



Global Individualism and Group Agency

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Abstract

I argue that there are liberal reasons to reject what I call “Global Individualism”, which is the conjunction of two views strongly associated with liberalism: moral individualism and social individualism. According to the first view, all moral properties are reducible to individual moral properties. The second holds that the social world is composed only of individual agents. My argument has the following structure: after suggesting that Global Individualism does not misrepresent liberalism, I draw on some recent insights in social ontology to show that it is inconsistent with the satisfaction of an important liberal principle related to the protection of individual rights over time. As I hold, to solve this problem we need to accept group agents acting as moral agents, which in turn commits us to the weaker notion of normative individualism (a view that is consistent with the existence of some group moral properties). I conclude with the suggestion that even this solution is costly for liberalism, for the conjunction of group moral agency and normative individualism makes the latter unstable and compels liberals to a much less individualistic stance than expected.

Keywords Political philosophy · Social ontology · Liberalism · Individualism · Group agency

1 Introduction

The idea that group agents are part of our everyday life and active participants in our societies is an intuitive one. Some legal systems are premised on this idea. The American legal tradition, for example, interprets the Fourteenth Amendment to the Constitution as providing group agents with protection under the law *qua* persons. In line with this, the US Supreme Court, a group agent of its own, decided in 2010 in *Citizens United versus Federal Election Commission* that corporations have the legal

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right to express their support for a candidate by spending money on political campaigns (List and Pettit, 2011). In other words, the US Supreme Court has not only recognized that corporations are persons worthy of protection under the law, but that they are to some extent citizens. And since persons, irrespective of their nature, can act rightly or wrongly, group agents seem to be moral agents too.

But the claim that there are group agents in social reality and that they can be legal and moral agents does not square very well with liberalism, the great normative ideal grounding most of the contemporary western societies. This is because liberalism tends to be informed by what I call “Global Individualism” (henceforth GI). GI is the conjunction of two views: i) all moral properties are reducible to individual moral properties (moral individualism) and ii) the social world is composed only of individual agents (social individualism).¹

Moral individualism is captured by the idea that moral properties suitable to individuals exhaust the moral space. For example, Michael Huemer (2013) argues that what governments, their agencies, and officials can do is subject to the same normative standards imposed upon us by common sense morality – which, according to him, reveals that there is no such a thing as genuine political authority. Thus, Huemer’s thesis implies that, even if there are irreducible group agents (whose actual existence he probably doubts), they cannot do anything that is denied to individuals.

On the other hand, a version of social individualism is articulated by Agassi (1975) when he describes the thesis according to which we should ascribe the power to act only to those who have the power to decide, implying that this rules out entities such as collectives and even computers. According to this view, group agents are at best convenient fictions whose actions can be reduced to the actions of its members. So, if Agassi is correct, when we say in conversations or scientific analysis that a given group did something, we are just saying in a non-literal way that some person did something.

My aim in this paper is to argue that, surprisingly, GI is at odds with liberalism itself. More precisely, I argue that if we hold GI, at least one central liberal principle will be left unsatisfied (its centrality stemming from the fact that it is related to the protection of individual rights over time). The upshot is that if we want to see that liberal principle satisfied, we need to accept irreducible group agents and their moral powers (which do not coincide with those of individuals) as parts of our social and normative world. But as I also argue, this may compel liberals to be much less individualist than expected.

There are five main sections in this paper. In section 2, I argue that, although GI can be interpreted as an idealization that takes liberalism’s individualistic vocations to its extremes, its constituents fairly represent what liberalism essentially is, to wit, an overall individualist approach. To further motivate this point, I argue in section 3 that even antithetical liberal theories (Rawls 1999; Nozick 1974) have some of their most central aspects reflected in GI. In section 4, I introduce the ideas of normative principle and domain-relative adequacy, and also draw heavily on the work of Pettit (2003, 2014) to explain in more detail what group agents are. Drawing mostly on List and Pettit

¹ Here I follow Cuneo and Shafer-Landau (2014) in not defining explicitly what a moral property is. Plausible examples of moral properties include rights, obligations, liberties, and entitlements. Also, for the sake of precision, individual actions can instantiate moral properties too. An action can be right or wrong, for example. Global Individualism only requires that these actions be performed by individuals.

(2011), I argue in section 5 that only irreducible group agents (whose existence is denied by GI) can satisfy the principle mentioned above. Finally, I argue in section 6 that although this solution is at first consonant with normative individualism, which is itself a fairly liberal stance even if weaker than moral individualism, the conjunction of group moral agency and normative individualism makes the latter unstable.

2 Global Individualism as Basic Liberalism

The debate between liberal methodological individualists and their holist rivals suggests that the social constituent of Global Individualism captures what liberalism is about.² Although methodological individualism is not identical to its social counterpart, its advocates were heavily motivated by an ontological view of society as fundamentally made up of autonomous individual agents (Udehn 2001) and one of their motivations was the likely political consequences of the presence of collective forces in social reality (James 1984).³ For even if we recognize that the collectives' influence does not always bypass individuals' autonomy, conceiving individuals as basically "products of society, constrained in their desires and goals, as well as in their ability to realise them" (p. 58) is a promising first step to downgrade the importance of individual autonomy. It is, after all, plausible to think that the more influenced by collectives people are, the less proportionally relevant is the role of personal autonomy, which brings about important consequences for personal responsibility and the role of the state.

Moreover, if we admit the presence of group agents, we can argue that, provided that these agents exhibit a certain degree of sophistication, we should grant them (taken as collective units in their own right) moral properties similar to those we attribute to autonomous individuals, which is not a liberal friendly result (Hindriks 2014). Thus, it is plausible to think that GI provides liberalism with a safe social ontology.

