

The Freedom of Collective Agents

Abstract. Corporate freedom is the freedom of a collective agent to perform a joint action. According to a reductive account, a collective or corporate agent is free exactly if the individuals who constitute the corporate agent are free. It is argued that individual freedoms are neither necessary nor sufficient for corporate freedom. The alternative account proposed here focuses on the performance of the joint action by the corporate agent itself. Subsequently, the analysis is applied to Cohen's (1983) analysis of proletarian freedom. Cohen claims that proletarians are individually free but collectively unfree to leave the proletariat. I argue that, pace Cohen, such a contrast between individual and collective freedom can only exist if collective freedom is interpreted in terms of corporate freedom.

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The Freedom of Collective Agents*

Given the dominance of liberalism in analytic political philosophy, it is perhaps not surprising that the freedom of collective agents has hardly been explored.¹ One of the reasons why this topic might have been neglected is that many liberals are interested in freedom because of the value they assign to individual autonomy. Although this makes the focus on individual freedom intelligible, it does not imply that the lack of concern with the freedom of collective agents is justified. Here is a reason why it is not: some activities that individuals might want to engage in – such as dancing the tango, playing soccer, or producing airplanes – can only be pursued collectively. And it is often most effective to pursue collective goals as part of a team or organization. Note, too, that some of our core freedoms, including, for instance, freedom of religion, involve inherently joint activities. It may well be that the freedom to participate in such activities can be defended by an appeal to the value of individual autonomy, just as many individual freedoms can. Perhaps the freedom of collective agents deserves philosophical attention in and of itself. The line of reasoning presented here, however, suggests that even those who give priority to individuals over collective agents should regard the topic as one of philosophical and political significance.²

I shall use the term ‘corporate freedom’ for the freedom of a collective or corporate agent. A corporate agent is an entity that can act and that consists of two or more individual agents. I shall assume that teams and organizations are corporate agents. The actions that such agents perform are joint actions. In this paper, I propose an analysis of the conditions under which a corporate agent is free to perform some kind of joint action. I start by considering a reductive analysis of corporate freedom according to which the individual freedom of the members of a corporate agent is necessary and sufficient for corporate freedom. We will see that this analysis cannot withstand careful scrutiny. The alternative non-reductive analysis that

I propose explicates the notion in terms of the capacities and opportunities of the corporate agent. That this analysis has philosophical bite will become apparent once I turn to Cohen's (1983) analysis of the freedom of proletarians in section 3. Cohen claims that proletarians are individually free but collectively unfree to leave the proletariat. I argue that such a contrast between individual and collective freedom can exist only if, pace Cohen, the collective freedom is a matter of corporate freedom. Furthermore, I argue that the contrast cannot materialize in the case of proletarians insofar as their freedom to leave the proletariat is concerned. The point will be that a corporate agent's trying to perform a particular joint action can have consequences for the individual freedoms of its members.

1. Freedom and Corporate Agents

One of the intuitions we have about freedom is that one is free to do that which one is in a position to do. This intuition is captured by Amartya Sen's (1999) conception of freedom as capability, as well as the conception of freedom as ableness (Carter 1999, Kramer 2003, and Dowding and Van Hees 2007a; see Dowding 2006 for a discussion of the intimate relation between these two conceptions). I shall rely on the conception of freedom as ableness in this paper, because it is relatively easy to check whether or not someone is free in this sense – as we shall see shortly. The arguments presented below, however, also apply to freedom conceived of as capability, as well as to the conception of freedom as non-interference or the absence of external constraints (an analysis of corporate freedom based on the latter notion of freedom is presented in note 10).

The notion of ableness can be broken down into two components (Morris 2002 [1987]). First, having the ableness to do *A* requires having the ability or capacity to do *A*. In order to have the ableness to ride a bike, for instance, one must have the capacity to do so.

Second, one must have the opportunity to do *A*. Using the same example, an opportunity condition for the ableness to ride a bike is having access to a bike.

Following Dowding and Van Hees (2007a), the freedom of an agent can be evaluated using the test of counterfactual success. Whether a particular agent is free to perform an action *A* in a particular scenario is to be evaluated by conceiving of that agent as trying to do *A* in that scenario, while keeping all other aspects constant, including the actions and dispositions of other agents. If the agent succeeds in doing *A* in the imagined scenario, she is free to do *A*. In applying this test of counterfactual success, it is important to keep fixed not only their actions but also the dispositions of other agents. Imagine a scenario in which two persons are in one and the same room, each reading a newspaper. Our question is whether each of them is free to leave the room. Suppose that, if in the imagined scenario either one of the two persons were to try to leave the room, the other would stop reading the newspaper and obstruct that action. In this scenario, neither of them is free to leave the room.

