states that group persons ought to have normative statuses of their own, as well as rights and moral accountability. “The anti-collectivism requirement” (d) states that the existence of group persons should not compromise the individual personhood of their constitutive members. It is well conceivable that there could be group personhood theories that would in some sense override individuals' personhood but this requirement, although not necessarily true of every group personhood theory, brings the theories into alignment with the commonly defended individualistic stance on the individualism-collectivism debate.

The desideratum for group personhood theories highlights the fact that even a strong defense of collective agency does not yet guarantee group personhood as these two things are analytically distinct – although they are in close connection as personhood is often thought to require agency. In short, to give an adequate theory of group personhood, one would need to give an account of collective agency, combined with a general theory on personhood. This is exactly the approach that the examples of group person theories in the following section take.

Three theories of group personhood

One could say that the work of French, Rovane, and List and Pettit form key texts of a loosely defined tradition where the inspiration is drawn from the Hobbesian and Lockean ideas of personal identity as something that is attached to the rational perspective of an agent which, in turn, needs to be recognized in a social setting. Admittedly, these three theories do not give a full picture of all the possibilities of conceptualizing group personhood, although they do represent one of the biggest strands of theories of group personhood.

a) Peter French: Corporation as a moral person

To get to the root of what moral personhood of groups might look like, French distinguishes three distinct but entangled senses of person that are present in the Western thought: metaphysical, moral, and legal personhood. Although the use of concept of person is derived from the legal context, he denies that legal personhood necessary entails the metaphysical personhood. Similarly the “concept

of corporate legal personhood under any of popular interpretations is [...] virtually useless for moral purposes” (French 1979, 208).

However, through the discussion of legal personhood French (1979, 209) is able to glean a neutral definition of moral personhood: a subject of rights in the sense of being an *administrator* of those rights. The actual substantive content of the morality is not interesting but rather the conditions that an entity needs to fulfil to be fully-fledged administrator of rights. To get to the metaphysical core of this claim, French (1979, 211) argues that “moral responsibility [...] is not a class apart but an extension of ordinary, garden-variety, responsibility.” What is meant by this is a general sense of responsibility where someone has done something and has a liability to answer.

To be liable to answer for one’s deeds requires all sorts of communicative skills but also intentionality. Thus, for a corporation to be treated as an intentional agent, it must be the case that some ascriptions of intentionality to the corporation itself are true (French 1979, 211). The corporation’s internal decision (CID) structures that in French (1979, 212) words, accomplish “a subordination and synthesis of the intentions and acts of various biological persons into a corporate decision”. CID structures are taken to include corporate roles and policies and also the rules how to recognize certain intentions and acts as those of the corporation. It is also clear that the corporate interests and intentions do not necessarily match with the interests and intentions of their members. In other words, CID structures license the “descriptive transformation of events” (French 1979, 212) as incorporated acts. These descriptions manage bring out aspects that were hidden in the individualistic descriptions of the same event.

To summarize, French focuses on the corporate decision-making and ascription of intentionality as a basis to say that corporations are indeed moral persons and as such also fulfil the intentionality conditions of metaphysical personhood.

b) Carol Rovane – Revisionist metaphysics

Rovane’s intent is more in revising the metaphysics of personal identity than in the defense of group personhood as such. In her view agency is always exercised from a rational point of view and rational unity is the normative ideal of agency. “There is a certain *universal goal* that any agent is bound to have. *This goal is to bring the events that fall within the agent’s domain of intentional control into line with the dictates of its rational point of view, so that what it does is what it has most reason to do*” (Rovane 2009, 86).

While agency is defined through commitment to rationality, personhood, in turn, is an ethical, or relational, kind. What Rovane means by this is that persons are sort of agents that can relate to others and attempt to influence them without hindering their agency: “*Persons are agents who can engage in agency-regarding relations*” (Rovane 2009, 72). Persons are presented with an ethical choice of how to relate to their peers, and thus they must be social and reflective. However, like French’s view on moral personhood, Rovane’s ethical criteria of personhood includes no substantive ethical commitments.

In agency-regarding relationships persons have to be able to project themselves to another’s perspective and this same capacity underlies to possibility of joint activities. In joint activities persons deliberate from the perspective of common ends and as far as the shared project demands it, they can also have reasons to achieve rational unity from the perspective of the common end. In

other words, as long as there set of intentional episodes that “stand in suitable rational relations” (Rovane 2009, 164), and these episodes are a part of a recognized unifying project that can be executed only through sustained coordinated activity, and there is also a commitment to overall rational unity – we have at hand sufficient conditions for the identity of a group person.

Rovane’s theory presents a non-committal defense of the *possibility* of group personhood and she remains agnostic on the reality of such group persons. However, the analysis of personal identity through rational unity raises the possibility of conceiving suitably unified shared projects as persons. These persons’ practical identities are defined through those unifying goals that hold them together.

c) Christian List and Philip Pettit – Functionalist agency and performative personhood

List and Pettit draw out the basic outlines of simple agency through a thin functionalist belief-desire model. An agent is a being that has representational states that depict environment, motivational states that tell how the things preferably ought to be in surroundings, and an ability to process these states in such a way that it leads into suitable action if the environment does not match the motivational states List and Pettit 2011, 20). This definition allows simple robots and bacteria to be counted as agents.

The simple agents are, in turn, distinguished from a more sophisticated set of agents that are “fit to be held responsible” (List and Pettit 2011, 155). These are agents that (a) face choices of normative significance, (b) have judgmental capacities, and (c) are in control of their own actions. Agents that fulfil these conditions are capable of making informed choices between good and bad. List and Pettit (2011, 156) find it “hard to see why someone should not be held responsible for a deed if they satisfied all the conditions at once.”