It should not be controversial that moral individualism, the first constituent of GI, captures liberalism's normative foundations. What distinguishes liberalism from other traditions is the requirement that any political arrangements be justified before individuals, regarded as the paramount moral agents (Waldron, 1987). This normative centrality of individuals appears in key moments of liberal theorizing, ranging from contractarianism to natural rights approaches. And the normative centrality of individual *actions* is also well expressed by the widespread practice among liberals of treating

² Methodological individualism asserts that social phenomena should be *explained* only in terms of individuals and their actions (see Heath 2020 for details). A thesis about how we should explain what happens in the social world is not identical to a thesis about what *there is* in the social world. But it is easy to see that both are natural allies. If social individualism is true, its methodological counterpart has the advantage of explaining the social world resorting to no more or less than what there really is. Incidentally, Epstein (2015) notices that people sometimes defined one in terms of the other. Watkins (1957), for example, holds that methodological individualism is the thesis that the ultimate constituents of social reality are individual people. Since he formulates the thesis in terms of constitution, what he presents is an ontological view.

³ Popper (2013) asserts this forcefully by warning that we must not be content with collectivist explanations. Also a champion of liberalism, Hayek (1955) expresses the concern that methodological holism leads to political collectivism. His remarks would be much more plausible if he substituted "social holism" for "methodological holism".

political philosophy as a branch of moral philosophy, which tends to highlight actions that individuals can perform. See Gaus (2005) and Moller (2018) for examples.

One could complain, however, that actual liberal theories are relevantly dissimilar to GI. Since there are no obvious points of intersection with those theories, GI could not dare to speak in liberalism's name. But that would be conflating the general structures by which we can distinguish liberal proposals from rival approaches with the infinite ways of filling in the theories' details. GI is not primarily meant to be a particular theory, but rather to be the most abstract and parsimonious liberal structure we can conceive of.

But the objector may insist and now complain that it is not clear why I have added an ontological element to GI when the only distinct liberal constituent is the moral one. The suggestion is that GI could be simpler. My reply is that normative theories tend to incorporate ontological views, the absence of which would imply a loss of plausibility. As an example, take the communitarian critiques of liberalism (Walzer 1990). One central critique holds that liberalism misrepresents real life. Walzer's point has traction and can be seen as a reason for communitarianism in great part because his underlying message is that the communitarian view has a better grasp of what a society is. *Ditto* for liberalism. My example concerning the quarrels between methodological individualists and holists is just one among many; the intimate relations between liberalism and many versions of social individualism are well documented (see, e.g., Taylor 1985; Vincent 1995; Machan 1998). Now, since this relevant affinity between normativity and ontology holds in practice, it can be illuminating if mirrored in GI.

But to further strengthen my point, I also argue that even antithetical liberal theories such as and Rawls' and Nozick's are not far from GI's constituents. Some preliminary remarks are in order, though. What is important is to know how those theories reflect GI in some crucial, foundational moments. The question we should ask is, "are the crucial aspects of those theories fairly characterized without collective moral properties and collectives as part of the social world?". Moreover, their prescriptive content is not determinant. Rawls' theory ascribes a much larger role to the state than Nozick's, but I am more interested in the problem of whether GI is invariant from both perspectives.

3 Global Individualism as a Background of Theories

Within Rawls' theory of justice, looking at the original position's essential features is the most obvious way to find out what the relevant moral entities are. To summarize, the original position is a constructivist device devised to generate the principles of justice that society's most basic institutions should follow. Hence, we can approach the original position as the foundational normative moment in Rawls' theory. My point is to call attention to the fact that the only parties involved in the process of deliberation are unencumbered individual selves. Not only are they individuals, but they are also unattached choosers choosing under no influence of the society that they will be part of once the veil of ignorance is lifted. This individualist device may be uncontroversial to the liberal eye, but here is Charles Mills reminding us that philosophers such as Rawls are quite close to GI:

Moral theory deals with the normative, but it cannot avoid some characterization of the human beings who make up the society, and whose interactions with one another are its subject. So some overt or tacit social ontology has to be presupposed. An idealized social ontology of the modern type (as against, say, a Platonic or Aristotelian type) will typically assume the abstract and undifferentiated equal *atomic individuals* of classical liberalism. (2005, p. 168, emphasis added)

Although Mills' central concern is the fact that theories such as Rawls' lack adequate resources for dealing with structural forms of oppression, it is clear from the passage that, for such theories, individual interactions are what matters in their most basic justificatory stages.⁴ But one might reply that evidence of moral individualism is present only at the "input level" of Rawls' theory. After all, abstract constructions devised to capture general ideas admit some level of simplification. Unencumbered instrumentally rational choosers are as simple agents as we can get. However, one can argue that even at "the output" level, that is, at the level of the already functioning society, only individuals are the beneficiaries of Rawls' principles of justice. This is so because only the kinds of entities able to take part in the original position can benefit from what is decided there. As is usual in contractarian approaches, those who do not "sign" the contract cannot be bound by its terms. Incidentally, the famous animal rights objection against Rawls' theory takes precisely this route (Regan 1988; Garner 2003). But just as animals are not part of the contract, collective entities are not part of it too, which suggests that they are not moral entities in their own right.⁵

So we have a good case for reading Rawls as a moral individualist. Since moral agents are always individual agents, they seem to exhaust the attributions of moral properties. But what about Rawls' social ontology? Here matters are more obscure, for ontological issues are not among the concerns of most political philosophers; they usually accept the inherited (and sometimes not well articulated) assumptions of their traditions.

Although it is not possible to fully demonstrate that Rawls' social ontology is individualist, we can plausibly argue that it is. In "The Independence of Moral Theory" (1975), Rawls holds that the study of moral problems is independent of the resolution of other philosophical problems, which presumably includes problems of social ontology.⁶ So it is likely that he is among those who accept the tradition's inherited individualist assumptions. More affirmatively, French (1979) argues that collective entities are an eliminable part of the Rawlsian social universe. He recalls a passage in which Rawls (1971) suggests that we should understand the action of artificial persons as mere logical constructions of the actions of flesh and blood individuals. As French summarizes, Rawls' anthropological bias includes the view that "the names of corporate bodies are only umbrellas that cover ... certain biological persons. [It] treats

⁴ It is worth emphasizing that Rawls does not deny that, unlike the individuals in the original position, real individuals have all sorts of social commitments and attachments. An overall individualistic approach does not need to deny meaningful interactions between individuals. See, for example, his comments on the morality of association (1999, pp. 409–13).