As said in the introduction, a corporate or collective agent is an entity that can act and that consists of two or more individual agents. Examples of corporate agents are boards of directors, soccer teams, and pit crews. Collective agents perform joint actions. A board of directors can lay off workers, a soccer team can play a match, and a pit crew can service a racecar. A collective agent is defined by the relations that obtain between its members. Peter French (1984), who coined the term ‘corporate responsibility’, characterizes collective agents in terms of their internal structure. Members of collective agents have certain roles that can be represented in an organizational chart. Furthermore, they are bound by procedural roles and policies. Finally, they rely on some kind of collective decision-making mechanism. Instead, Margaret Gilbert (1989, 2006) argues that a collection of individuals becomes a collective agent by openly expressing their willingness to be part of such an agent in conditions of common knowledge. Both French and Gilbert regard talk of collective agents having

(corporate or joint) intentions as legitimate. An analysis of such intentions, which is indebted to Bratman's (1999) analysis of shared intentions, plays a central role in Philip Pettit's (2003) account of corporate agency. In this paper, I need not commit myself to a particular account of collective agents. Instead, I shall rely only on the following uncontroversial claim. For a corporate agent to successfully perform a joint action the requisite members have to perform their parts. So, for a soprano and a bass to sing a duet, both singers must sing their parts (as discussed in notes 3 and 5, there are joint actions that do not require contributions of all the members of a corporate agent).

As they are defined by the ties that bind their members to one another rather than by the actions they perform, corporate agents can perform actions that can only be performed by collections of individuals, as well as actions that can in principle be performed by single individuals. Dancing the tango is an example of the former, as it takes two to tango. Servicing a racecar during a pit stop is an example of the latter, since in principle a single person can perform its component actions (see below). Collections of individuals who do not form a corporate agent at one point in time can come to do so later on. Ethnic minorities frequently do not form collective agents, but it is perfectly possible that the members of a particular ethnic minority organize themselves and form such an agent. Similarly, the proletariat as such is not a corporate agent in the sense at issue. However, proletarians might at some point unite and come to form a corporate agent. This could be because they believe that the chances of success are higher when they start a revolution as a corporate agent as compared to doing so in an unorganized manner. Or perhaps they come to believe, as Lenin did, that the only way in which a revolution can succeed is by creating a communist party that is governed by the rules of democratic centralism.

As the test of counterfactual success is defined for agents in general, it also applies to corporate agents. Hence, whether a particular corporate agent is free in a certain scenario is to

be evaluated by applying the test directly to the corporate agent. So, in order to determine whether a corporate agent is free to do something, we have to conceive of it as trying to do it. Given that the successful performance of a joint action requires that the members of the relevant corporate agent perform their parts, we should imagine the members as trying to do so. If under this condition the act is successfully performed, the corporate agent is free to perform it. Again, just as in the case of an individual agent, we should keep fixed everything that is external to the collective agent when evaluating its freedom, in particular the actions and dispositions of other (possibly collective) agents.

2. Corporate Freedom

2.1 Corporate Freedom and Individual Freedom

Quite a few philosophers are skeptical about the existence of collective agents. Some of them hold that statements about actions performed by corporate agents can be reduced to statements about actions performed by individuals (Quinton 1975). Such philosophers will be inclined to think that statements about the freedom of corporate agents can also be reduced to statements about the freedoms of individuals. More specifically, they might propose hypothesis H1 as an analysis of corporate freedom:³

(H1) A corporate agent is free to perform a particular joint action if and only if the requisite members are free to do their parts individually.

Consider a pit crew working in a pit lane. The joint action of servicing a racecar consists of changing the tires, refueling the car, possibly making adjustments to the front and rear wings,

and making minor repairs. When applied to this case, H1 comes down to the claim that a crew is free to service a racecar exactly if each of the mechanics involved is individually free to perform his or her task, be it changing a tire, or performing one of the other component actions. I shall argue that H1 is mistaken.

According to H1, corporate freedom is nothing over and above the individual freedoms of the collection of individuals who constitute the corporate agent. It implies that a corporate agent is free if and only if the amount of individual freedom of the members is maximal. In order to check whether H1 is an adequate analysis of corporate freedom, I shall compare the verdict of the test of counterfactual success concerning the freedom of a corporate agent with the verdict of the test concerning the individual freedoms of its members. In section 2.2, I shall consider whether maximal individual freedom is sufficient for corporate freedom. In section 2.3, the question at issue is whether some individual freedom is necessary for corporate freedom. We will see that neither of these two implications of H1 holds.

2.2 Individual Freedoms Are Not Sufficient for Corporate freedom

The argument against sufficiency relies on the claim that for a corporate agent to successfully perform a joint action the relevant members have to perform their parts. In order to make clear that I rely on this assumption only, I shall not use examples of actions that necessarily require corporate agents for their performance, such as dancing the tango. This serves to reveal the strength of the argument, as well as to locate the source of the problem, which is useful for finding a solution. I shall first illustrate the main point using a very basic example – a joint action all parts of which are tokens of the same type – and then generalize it to joint actions with different parts.⁴

Consider a soccer team on a cruise. Suppose that at some point during the cruise the team is left behind on an uninhabited island. The only vessel to which they have access is a solo canoe (assume that a solo canoe can indeed carry only one person). This does not bother the members of the soccer team at all. The sun shines almost all the time on the island, there is plenty of food, water, and shade, the beaches are nice, et cetera. The island feels like paradise to them. Because of this, no one is inclined to leave. And even if one of them wanted to do so, no one would stop him. In this scenario, the members of the soccer team are all individually free. This follows directly from applying the test of counterfactual success to an arbitrary member of the team. If one of them were to try to leave the island, he would succeed in doing so. No one would restrain him from taking the canoe. This applies to all eleven individuals. We can say of each of them that, if he were to try to leave the island, he would succeed in doing so.