According to List and Pettit (2011, 69-71) there are groups that can be taken as loci of rational reasoning, with their own beliefs and desires that are not straightforwardly reducible to their members’ beliefs and desires. This claim is supported by an ‘impossibility result’ that tells us that there is no such decision-making mechanism that would be both, sensitive to individuals’ judgments on the matter and the coherence of collective decisions. To be an effective pursuer of its goals, a group needs to forgo responsivity to individual reasoning and ‘collectivize’ reason. This gives a reason to think that some so-called mental properties might be better understood as properties of a group agent. Furthermore, if groups have goals, desires, and purposes in the social world, it is likely that (a) they will face questions of normative significance. Similarly, List and Pettit (2011, 159) state that (b) “there is no principled reason” why groups should not be able to make judgments on normatively significant matters. Finally, (c) they make a case for groups being in control of their own actions through ensuring that one or more of their members perform in a relevant manner.

However, being fit to be held responsible does not yet mean that an agent is actually held responsible. To List and Pettit, personhood is a performative status concept. Here they too adapt a broadly Hobbesian and Lockean conception of personhood according to which “a person is an agent who can perform effectively in the space of obligations.” (List and Pettit 2011, 173). The space of obligations includes common awareness of these obligations and reciprocal power to address claims to others. Persons are agents that can move others and be moved themselves by the force of mutual

obligations and in our everyday social practices we grant the status of personhood to any agent that is “capable of an addressive performance towards us” (List and Pettit 2011, 174).

Adopting the performative view of personhood alongside their functionalist account of group agency enables List and Pettit (2011, 174–178) to say that the common practice of treating groups as persons is well founded and not misleading. That is to say that group agents are capable of performing in a system of mutual obligations and engaging in practical person-making relations.

Evaluations

The three examples above argue for the group personhood through collective rationality, shared purposes, group decision-making, and social performances. To what end though? The motivations obviously vary but there are two general aims. On the one hand, the arguments want to place responsibility and blameworthiness to the group level. This is done to avoid ‘deficits of responsibility’ in cases where it becomes unclear whether any individual responsibility can be found. In List and Pettit’s (2011, 167) terms, group personhood “would ensure that there is as much blame delivered as, on the face of it, there is blame deserved”.

The second aim is to map out the metaphysical conditions of personhood. Here group personhood is but one interesting test case in attempts to clear up the concept of personhood that can have interesting consequences for our thinking about social robots, aliens, or animals. The metaphysical is also partly related to the attributions of responsibility as it gives philosophical justifications to our everyday attitudes and stronger theoretical groundings for the attempts to map out the moral landscape anew.

However, there is also a worry that the rationality- and performance-based view on personhood might be overly simplified. Rationality and sociality are part and parcel of theories of human personhood but focusing only on these aspects could leave, as Martin Kusch (2014, 1596) aptly notes, relevant differences between agents being overlooked. Here Michael Quante’s (2007, 59-62) catalogue of dimensions of personhood that any theory of personal identity must take into account becomes a useful tool for evaluation.

The list includes four different, but interlinked, issues. The first (1) is the search for the conditions of personhood. Theories ought to define the capacities and properties that one must have to be a person or to be justifiably considered to be a person. Secondly (2), the conditions of unity – that is, being exactly one person at a certain point of time – need to be spelled out. The third problem (3) focuses on the conditions of person’s persistence in time. What are the conditions of a person remaining the same or changing into another person (or a non-person) over time? Finally (4), theories ought to give an account of the structure of personality. This gives practical content to the concept of personhood through questions about the person’s relations to self, such as who the person is and what she wants to be. It could be said that questions of this last kind give practical content to the concept of personhood by telling what it means to be a person.

All of the example theories provide clear arguments for the properties and capacities that persons must have (1) though one could criticize them for remaining agnostic on the constitution of the said capacities. Sameness of the rational perspective can be taken to guarantee the unity of personhood (2) but it is also notable that for Rovane it is not an issue that same biological entity can host multiple persons. Similarly, the persistence (3) does not need to be a problem for group personhood

theories. Unity of purpose and group's singular rational perspective can be used to argue for the continuous identity of the group. On the other hand, following Quante it can be claimed that "being a person' does not deliver persistence conditions" (Quante 2007, 65). On this view, the persistence conditions can be possibly found with a further analysis of the persistence conditions of the material basis of the person.

While the first three issues do not pose an overbearing threat to any of the example theories, the fourth issue goes underanalysed. In offering minimalistic metaphysical conditions for personhood and moral responsibility, all the theories remain thin on the practical structures personal life (4). It can be argued that while the metaphysical conditions of ethical relationality are important to map out, to get to the level of substantial commitments of ethical personal life, we might have to introduce further considerations like capabilities for empathy, possibilities for feeling suffering, and so forth. Thus, the differing physiological bases of personal life might present challenges for group personhood theories.

As a final issue, it can be claimed that our example theories manage to deal with only two of three central aspects of theories of personhood. Namely, in focusing on rationality and social performance, the theories manage to give an account of the relational and performative aspect of personhood as well as psychological or agential capacities that are required from a person. However, what is left without attention is that these psychological and social properties can be also historically debated or political. What personhood is and who is included in its sphere changes through historical struggles. Fulfilling the ethical criteria of personhood or being morally accountable might not do justice to the full range of person-making performances.

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