⁵ Even Rawls' reference to the least favored group of society is not literal. The idea of group here can be interpreted as a set or collection of individuals who happen to share some relevant disadvantages (1999, p. 83).

⁶ For other mentions of the independence view, see Rawls (1996, 2001).

biological status as having legal priority and corporate existence as a contrivance for purposes of summary reference” (1979, p. 209). By the way, notice how this description resembles what Agassi says in the Introduction.

With this in mind, it seems to follow that the institutional application of something as essential as the difference principle is, at the end of the day, an individualist procedure. For Rawls, obligations (which presumably includes the institutional obligation to apply the principle) depend on two criteria: the justice of society’s background institutions and they being the result of voluntary acts.⁷ Since institutional justice is the result of a device devised to reflect the moral equality of individuals and, if French is correct, acts such as contracting obligations are always individual acts, we need to rely on individuals to discharge even one of the main institutional obligations of his theory of justice (which is the same as saying that this institutional moral action is at most a set of individual moral actions).

Before proceeding, I offer an additional reason why GI is well aligned with Rawls’ basic commitments. Let us go back to the original position for a moment and suppose that group agents are moral agents. If that is the case, it seems that they should be parties in the original position too. This scenario, however, is at odds with the very idea of equality between the contracting parties, for a central purpose of Rawls’ thought experiment is to rule out everything that could advantage an entity at the expense of the others. But that would not happen if we admitted group agents to the scenario. For example, in their famous discussion on adjudication, Kornhauser and Sager (1986) argue that, in some judicial contexts, just increasing the number of judges can improve judicial accuracy. Granted, the original position is not a trial and judicial accuracy cannot be relevant there, but my underlying suggestion is that, given some facts relating to aggregation of judgments and in-group deliberation, group agents become smarter than individuals and perform better at getting facts right.⁸ If those aggregative and deliberative advantages are amenable to be replicated at the more basic and abstract level of the original position, group agents will have a kind of extended brain at their disposal, which would be unfair to mere individual agents.

One could reply that the problem is not so pressing because the correct application of the difference principle would solve it by improving the situation of the least well-off, a group which would probably include many of those who did not belong to any group agent in the original position. But that is a contentious suggestion, for it is not clear that group agents would choose the institutional framework designed to focus on the least well-off. They may, for instance, be less risk-averse than the average participant. So, even though my point is not that Rawls’ foundational commitments could not be adjusted to accommodate group agents, supposing otherwise rid Rawls of potential difficulties.

If it is possible to capture Rawls’ essentials with GI, it should be much easier to argue that the same happens with a libertarian view such as Nozick’s, so I dedicate just a couple of lines to the task of fitting his natural rights approach into moral

⁷ “There are several characteristic features of obligations which distinguish them from other moral requirements. For one thing, they arise as a result of our voluntary acts; these acts may be the giving of express or tacit undertakings, such as promises and agreements, but they need not be, as in the case of accepting benefits. Further, the content of obligations is always defined by an institution or practice the rules of which specify what it is that one is required to do.” (Rawls 1999, p. 97)

⁸ Their stance on aggregation is an application of the famous Condorcet’s Jury Theorem.

individualism. Roughly speaking, a natural right is a right whose existence is independent of conventions and institutions. As Nozick states in the opening lines of *Anarchy, State, and Utopia*, “[i]ndividuals have rights, and there are things that no persons or group may do to them (without violating those rights). So strong and far-reaching are these rights that they raise the question of what, if anything, the state and its officials may do” (1974, p. xix).

But why is the focus on individuals so familiar for those who support natural rights? A plausible answer is twofold. Since natural rights are not determined by conventions and institutions, we tend to look inwards to see what makes paradigmatic moral agents worthy of moral respect. It is then no surprise if what makes them valuable are prototypical human features. Notice that the adduced independence from external sources also makes the natural rights approach perfectly fit for protecting individuals from external constraints, which reinforces its individualistic flavor. Nozick is a case in point. According to him, what makes an individual morally special is “the ability to regulate and guide its life in accordance with some overall conception it chooses to accept” (p. 49). And this very same fact has for him a central role in the protection of individuals from external interference. Moreover, another evidence that Nozick’s theory reflects GI can be found in his discussion on the state. He writes: [t]he *rights* possessed by the state are already possessed by each individual in the state of nature” (p. 118, emphasis in the original).

A case can also be made for an individualist reading of his ontological views. In the first part of his book, he describes a counterfactual history that begins in a Lockean state of nature and ends with the emergence of the minimal state. Nozick’s tool to build the narrative is what is known in the literature as invisible hand explanations. (His main purpose is to refute the anarchist by showing that people could in principle move from anarchy to a minimal state without occurrences of rights violations.) As Gaus formulates, invisible hand explanations explain the “emergence of a new and unexpected property (P) out of prosaic properties of the account, which appear themselves not to have P implicit in them” (2011, p. 122).⁹ So, when dealing with human affairs, however structurally complex an example may be, our *explanans* does not need to include the deliberate desire for the result, which means that we do not need to postulate general plans or powerful collective agents. Indeed, in Nozick’s narrative, we explain the continuous process towards the constitution of the state in terms of individuals and their independent associative moves from small agencies to an always decreasing number of larger and stronger ones. Since there is no threshold from which Nozickian agencies become what could be described as a super-agent, it is plausible to accept that Nozick’s social ontology also matches that of GI.¹⁰

If what I have argued so far is convincing, GI seems to succeed in the task of representing the essentials of liberal views. GI captures what was at stake in momentous disagreements between liberals and non-liberals and is capable of describing foundational features of two antithetical liberal theories, which suggests that it would

⁹ This is the key for Adam Smith’s famous explanation of social prosperity: “It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interests” (1986, 169). Hayek (1973) later formulated the idea in terms of spontaneous order.