At the same time, however, they are unfree to leave the island together as a team or corporate agent.⁵ As we saw earlier, the performance of an action by a corporate agent requires that its members perform their parts. In the case of the example under consideration, this means that, if the soccer team were to try to leave the island, each member would try to leave. Given the fact that they have access only to a solo canoe, at most one member would succeed. By implication, the corporate agent is unfree (or at least not completely free) to leave the island. So we have a maximal amount of individual freedom combined with corporate unfreedom.⁶

The point applies more generally. In the example just discussed, nobody exercises his freedom to leave the island. Consider next an example in which several individuals exercise their freedom, while the others are still individually free to do so even though not all of them can do so at the same time (this is also an example in which the parts of the joint action differ from one another). Suppose I am a mechanic belonging to a particular pit crew. Our car

makes a pit stop and most members of the crew perform their tasks, some changing tires, others adjusting the wings. However, after removing one of the tires one of the crewmembers does not put on the new one, and I do not refuel the car. As it happens, a competing team has bribed both of us. So, each of us is free to perform our respective parts, but neither one of us does so. The competing team turns out to have a backup plan in case the bribe would not be successful. If both of us were to try to perform our parts, one of us would be shot in the shoulder making it impossible for him to complete the task. This implies that we are not free to perform our tasks in combination. However, if only one of us were to perform his task, neither one of us would be shot. So, since neither one of us does so in fact or is disposed to do so, each of us is still free. The crew considered as a collective agent, however, is not free to service the racecar. Again, we can conclude that in some cases even maximal individual freedom is insufficient for corporate freedom.

The point applies as long as the following two conditions hold. First, the number of individual agents who try to exercise their freedom, x , is smaller than the number of individual agents who can successfully do so, y : $x < y$. This guarantees individual freedom for all agents. Second, the number of individual agents who can successfully exercise their individual freedoms in combination, y , is smaller than the number of individual agents who constitute the corporate agent involved in the scenario, z : $y < z$. This implies corporate unfreedom.

The reader might feel that something has gone wrong here. How can it be that the corporate agent is unfree even though all individual agents are free? Are the individuals as depicted here really free? One might try to develop this objection as follows: we can only say of all individual agents that they are free to perform a particular kind of action if they can all exercise that freedom in combination. This is not the case. Hence they are not really free, or at least the amount of individual freedom is not maximal. Now, what is wrong with this line of

reasoning is that being in a position to exercise freedoms conjunctively has been confused with being (really) free. That this is misconceived follows from the fact that the test of counterfactual success has to be applied at the level of the agent whose freedom is evaluated, as we saw in section 1, keeping the others' actions and dispositions to act constant. This test has been applied in a straightforward way, first at the level of individual agents and then at the corporate level. So any remaining feeling that something has gone wrong is unjustified. The upshot of this is that it is important to clearly distinguish between several individuals being free and their being in a position to exercise individual freedoms in combination.⁷

What this discussion reveals is that the condition that no one or hardly anyone exercises her individual freedom can be an opportunity condition for my individual freedom. Recall that in section 1 having the ableness to do something was analyzed in terms of having the capacity to do it combined with having the opportunity. Now, someone exercising her freedom to leave the island takes away the ableness of the others to do so by destroying the opportunity for them to do so. Similarly, my refueling the racecar removes the ableness of the remaining mechanic to put on the new tire, as his trying to do so would prompt a member of the competing team to shoot him in the shoulder. And not being shot is an opportunity condition for that action. The thing to note is that the individual freedoms in the scenarios considered are artifacts of the fact that no one or hardly anyone exercises or is disposed to exercise her freedom. Because of this, I suggest calling the preceding line of reasoning 'the argument from non-exercise'.

What can we do in the face of this failure of H1? The foregoing suggests a way of formulating an alternative hypothesis that is immune from the criticism of H1 presented here:

(H2) A corporate agent is free to perform a particular joint action if and only if the requisite members are free to do their parts individually and those parts can be performed in combination.

We saw that the fact that the individual freedoms in the island and the pit crew scenarios cannot be conjunctively exercised should not be seen as a limitation on those individual freedoms. It does, however, form a limitation on the freedom of the corporate agents mentioned. So, the idea goes, our definition of corporate freedom should rule this out. This has been done by adding to H1 the requirement that the parts can be performed in combination.

The argument from non-exercise implies that corporate freedom is not a monotonically increasing function of individual freedom. The reason for this is that all individuals in a particular collection of individuals can be free individually without it being possible that they conjunctively exercise these freedoms. So, even maximal individual freedom is not sufficient for corporate freedom. Presumably the conditions formulated in H2 are sufficient for corporate freedom. In the next section, however, we will see that individual freedoms are not necessary for corporate freedom either. This implies that corporate freedom should not be analyzed in terms of individual freedom at all.

2.3 Individual Freedom is Not Necessary for Corporate freedom

Some actions require contributions from two or more individuals for their performance. The freedom of a particular individual to perform such an action depends on the willingness of others to contribute. If others are unwilling to do so, the individual at issue is unfree. This may hold for all individuals within a particular collection at a particular time. At the same

time, a corporate agent that consists of those individuals may well be free to perform the action. Thus, a corporate agent can be free without its members being free to do so. Hence, individual freedom is not necessary for corporate freedom.

Consider the action of carrying a piano upstairs. It is not (physically) possible for an individual human being to perform this action. So it can only be performed as a joint action. It is in fact not even (physically) possible for an individual to perform her part of this joint action without the help of others. After all, performing one of the contributory actions requires someone to contribute to carrying the piano while it is being moved upstairs. But it arrives upstairs only if one or more others contribute. Thus, in cases like this one an individual is dependent on contributions from others even for performing her part of the joint action. Suppose that neither Alex nor Brian is willing to contribute to the act of carrying a particular piano upstairs. This entails that neither Alex nor Brian can perform his part. Hence, each of them is unfree to do so individually. After all, if one of them were to try to perform the act, he would fail because the other would refuse to contribute.

What about the freedom of a corporate agent to carry the piano upstairs? In order to determine whether a corporate agent is free to perform a particular action, we should conceive of it as trying to perform that action. In principle this involves conceiving of its members as trying to do their parts. If the opportunity conditions are met, the corporate agent will succeed. The crucial point to see is that, whereas the willingness of other individuals is an opportunity condition insofar as the freedom of a particular individual is concerned, the willingness of the members of a corporate agent is not an opportunity condition for the freedom of the corporate agent. Instead, their willingness is involved in the corporate agent's trying to perform a particular action. As a consequence, it can just be presupposed, at least in normal cases. Suppose, for instance, that Alex and Brian have set up a removal firm that has a contract to move the piano. If the removal company were to try to move the piano, Alex and Brian would

try to do so jointly. Supposing that the unwillingness of Alex and Brian was the only obstacle to their individual freedoms to move the piano upstairs, the removal company would succeed in doing so. As a consequence, the removal firm composed of Alex and Brian is free to move the piano upstairs even though both are unfree to do so individually. What this argument – which I call ‘the argument from unwillingness’ – reveals, then, is that a corporate agent can be free to do *A* without any of its members being free to do *A_i* individually. In other words, individual freedom is not even a necessary condition for corporate freedom.⁸

Thus far we have compared the freedom of a corporate agent to perform a joint action to the freedom of its individual members to do their parts individually. And we have seen that the two can come apart. The same holds with respect to the freedom of a corporate agent to perform a joint action versus the freedom of an individual to perform that action. Alex is unfree individually to do his part of carrying the piano upstairs given Brian’s unwillingness to contribute. A fortiori Alex is unfree to perform the joint action of carrying the piano upstairs. Thus, the argument from unwillingness implies that Kramer is mistaken when he writes that ‘[t]he irreducibly collective nature of [a joint] action does not translate into the irreducibly collective nature of the freedom (or lack of freedom) to perform it’ (2003, 239). Considering two individuals, he maintains that ‘it is fully legitimate to affirm that the pair of them are [sic] free (or not free) to engage in the joint action, but it is no less accurate to affirm that each of them is free (or not free) to engage in that action with the other’ (ibid.). In contrast to this, the preceding reveals that the fact that someone is unwilling to contribute to the performance of a joint action can make another individual unfree to engage in the joint action even though the pair of them is free to perform it. Actual individual unwillingness is irrelevant to the freedom of a collection of individuals, because their freedom depends on what would happen if they were willing to contribute.⁹

Things are a bit more complicated when the individuals constitute a collective agent. It is, of course, conceivable that one or more members of a corporate agent are intent on obstructing the performance of a joint action by the corporate agent to which they belong and are in a position to do so. The preceding reveals, however, that this does not mean the corporate agent does not have the opportunity to perform the action. Instead, this means that the agent does not have the capacity to do so. The members can in fact incapacitate a corporate agent (cf. Morriss 2002, section 14.2). Being intent on obstructing the performance of an action by a particular corporate agent, however, is not the same as being unwilling to contribute to the performance of a joint action initiated by another individual. All that is needed for the argument from non-willingness to go through is that there is a case in which there are not enough individuals willing to contribute individually to the performance of a particular joint action, even though at the same time there are not enough members intent on obstructing the performance of that action by the corporate agent to which they belong. And this holds for Alex and Brian.

How should we change the analysis so as to accommodate the argument from unwillingness? The argument implies that individual freedom is not a necessary condition of corporate freedom at all, not that the conditions of H2 should be strengthened. So, adding the condition that the individuals do not obstruct the corporate agent of which they are members to H2 will not do. The thing to see is that by trying to analyze corporate freedom in terms of individual freedoms we have tried to analyze the ableness of a corporate agent in terms of the individual ablenesses of its members. Given that this attempt has failed, the salient alternative is to analyze corporate freedom in terms of the components of the ableness of the corporate agent in the following way:¹⁰

(H3) A corporate agent is free to perform a particular joint action if and only if it has the capacity and the opportunity to do so.