¹⁰ Gaus holds that the final, normative step from the ultra-minimal state to the minimal state is not so easily captured by an invisible hand explanation. See Miller (2002) for a defense that this final step *is* included in such explanation.

also be able to capture most theories in between. We are now prepared to see how GI, despite all we have seen, harms liberalism.

4 Normative Principles, Adequacy, and Group Agents

I follow Cohen and define “normative principle” as a “general directive that tells agents what (they ought, or ought not) to do ...” (2008, p. 229). Imperatives such as “do not tell lies”, “you should keep your promises”, and “you should promote peace” are all instances of normative principles.

Since normative principles express obligations, those who are subject to them instantiate moral properties, for being bound to a moral obligation is a moral property instantiable by an agent (“you *ought* to do such and such” expresses a moral obligation). It follows that if we accept Global Individualism, only individuals can engage with principles because only individuals (and their actions) can instantiate moral properties. Recall that according to GI, moral properties should be reduced to individual moral properties.

The idea of adequacy is an agent-principle relation specified by a given normative domain. Suppose we are trying to outline a normative political theory. Besides figuring out what principles should be admitted to our theory, we should also provide a clue about who is and who is not bound by a particular principle from the theory’s set of principles. It is sensible that a politician is subjected to the principle “you should promote honesty in public affairs”, but it is odd to subject children to the same principle since children, differently from politicians, are not capacitated to bear this kind of moral responsibility and act accordingly. Thus, given a normative domain, an agent-principle relation is adequate iff the principle is meant to be satisfied by the appropriate agents and it is inadequate iff its satisfaction is ascribed to inappropriate agents. I want to show that, with GI as the background of liberal normative domains broadly understood, the only appropriate entity to satisfy a principle that protects individual rights over time cannot do so. But before that, it is important to introduce some recent insights in social ontology.

Unsurprisingly, the relevant concept here is that of group agent. Pettit (2014, p. 1641) defines a group agent as one “whose members combine to act within group roles in such a way that the group as a whole simulates or mimics an individual agent.” Plausible examples of group agents are companies, political parties, unions, and courts. To mimic an individual agent, a group agent

must perform more or less reliably on two fronts: it must be evidentially reliable in the sense that its representations are generally sensitive to the requirements of evidence. And it must be executively reliable in the sense that its actions generally satisfy its purposes according to those representations. (p. 1641)¹¹

¹¹ Naturally, this formulation is compatible with the fact that group agents, like individuals, are amenable to eventual misrepresentations.

The first noticeable fact is that Pettit’s definition indicates that a group agent cannot be an entity as uncoordinated as a social class. Paradigmatic groups agents are thus complex bodies with statutes, hierarchies, internal rules, patterns of interaction, and decision-making processes. According to Pettit, group agent’s internal structure and decision-making processes are what provide them with the necessary means for behaving like an individual agent. Social classes, on the other hand, are what Tollefsen (2015) calls “aggregative groups”. They are better understood as collections of discrete individuals sharing common characteristics than in terms of corporate groups (p. 3).¹²

Incidentally, one advantage of Pettit’s approach is its potential explanatory power when applied to collective action problems. Collective action problems are situations in which the agents would be better off cooperating but fail to do so because of the lack of adequate individual incentives.¹³ A possible reason by which such problems arise is the collective’s lack of a well-functioning structure that could calibrate and direct the relevant incentives. For example, Elster (1982) claims that collective action problems are the main explanation for the Marxian proletariat’s failure to make the revolution. From the point of view of proletarian A, it is better if her comrades B and C go to the barricades for defeating capitalism without her. If they are successful, she benefits from their efforts without running the risks of fighting the authorities. Naturally, since B and C are stuck in the same web of incentives, no one shows up and capitalism wins, despite the interest of A, B, and C to implement socialism.

A promising way to calibrate the incentives and turn, in Elster’s terms, this prisoner’s dilemma into an assurance game could be the creation of a group agent such as a trade union. In addition to allowing continuous interactions so that “the workers become both concerned and informed about each other” (Elster 1982, p. 468), by being group agents, unions also have better tools for action and coordination than simple aggregates of workers.¹⁴

But group agency is more than internal structures and decision processes. We, flesh and blood individuals, are expected to act in ways that make sense to other people. Our agential status is called into question if our intentions or actions do not make sense. Suppose that an individual says that she wants to go to the park, wants to drink a beer once there, but also that she does not want to go to the park *and* drink a beer once there. Since taken as a whole these desires amount to an inconsistent set of logically connected propositions, she would violate what we could call a consistency requirement. Potential group agents can be plagued with the same problem. To see why, consider the following example (Pettit 2003, p. 178). Suppose that in March most members of a three-membered political party decide that the party will not increase any taxes; in June, most of them decide that the party will increase defense spending; finally, the majority decides in September that the party will also increase spending in other areas:

¹² Coming from anthropology, a definition of social class which captures these characteristics is Hoebel and Frost’s (1976).

¹³ For a classical articulation of the problem, see Olson (1965).

¹⁴ There may be a tension between that solution’s framework and traditional Marxian approaches, for collective action problems are generally formulated in individualistic terms.