From our investigation of the argument from non-willingness we can gather that the capacity of a corporate agent involves the absence of dispositions of members to obstruct. The argument from non-exercise entails that the opportunity conditions for joint actions include the requirement that the parts can be performed in combination. H3 is a non-reductive analysis of corporate freedom, as it refers to attributes of collective agents. It may be, however, that these attributes can be reduced to attributes of individuals. The point of the arguments presented, however, is that those attributes will not be individual freedoms.¹¹

3. Cohen's Thesis and the Freedom of the Proletariat

3.1 Cohen's Thesis and Corporate freedom

In his seminal paper "Capitalism, Freedom and the Proletariat" Jerry Cohen (1979) argues that proletarians are individually free but collectively unfree to leave the proletariat (see also his 1983 and 1991). This contention presupposes that it is possible for a set of individual agents to be both individually free and collectively unfree. I shall call this claim 'Cohen's Thesis'. In this section, Cohen's Thesis is considered independently of the application to proletarians. I shall argue that it only comes out as true if it is interpreted as a claim about the total amount of individual freedom versus corporate freedom, something that Cohen emphatically denies. Cohen's evaluation of the freedom of proletarians is discussed in section 3.2. In this section, the usefulness of H3, the analysis of corporate freedom proposed in

section 2, is illustrated by arguing that it is indispensable for making sense of Cohen's Thesis.¹²

The conception of freedom Cohen relies on appears to be freedom as ableness. Cohen regards having the ableness to do something as a sufficient condition for being free to do it. Bearing in mind what was said about freedom and counterfactual success, we can see that this much is suggested by Cohen's claim that it is a sufficient condition for *X*'s being free to do *A* that '*X* would do *A* if he tried to do *A*'; he adds that a more complete analysis of freedom is not needed for his purposes (1983, 10n8; 1991, 179n16; most commentators have taken Cohen to regard ability also as a sufficient condition: Brenkert 1985, 93; Kramer 2003, 160; Dowding and Van Hees 2007b).

Cohen's Thesis consists of a claim about individual freedom and a claim about collective unfreedom. What does it mean for a collection of individuals to be individually free? It means that it is true of each of the individuals in the collection that she would succeed if she were to try to perform the action concerned. In other words, the amount of individual freedom is maximal. The next question we need to ask is what 'being collectively unfree' might mean. What we need is a way of conceiving of the set of individuals that is distinct from the conception of them as an arbitrary collection of individuals. One way, of course, is to conceive of them as a corporate agent. On this reading, the claim that a collection of individuals is collectively unfree would mean that the individuals constitute a corporate agent and that the corporate agent is unfree. So one way of interpreting Cohen's Thesis would be as the claim that the maximal amount of individual freedom is consistent with corporate unfreedom.

The first thing to note is that, under this interpretation, the thesis is true. When so interpreted, Cohen's Thesis applies, for instance, to the island example discussed in section 2.2. In that example only one person can leave the island, while nobody tries to. We saw that

all persons on the island are individually free to leave the island. We also saw that, when conceived of as a corporate agent, the collection of individuals was unfree to leave the island. And it was legitimate to regard them as a corporate agent, because the eleven individuals constitute a soccer team. So the island example was one that combines maximal individual freedom and corporate unfreedom.

The next thing to appreciate is that this is the only way in which Cohen's Thesis can be interpreted, at least if one retains the idea that the thesis concerns two kinds or levels of freedom – which it does, on the face of it. The first premise of the argument is this: the claim that all individuals within a certain set are individually free basically allows one reading only, the one propounded above: the amount of individual freedom in the set is maximal. The second premise is the statement that there is no other kind of agency in addition to individual and collective agency. Combining this with the fact that freedom of action is always the freedom of an agent, it follows that there is no third kind of freedom in addition to individual and corporate freedom. These premises imply that the only interpretation on which Cohen's Thesis is true is that on which it is the assertion that a maximal amount of individual freedom is consistent with corporate unfreedom.

If this argument is correct, we need an analysis of corporate freedom in order to make sense of Cohen's Thesis. In section 2, it was argued that H3 provides for an adequate analysis of corporate freedom. The upshot is that Cohen's Thesis can come out as true only if the term 'collective unfreedom' is interpreted in terms of corporate unfreedom, which in turn should be analyzed in terms of H3. Cohen did not think of the freedom of collective agents when he proposed his thesis. He claims that he is 'not discussing freedom and the lack of it which groups have qua groups, but which individuals have as members of groups' (1983, 17). However, the thesis lacks application if it is not interpreted in terms of corporate freedom as analyzed above.