	Increase taxes	Defense	Other
Member A	No	Yes	No (reduce)
Member B	No	No (reduce)	Yes
Member C	Yes	Yes	Yes

If we look at the matrix, we quickly see that the party is collectively inconsistent. After all, a compromise not to increase taxes *and* a compromise to increase defense spending cannot be squared with a final compromise to increase other spending.¹⁵ The lesson is that if the party wants to be taken seriously as an agent, it has to drop this majoritarian voting system and find a way to keep consistency over time. But since the members are individually consistent, the solution cannot be given at the individual level, so reason has to be collectivized in some way. To do this, the party can either resort to a collective *modus tollens* or to a collective *modus ponens* (p. 176). If it chooses the former, it will keep the “conclusion” and drop some of the “premises”. The party can, for example, retrospectively change its mind by now settling that taxes will be increased. On the other hand, the second method commits the party to the aggregation of the first two items and to what follows from them. Thus, having already decided against increasing taxes and for increasing defense spending, it follows that the collective decision on the “conclusion” is against the increase of other spending. (Notice that by collectivizing reason, the decision of the group may not coincide with what the majority thinks. In the *modus ponens* example, although B and C think that the party should increase other spending, the party does not. This is evidence that taken as an agent, the group cannot be reduced to its members. In Pettit’s parlance, it has a mind of its own.)

Pettit (pp. 176–77) forcefully argues that group agents have incentives to adopt *modus ponens* as their procedure. Recall that agents must be reliable in light of their purposes. Unfortunately, by collectivizing reason through *modus tollens*, a group signals that what it chooses now can be changed by whatever it may happen to decide in the future. This is terrible news for political parties, for we typically associate their public identity with dispositions to act in specific ways. Moreover, *modus tollens* makes adequate coordination nearly impossible, for coordination requires that agents treat their current decisions as reliable guides to what they will do in the future. For example, when we sign a contract with a company, we expect its terms to be temporally binding. If the company systematically reassesses the contract’s terms in light of what it decides in the future, we have a reason to think that we are dealing with a highly defective agent, for it can neither fulfill our expectations nor commit itself to its stated intentions. The upshot is that adequate agency requires not only consistency; it also requires *predictability*, which is a virtue clearly associated with collective *modus ponens*. Knowing in advance that what will be done in the future corresponds to what follows from present decisions is an invaluable piece of information for practical purposes.

Notice that what I have just described is captured by what Bratman (1999) says about intentions. His central point is that, differently from what is the case with mere

¹⁵ For simplicity, let us suppose that indebtedness is not an option here.

desires, intentions can be understood as commitments to future actions. My intention to learn how to play the King Crimson catalog on the guitar is much different from a mere desire to play it. When I intend, I commit myself to what is needed for me to really master the songs. Agents deprived of the normative force of commitments are defective agents in that their behavior across the time is not reliable. Desires come and go. Commitments, on the contrary, connect the present self to its future incarnation through a predictable path. In a sense, we are agents in no small part because we are committed beings. Hence, it is useful to see group agents whose procedure of election is the *modus tollens* as groups with no genuine, lasting intentions. On the other hand, group agents whose procedure of election is the *modus ponens* embody the normative force of commitments.

5 How Global Individualism Fails

Having described the inner workings of group agents, I propose that we now switch the party example to a case involving a court such as the US Supreme Court. Just as any functional corporate group, it clearly satisfies Pettit's requirements for agency: it can subject its representations to what evidence requires and is a textbook case of executive reliability.

One of the main tasks of a supreme court is that of subjecting legislative and executive acts to judicial review. Among other things, that means that it is up to the court to guarantee that those branches' acts do not violate what has been established in the constitutional text. Canonical justifications for judicial review include the claims that a set of judicial settlements provides the jurisdiction with stability and direction to public affairs, and that it protects citizens' basic rights and interests from legislative abuse (Freeman 1990). Democratic reasons are also offered. In his *Freedom's Law* (1996), Dworkin argues that judicial review encapsulates a great deal of the correct understanding of what a democracy really is. By his turn, Fabre (2000) goes even further and holds that overturning laws that violate individual rights is a precondition of genuine democracy.¹⁶ Finally, even Rawls (1996) concedes that judicial review has a justified anti-majoritarian role in a well-ordered democratic society. In short, we can say that a well-functioning court provides a democratic jurisdiction with basic rights' stability.

But the effective provision of such a thing as the *stability* of basic rights through the practice of judicial review takes a lot of time. Since what matters is the movie and not the photograph of the moment, the period needed to decide whether a court has really succeeded in the task may range from years to whole decades. Thus, it is fair to characterize the effective fulfillment of judicial review as an extended task. But if we accept the view that such a momentous task has, as the adduced authors suggest, deep normative grounds, it is also fair to treat it as the following Cohenian directive: "you should provide basic rights' stability". Thus, if what is true of the task is also true of the corresponding principle, it seems that we have arrived at what can be seen as an *extended normative principle*.

¹⁶ Cohen (1998) is another example of the same view. For democratic objections to judicial review, see Waldron (1999). For a reply, see Kyritsis (2006).

Principles need agents to be satisfied. So which agent should satisfy the basic rights' stability principle? And from what domain does that principle come from? Tackling the second question first, from any comprehensive theory whose aim is to provide a general order for a liberal society. By its turn, the first question is a question about adequacy. Recall that adequacy, as I understand it, is an agent-principle relation specified by a given normative domain. Hence, if we assume that GI is the background of our normative domain, we are committed to the idea that only individuals can instantiate the property of being obligated to satisfy the principle. Is this tenable?

To argue that it is not, I need a plausible account of what a collective moral agent is. List and Pettit (2011, p. 155) enumerate three clauses that a group has to satisfy to be that agent: 1) it faces a normatively significant choice, 2) it can access and understand the required evidence for making normative judgments, and 3) it has the control required for effectively choosing between options.¹⁷ Thus, according to List and Pettit, group agents are moral agents in virtue of their agential capacities relative to a given moral problem. I hold that only an irreducible group moral agent employing *modus ponens* as its aggregation procedure has the necessary capacities to discharge the obligation towards the stability principle. With the aid of an additional stylized scenario adapted from Pettit (2003, p. 168), my strategy to vindicate that conclusion is, in light of the principle, to assess and reject alternative decision procedures.