3.2 The Freedom of the Proletariat

Cohen's aim in analyzing the structure of proletarian unfreedom is to argue that one does not need to rely on a Marxist conception of freedom in order to accept the idea that proletarians are unfree. What is more, he even accepts the claim that, as the evidence suggests, proletarians are free to leave the proletariat. These claims are consistent, Cohen argues, if one interprets proletarian unfreedom in terms of collective unfreedom. However, as argued in section 3.1, claims of this form can only come out as true if the collective unfreedom at issue is taken to be the unfreedom of a collective agent. At the same time, we saw that Cohen denies being concerned with the proletariat as a collective agent. This implies that he has failed to establish that proletarians are unfree at some level. In this section, I shall argue that it is better to conceive of the phenomenon Cohen is concerned with in terms of a failure of the requirement introduced in section 2.2 according to which it should be possible for the parts of a joint action to occur in combination. Furthermore, I shall consider the freedom of the proletariat conceived of as a collective agent.

3.2.1 Counterfactual Individual Unfreedom

In order to defend the claim that proletarians are collectively unfree, Cohen introduces an example that is structurally identical to the island example of section 2.2 in all respects, except for the fact that the individuals in his example do not constitute a corporate agent. Cohen envisages a room with a door that only one person can use: 'Photoelectric devices installed by a jailer ensure that it will open only just enough to permit one exit. Then it will close, and no one inside the room will be able to open it again' (1983, 9). Nobody is inclined

to leave. So fewer individual agents exercise their freedom than the number of individual agents who could do so. Just as in the island scenario, there is one opportunity to leave, and it is not used. By implication, all of those present in the room are individually free to leave the room. Cohen suggests that something is wrong with their freedom nevertheless: ‘Yet we can envisage members of the group communicating to their gaoler a demand for freedom, to which he could hardly reply that they are free already (even though, individually, they are)’ (1991, 181).

There is indeed something amiss concerning the freedom of the ten individuals in the room, as well as concerning the freedom of the eleven individuals on the island, considered as a mere collection of individuals. What is wrong, however, does not concern a distinct kind of freedom. Instead, it concerns the plain fact that the requirement introduced in section 2.2 is not met: it is not possible for the individual freedoms enjoyed by all those concerned to be exercised in combination.¹³ As no agent is being prevented from doing anything and no agent loses her ableness to leave, it is misleading to use the term ‘freedom’ in this connection. Of course, one can define the term ‘collective freedom’ in terms of the possibility of conjunctively exercising individual freedoms, but this does not make it a distinct kind of freedom.

One reason why Cohen’s room example is so easily taken to support his claim that proletarians lack freedom is that it is natural to assume that, in contrast to what is assumed, the individuals want to leave the room. An example in which the assumption that fewer people exercise their freedom than the number of people who could do so in combination is more plausible will serve to get a clear perspective on the phenomenon at issue. Suppose that in a particular neighborhood there are fewer parking spaces than houses. The number of households that own a car, however, is even less. On the face of it, these people do not lack freedom at all. As many people do not own a car, they are not disposed to exercise their

freedom to park a car. So, nobody is prevented from doing anything, and everybody – or at least those who can afford a car – has the ableness to park his or her car. One could respond by observing that, if more people were to buy cars in that neighborhood, at some point some of them would become unfree to park their cars. However, that unfreedom would be individual unfreedom. So the response does not provide a good reason for accepting the notion of collective freedom. Instead, it suggests that the phenomenon at issue can better be regarded as a problem of counterfactual individual unfreedom. Thus, I agree with Carter who maintains that ‘the phenomenon Cohen has spotted is more appropriately described as the truth of a counterfactual conditional regarding individual actions (of some) and individual freedoms (of others).’ (1999, 258; see also 256)¹⁴

In order to extend this line of critique to the definitions of collective (un)freedom Cohen and Carter provide it is useful to have recourse to the notion of compossibility. Two acts or two freedoms are compossible exactly if there is a possible world in which they can both occur (Carter 1999, 180). Carter admonishes us to ‘be careful to distinguish between the conditions under which two actions are compossible and the conditions under which two freedoms are compossible’ (1999, 262; emphasis in original). Cohen confuses the two when he defines ‘collective unfreedom’ as follows: ‘[A] group suffers collective unfreedom with respect to a type of action A if and only if performance of A by all members of the group is impossible.’ (1983, 16; he adds that in ‘the proffered definition of collective unfreedom the relevant agents are individuals, not a group [corporate agent] as such’). The issue Cohen addresses is better described in terms of a lack of compossibility of actions than in terms of freedom. Using the term ‘collective unfreedom’ in this connection only serves to confuse matters that are better kept distinct.

For the sake of developing the criticism of Cohen just discussed, Carter presents a definition of ‘collective freedom’ that is closely related to Cohen’s definition of ‘collective

unfreedom’: ‘Let the term ‘collective freedom’ describe the freedom of a group [i.e. collection] of individual agents to perform a set of agentially distinct actions ... in combination.’ (1999, 248) The conditions stipulated in this analysis are the same as those of corporate freedom as analyzed in H2, which was discussed and criticized in section 2.2. We can now see that these conditions do not only fail as an analysis of corporate freedom, they should not be regarded as being definitive of any notion of freedom whatsoever. Carter’s definition of ‘collective freedom’ suffers from the same defect as Cohen’s definition of ‘collective unfreedom’. As Carter recognizes, it mistakes the fact that not all individuals can conjunctively exercise their freedom for a kind of freedom.¹⁵ The definition pertains to the number of individual actions a world can contain and does not distinguish this clearly from the number of freedoms a world can contain. The whole point of the island example was to illustrate this difference.¹⁶