Suppose for simplicity that in our jurisdiction the supreme court has only three members and it is now before a case with the following structure: if conditions A and B obtain in the piece of legislation under scrutiny, it violates a basic constitutional right and should be overturned. The judges decide as follows:

	Condition A	Condition B	Overturn
Judge A	Yes	No	No
Judge B	No	Yes	No
Judge C	Yes	Yes	Yes

The first individualist procedure is the simple majoritarian method.¹⁸ But as in the party example, it is easy to see that employing it is a bad choice. In real life, inconsistency is not only a matter of logic; it affects actual people too. In our case, the court ends up failing to overturn what the majority thinks as being a rights-violating piece of legislation by simply disregarding, without any mechanism of correction, what the majority thinks of conditions A and B. By employing this procedure, what will emerge over time is just a set of decisions without the appropriate connections with the reasons that should have motivated them in the first place. And by denying the importance of consistency, not only does the court ignore the importance of logical reasoning, but it also fails to understand even basic legal reasoning. Hence, according to my characterization of adequacy, it is patently inadequate for any plausible

¹⁷ Since the option between satisfying or violating the principle is a momentous normative choice, I assume that the first clause is satisfied in all the following examples.

¹⁸ This procedure is individualist because it just adds individual votes. In French's parlance, the majoritarian procedure turns the court into a contrivance for purposes of summary reference.

normative theory of society to ascribe to a majoritarian court the task of satisfying our extended principle. Rights preservation requires basic consistency.

A defender of GI may rejoinder with the unorthodox proposal according to which the court's decisions must always agree with those of a representative individual who momentarily concentrates the power to decide. If the procedure involves rotation, every judge will have her turn to speak in the group's name, which would be reasonably democratic. Since this proposal also reduces the group to a convenient fiction, it is a legitimate individualist solution. To strengthen the proposal, let us suppose that the judges are individually consistent over time and have good control of their actions ("control" now understood as the property of being free from external coercion or manipulation (Rudy-Hiller 2018)). I think that even if the judges satisfy those conditions, this solution is inimical to the principle's satisfaction because "monocratism" is not a good idea if we value, as the principle does, stability.

Brazil's dysfunctional Supreme Court provides an interesting example in favor of my view. Although the reasons behind the Court's fragmentation relate to particular procedural facts, the arrangement nevertheless allows the judges to act as "11 decision-making" islands (Gomes Neto et al. 2019, p. 2). As Falcão and Argelhes (2017) argue, the Court's continuous process of monocratization has weakened the power of the plenary and incentivized individual strategic behavior. As they stress, one of the expected outcomes is each judge seeing her monocratic power as an opportunity to promote particular interests or agendas. So, if a collective body is charged with the task of protecting basic rights over time, Brazil's Supreme Court (and the judicial insecurity it creates) provides a solid reason to think that the best we can hope for is a court with a strong sense of unity.

A third individualist attempt can be outlined as follows. Instead of thinking of consistency as an irreducible collective property, we could designate one individual to keep an eye on the consistency of the court's decisions. If that is possible, says the individualist, not only do we have an individualistic mechanism of consistency maintenance, but we also have something fairly common in the job market, to wit, division of labor. Also, this suggestion seems to be consistent with groups' "checks on themselves that are designated to guard against certain failures of rational or normative processing" (List and Pettit 2011, p. 178). Does this suggestion succeed? To see why it does not, consider the following analogy. Imagine that the law imposes upon a company the obligation of paying once-a-month a given amount of money to the government. The company then hires an accountant to help with some details and to serve as an adviser. If the company fulfills its obligation, it would be odd to say that that result is produced by the accountant. Similarly, the court might designate one member to keep an eye on the consistency of the court's judgments over time, but the product itself (consistency) follows from what the collectivity accepts and does.

To further clarify my point, consider once again the example of the majoritarian court. If an observer designated by the court to be its "consistency watcher" notifies her colleagues that the final decision is inconsistent with the first two items, we now have a situation in which the collectivization of reason has just become an accepted practice, for there is nothing to observe if what is observed is not already part of the court's collective commitments. Thus, I think that this proposal mistakes the maker for the

observer. Individuals can in a weak sense support the satisfaction of the principle, but not satisfy it.¹⁹

Under analysis, the two individualistic solutions outlined above (the third being a disguised collectivist proposal) show that pure individualist procedures cannot get the basic rights' stability principle satisfied. The temporal nature of the principle poses a too demanding challenge for individualistic entities. And since no sensible normative theory would charge highly dysfunctional entities with the duty of satisfying it, the individualist solutions are hopelessly inadequate. But the principle is still around. If we find a group agent to which we can properly ascribe the corresponding moral property, we will have grounds to reject GI.²⁰

Now suppose that the court decides to employ *modus tollens* as its aggregation procedure. This step is not devoid of significance. The court is no longer a mere sum of discrete opinions, but a collective body seeking to find its own voice to ensure that it can deal with the principle as a unity. Indeed, compared to majoritarian voting, the *modus tollens* can circumvent inconsistencies (it is a procedure designed for this end, after all), and compared to the rotating court, it can avoid monocratism since it collectivizes reason. But still, it seems highly unlikely that it would be able to satisfy the stability principle. For one thing, the satisfaction of an extended principle that highly regards stability is in perpetual tension with the idea of changing present decisions in light of what may be decided in the future. In other words, an extended principle has also a natural tension with group-generated judicial insecurity (not every movie about consistency over time is also a movie about stability over time, after all). Besides, problems of coordination would immediately arise, for by not being able to rely on the courts' current settlements, we would have a hard time deciding how to safely interact with other people. In a sense, the level of success of a court depends on what it has not yet done. Predictability through commitment matters here too.

This helps to explain why this court does not do well when we take into account List and Pettit's second clause of group moral agency. Recall that to be a moral agent, a group needs to have understanding and access to the evidence required for making normative judgments. A way by which groups can satisfy this clause and thereby give "due consideration to evaluative matters" is the collective assessment of a moral proposition to endorse or reject it (p. 159). But here the relevant evaluative matter is not an isolated moral proposition or a given set of unrelated moral propositions; rather, it is specified by the more demanding and temporally loaded duty of satisfying the extended principle of basic rights' stability. Therefore, adopting a procedure that creates instability *vis-à-vis* a stability principle is not a good way of giving due consideration to the relevant evaluative matter.

Our discussion also illuminates why the court would not correctly satisfy the control clause of moral agency. For List and Pettit, an agent satisfies the control condition

¹⁹ Here is a quick, normative argument against this proposal: suppose that one individual is the consistency maker. Since keeping consistency requires overturning previous majority decisions or enforcing things that the majority rejects, it seems that she has a power that should belong to the court itself and not to one of its members.

²⁰ An alternative individualist solution would be a one-person court. I think that this would be a desperate solution. Since GI champions the moral worth of individuals, it would be silly to propose a kind of judicial dictator. The U. S. Supreme Court's "Rule of Four" is a testimony of the importance of fostering a plurality of voices within the Court. See Yingling (2015) for a discussion on that rule.

when it maintains “procedures for the formation and enactment of its attitudes, arranging things so that some individuals are identified as the agents to perform a required task...” (p. 163). The collective *modus tollens* is indeed a procedure, and the judges are clearly identified as individual agents who perform tasks, but given that the procedure creates instability, it is not clear how the collective task of protecting basic rights over time could be well performed. A metaphor from computing is useful to further clarify the point (p. 162). Suppose we “program” the court for providing rights stability and chose the *modus tollens* as our way of implementing the program. It is easy to see that the mode of implementation defeats the program’s purpose. Therefore, despite having some virtues, this court is still dysfunctional and not fit for the task.

At this point, we are left with a court whose method of aggregation is the *modus ponens*. Is this what we are looking for? I think so. First, contrary to the majoritarian one, it is consistent; second, it also avoids monocratism by collectivizing reason; third, it provides stability by committing itself in the future to what it decides now (here, the movie about consistency is also a movie about stability); fourth, as for the “access and understanding” clause for moral agency, by choosing the *modus ponens* the court does its homework properly and gives due consideration to the relevant evaluative matter; and last but not least, it is easy to see that the same is true of the control condition: the procedure arranges things so that the components of the group can act in line with the group’s main task, as specified by the principle.

We have a normative domain, a normative principle, and finally, an irreducible group moral agent structured enough to satisfy it. So, if my characterization of adequacy is apt, we should connect the basic right’s stability principle to a court that opts for the *modus ponens*, which means that we have an entity that is a bona fide example of an irreducible group fit for the instantiation of a not too controversial moral property. Needless to say, this result amounts to a liberal reason to reject GI.

6 Normative Individualism?

Before concluding, let me deal with a challenge that can be raised against my general approach. According to the challenge, instead of relying on moral individualism in formulating Global Individualism, I should have formulated it in terms of normative individualism, which is a weaker, and perhaps more plausible, stance. As we have seen, according to moral individualism, *all* moral properties are reducible to individual moral properties. On the other hand, according to normative individualism, we only need to reject collective moral rights. All that normative individualists require is that “something is good only if it is good for individual human or, more generally, sentient beings” (List and Pettit 2011, p. 182). This being so, the normative individualist is perfectly willing to accept collective moral obligations if these obligations work for the good of individuals, who are the true bearers of rights. And since List and Pettit (Ch. 8) think that their heavily populated social ontology is compatible with normative individualism (which they accept), it would follow that their views are compatible with liberalism, for normative individualism and liberalism walk hand in hand. Thus, a crucial step of my argument is stronger than it should be, and it is not clear that the argument would remain intact if formulated correctly.

At this point, we should recall that GI reveals, without distorting it, how individualistic liberalism can be. For instance, if I had formulated GI in terms of normative individualism from the start, I would have missed the opportunity of showing that theories as different as Rawls' and Nozick's can be reflected in a framework minimalistic enough to waive any collective obligations whatsoever. Thus, considering normative individualism as a point of departure would deprive us of interesting information. Moreover, since my solution to the problem posed by GI resorts to group agents discharging their collective moral obligations for the good of individuals, I cannot even be accused of overlooking normative individualism. The satisfaction of the stability principle commits us to that view, which makes it part of my argument. And notice that this commitment is more substantial than it initially appears, for normative individualism can in principle be agnostic about the existence of group obligations. But if I am on the right track, we have good reasons to give up agnosticism and accept the existence of group agents and their obligations. Hence, the satisfaction of the principle comes with a non-trivial cost. Of course, liberals could say that, as List and Pettit's example shows, the cost does not seem to be so high either, for although the failure of GI forces them into this "non-agnostic" normative individualism, this stance still looks friendly from a liberal point of view.

However, I think that the cost can be much higher than liberals expect. The problem is that accepting the existence of group moral agents such as those articulated by List and Pettit makes normative individualism an unstable position. To understand why, I introduce Hindriks' (2014) discussion in more detail than I did in section 2, where I briefly mentioned it.

Hindriks' aim is to present what he calls the "Corporate Autonomy Problem" (CAP) and delineate ways in which it can be solved. We can state the core of the problem as follows: as soon as we grant that corporate agents are moral agents that can deal with responsibilities, we run the risk of having to grant them rights that we would only ascribe to autonomous individuals, including, for example, the right to vote. But why is it hard to avoid this unwanted consequence? The answer lies in the thesis according to which attributions of moral status can be made in virtue of the kind of agency that agents exhibit (p. 1566). Thus, if we hold that moral statutes are ascribable to entities in virtue of their agency, whatever rights we ascribe to individuals will also have to be extended to group agents provided that the latter exhibit similar agential properties. As Hindriks puts it, "if the kind of agency is doing the work, then the level at which the agency is located is irrelevant" (p. 1576). And since List and Pettit subscribe to a Hobbesian conception of person according to which "persons are agents capable of operating in the space of obligations" (2011, p. 176), it is hard to see how they could deny the attribution of rights to group agents provided that they exhibit the correct capacities. Of course, this outcome is incompatible with normative individualism.