All in all, we can draw three conclusions. First, H2 is not only inadequate as an analysis of corporate freedom. It is not an analysis of any kind of freedom whatsoever. Second, Cohen’s attempt to argue that proletarians are collectively unfree even though they are individually free fails.¹⁷ Third, better ways of capturing the situation of proletarians are conceiving of it in terms of a failure of the compossibility requirement being met or in terms of counterfactual individual unfreedom. It is important not to mistake the phenomenon for a kind of unfreedom.¹⁸

3.2.2 The Proletariat as a Corporate Agent

Cohen was not concerned with the revolution scenario (1983, 17). So, it was natural for him to assume that it is impossible for all proletarians to leave the proletariat at once: he was concerned with leaving the proletariat in the sense of becoming a member of the bourgeoisie

and it is a conceptual impossibility for all proletarians to do this, because the existence of the bourgeoisie depends on that of the proletariat.¹⁹ For the purpose of understanding the nature of corporate freedom, it is instructive to consider the revolution scenario. In that scenario leaving the proletariat is a matter of overthrowing capitalism. Marxists believe that proletarians can achieve this goal by uniting themselves. Perhaps a proletarian revolution can be understood in individualist terms (see section 9.2 of Carter 1999). As the topic of this paper is corporate freedom, however, I will consider the scenario in which proletarians decide to team up and form a collective agent. They might, for instance, believe that they will be more effective in this way. As mentioned in section 1, Lenin thought this was the only way in which a proletarian revolution could be successful.

Given the analysis of corporate freedom provided above, proletarians are free to overthrow capitalism exactly if (the requisite number of) its members are in a position to perform their parts jointly. The relevance of the revolution scenario to corporate freedom resides in the fact that it might be that by combining their efforts they would succeed in overthrowing capitalism. The idea is that what they cannot achieve by acting independently from one another, they can achieve by joining forces, and forming a corporate agent. Only independent individuals are faced with a lack of compossibility. Thus, the proletarians are free to leave the proletariat collectively in the sense that, in case they have formed a corporate agent, they enjoy the corporate freedom to do so. The thing to note is that the contrast between individual freedom and collective unfreedom that Cohen envisages does not materialize in this scenario either.

4. Conclusion

The thesis that I have defended in this paper is that corporate freedom cannot be reduced to individual freedoms. The argument against the necessity of individual freedoms, the argument from non-willingness, focuses on the role of the willingness of others to contribute in relation to the freedom that individuals have regarding the performance of (their part of) a joint action. If others are in fact unwilling to do so, a particular individual is unfree. Insofar corporate agents are concerned, the willingness of their members can be presupposed, at least in normal cases. Thus, a corporate agent can be free without its members being free individually. The converse is possible as well. A corporate agent can be unfree even though its members are free individually. Individual freedoms are not sufficient for corporate freedom because they might be due to the fact that few individuals exercise their freedoms.

The arguments concerning Cohen's Thesis – the claim that it is possible for a set of individuals to be free individually and unfree collectively – are intimately related to this second argument, the argument from non-exercise. This argument concerns situations in which not all individuals can perform their contributory actions in combination. In such situations, a corporate agent is unfree to perform the joint action that is composed of those actions. If the individuals do not try to perform their contributory actions, all of them are free to do so. Only in such cases does the contrast of Cohen's Thesis obtain. However, if the individuals do try to perform their contributory actions, whether individually or in their capacity of members of the corporate agent, all possibilities for doing so will be used. As a consequence, some individuals – those who were too late to try to exercise their freedom – become unfree. So, the corporate agent is unfree, and some of its members are unfree as well. Now, suppose that the lack of compossibility poses a problem for individuals severally only, as is assumed in the Leninist scenario of the proletarian revolution. In other words, by uniting

themselves and forming a corporate agent they can perform their contributory actions in combination by means of the corporate agent performing the joint action that depends on those actions. Then the corporate agent is free.

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¹ Gilbert (2000) and Pettit (2001) affirm the existence of corporate (un)freedom, but do not provide an account of how it relates to individual freedom. Carter (1999) and Kramer (2003) argue that the freedom to perform joint actions can be reduced to individual freedom.

² Some liberals already recognize the importance of group rights understood as the rights of collective agents (see the papers in part IV of Kymlicka and Shapiro, 1997).

³ In many cases, a corporate agent has the capacity to perform a joint action in several ways. Often, members can switch roles. More importantly, many joint actions do not require contributions from all members. If the required number of contributions is smaller than the number of members, the thing to do is to identify the sets of members that are minimally sufficient for performing the joint action at issue. In the duet example, both the soprano and the bass are members of the only minimally sufficient set for singing the duet. A choir, however, could perform an a capella piece in different formations. It need not be detrimental to the performance if, for instance, one alto cannot make it to the concert. In this way there may be several subsets of the members of the corporate agent that suffice for the performance and thereby form minimally sufficient sets with respect to this joint action. Note that this is not just a matter of the number of people who contribute. In contrast to one alto, the absence

of the conductor will usually be detrimental. Strictly speaking, then, H1 should be reformulated: the term ‘the requisite members’ should be replaced with ‘a minimally sufficient set of members’. The same holds for H2 and H3 presented below.