At first sight, the problem is not so threatening. Recall that List and Pettit's definition of normative individualism includes the property of being sentient, so perhaps we can coherently hold that what draws the line between obligations and rights is whether an entity is a sentient being. From this point of view, non-sentient agents such as group agents can be subject to obligations, but because they lack sentience, they are not given any rights. Normative individualism is therefore preserved. In a more recent work, List (2018) takes a similar route and suggests that a necessary condition to have the most important rights "is a capacity for phenomenal consciousness. Humans and other

primates clearly have that capacity, while group agents do not...” (p. 315–6). Hindriks (2014, p. 1580) calls this solution “normative pluralism”, for the underlying idea is that different properties ground different moral statuses.

However, normative pluralism is plagued with difficulties. The most threatening problems for List and Pettit are the commitment to the claim that sentience is a functional property and the unargued 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” (2011, pp. 227–28). As Hindriks remarks, if sentience is functionalizable, “it cannot be tied uniquely to a particular kind of matter”, which deprives List and Pettit of “principled arguments as to why collective agents could not possess the relevant property” (2014, p. 1582). And since List and Pettit, instead of arguing for the thesis that group agents do not have the relevant functional characteristics, just assume it, they are not well-positioned to rebuke Hindriks’ objection.

List seems to be less vulnerable here. Although he relates the idea of phenomenal consciousness to functional states, he provides substantial arguments for the thesis that group agents lack consciousness. But even if we grant that List’s normative pluralism is more well-grounded, I think that he is still not immune to the CAP. A quick example shows why. Suppose for simplicity that we can rest assured that phenomenal consciousness is a distinctively human functional state. Now suppose also that we ground the right to vote (regarded as problematic when ascribed to group agents) on phenomenal consciousness. It immediately follows that only individuals can vote, which is the desired result. End of story? Not exactly, for the task of connecting agent properties and moral statuses in a convincingly and non-arbitrary way is not a trivial one (p. 1581). Faced with my example, it is hard not to think that we are solving the problem of the ascription of a problematic right to group agents by introducing an unacceptable level of arbitrariness. After all, instead of grounding the right to vote on phenomenal consciousness, why not ground that right on the agential properties that can be instantiated by group agents? It does not follow from the fact that different properties ground different rights that all the rights that we want to ground on distinctively human properties will be grounded on them. The CAP is then reintroduced.²¹

In sum, since it is difficult to avoid the ascription of rights to the same group agents to which we ascribe obligations, normative individualism is always on the verge of collapsing. Notice that this is not a devastating problem for List and Pettit, for the core of their thesis is not a defense of any form of individualism whatsoever, but rather a throughout analysis of group agents and their properties. Their thesis being compatible with liberal sensibilities is not a condition for the feasibility of their project; it is only a desired result. However, the cost is much bigger for liberals who, compelled by the central argument of this paper, embrace both group moral agents and normative individualism. From their point of view, the collapse of normative individualism, which initially seemed to be a safe stance for liberals willing to reject GI, is much worse.

²¹ An alternative solution to the CAP is the suggestion that corporate 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” (p. 1580). The problem with this proposal, as Hindriks remarks, is that it is hard to determine in advance what the limits of corporate autonomy are. The solution “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” (p. 1581).

The predicament that befalls liberals at this point can be summarized as follows: if correct, my argument drives liberals away from GI, for GI is inconsistent with the satisfaction of the stability principle, which is an important principle for any committed liberal. Now, this is not a big problem at first, for normative individualism, despite being compatible with the existence of group agents and their obligations, still appears to be a fairly individualistic stance. But Hindriks' points strongly suggest that when we accept that it is possible to ground obligations on agency, the likely ascription of rights to collective entities looms large. So, by embracing a stance on group agents similar to List and Pettit's (or at best similar to List's), they inherit the CAP, a whole new problem with no clear solutions.²² What to do?

On the one hand, liberal individualists may decide to back away from the very idea of corporate groups and corporate responsibilities. This is a costly option, for by doing so they depart from a social ontological thesis that is compatible with the existence of the only agent that can satisfy the stability principle and, which is also pretty bad, lose contact with much of our legal discourse and social scientific practices.²³ On the other hand, if they opt for the satisfaction of the stability principle, Hindriks' points suggest that they will probably also have to give up more individualistic commitments than they might have anticipated. Either way, their position is quite defensive. And it may become even more defensive as we find additional liberal principles responsive only to other group agents such as parties, committees, private companies, unions, etc.

7 Concluding Remarks

Global Individualism is not sensitive to the basic rights' stability principle. We need to reject GI if we want to see this important principle satisfied. But since this solution comes with more costs than anticipated, we have reasons to think that individualism does not have the upper hand in normative discussions. Furthermore, it is worth mentioning in passing that even some less idealized approaches than GI are likely to be affected by my arguments. For example, since Rawls favors judicial review, he should not keep his group eliminativism. Moreover, it seems that we now have a possible counter-example to Huemer's main thesis. A different way to state Huemer's view is this: if you cannot use coercion to achieve a goal, so cannot the state apparatus. But if my argument succeeds, you as an individual clearly cannot coerce people into respecting other people's rights over time, but are we willing to deny this task to a government's branch structurally equipped for the principle? Avoiding ontological one-dimensionalism can be normatively revealing here too.

The moral domain is complex. We need a division of labor between kinds of agents when dealing with that universe's equally complex requirements. Individuals can do much, but not everything. If the introduction of irreducible group agents is the price we have to pay for truly discharging some central principles, maybe it is a price worth paying – even at the cost of liberalism's parsimonious worldview.

²² It is worth emphasizing that Hindriks' arguments are not meant to be a refutation of List and Pettit's stance on corporate agents. Much to the contrary, he sees their general approach as plausible. His focus, as my discussion makes clear, is on the normative consequences not anticipated by the normative individualist.

²³ For discussions related to the latter topic, see Zahle and Kincaid (2019, 2020).

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