⁴ One might be inclined to say that such actions are not joint actions at all. Given that corporate agents are defined by the ties that bind their members rather than by the actions they might perform, this objection appears to be misguided. Gilbert (1989) uses walking together as her main example of an action performed by a corporate agent (‘a plural subject’ in her terminology). For those who are not convinced, the pit crew example presented below might be more suitable for making the point.

⁵ All or at least most members contribute to the joint action of leaving the island as a team. Note that some joint actions the team might want to perform require contributions of only a few or even just one member. The team might, for instance, get in touch with people living on an island nearby. And it takes only one person using the solo canoe to send them a message on behalf of the corporate agent. So, the corporate agent is free to perform this joint action but not that of leaving the island altogether.

⁶ What makes the island scenario particularly attractive for the purposes of this paper is that, apart from the fact that the people on the island constitute a collective agent, it is structurally identical to Cohen’s example of a room in which ten people are locked up and only one of them can leave. As explained in section 3.1, Cohen takes the example to be analogous to the predicament of proletarians. Note that I follow Cohen, Carter, and Kramer in assuming that one unused possibility for action suffices for making all individuals free to perform that action (see, for instance, Kramer 2003, 224).

⁷ Carter (1999, 258-67) relies on this distinction when he criticizes Steiner’s zero-sum thesis according to which changes in the amount of freedom individuals have cannot change the total amount of individual freedom within the collection of individuals at issue.

⁸ The point can be made using a standard Lewis-Stalnaker possible world semantics. Alex and Brian are both unwilling to contribute to the action of carrying the piano upstairs in the actual world w . In order to evaluate the freedom of one of them to perform his part individually, we should consider the nearest possible world in which he tries to do so, w^* . This will be a world in which the other is not willing to contribute, as the test of counterfactual success requires us to keep constant the actions and dispositions to act of others. In contrast, the world that is relevant to the assessment of the freedom of the removal firm that consists of Alex and Brian, w^{**} , is one in which the corporate agent tries to perform the action, which involves both Alex and Brian trying to perform their parts.

⁹ This point generalizes to joint actions such as dancing the tango or singing a duet. Such actions differ from that of carrying a piano upstairs in that their individual performance is conceptually rather than physically impossible. Now, it may be that I am simply not in the mood to sing a duet with you. Supposing there are no other people with whom you could perform this action, this implies that you are individually unfree to sing the duet (even though you are free to sing your part individually). It does not mean, however, that the two of us are unfree to sing the duet. In fact, it may well be that we are free to do so. The argument from non-willingness, then, reveals in fact that it is possible for a collection of individuals or a corporate agent to be free to perform a particular joint action and for its members to be free to perform their parts individually, even though its members are not free to initiate and perform the joint action individually.

The same point can be made in terms of outcomes rather than actions. Consider an alternative to the island scenario presented earlier in which the members of the soccer team have access to eleven solo canoes. The freedom at issue is to bring about the outcome that all individuals are back on the mainland. An individual is only free to do this if the others are disposed to leave when she does (or if she can get them to leave when she does; this holds, for

instance, if they are disposed to leave when she asks them to do so). As stipulated in the example, they are not so disposed. In this case, an individual is free to bring about the individual outcome of her being on the mainland even though she is not free to bring about the collective outcome of all of them being on the mainland. At the same time, it may be that no one is disposed to obstruct the corporate agent when it tries to bring about the collective outcome. This reveals that the conditions for an individual being free to bring about a collective outcome differ from those that hold for a corporate agent's being free to do so.

¹⁰ This definition follows directly from the analysis of ableness presented earlier. Similar arguments can be used against the proposal to analyze corporate freedom in terms of individual freedoms relative to the definition of freedom as non-interference. A corporate agent is free in this sense if and only if it is not prevented from performing the joint action at issue.

¹¹ Whether such a reduction is feasible depends in part on whether the notion of a joint action can be reduced. See Bratman (1999) and Gilbert (1989) for different views on this issue.

¹² What sets my criticism of Cohen's analysis apart from others, such as Brenkert (1985), Gray (1986) and Reiman (1987), is that it is an internal critique. Most criticisms offered thus far pertain to the question whether Cohen represents the situation of proletarians accurately or in a way that is truly Marxist. In a similar fashion, some commentators argue that the conception of freedom on which Cohen relies is not a Marxist one. Instead, I take Cohen's presentation of the situation of proletarians and the conception of freedom he uses as given, and expose a tension within his analysis.

¹³ As a consequence, the individual freedoms are interdependent. Kramer points out that this has a rather untoward consequence: 'Any person who exercises the freedom-to-leave-the-room will thereby cause everyone else to lose that freedom, and the freedom-to-leave-the-room is of enormous significance for each person's overall liberty. As a consequence of those

two factors, anyone exercising that freedom will bear a weighty responsibility – at least a causal responsibility and maybe also a moral responsibility – for sharply cabining the overall liberty of everyone else in the room.’ (2003, 234)

¹⁴ A related reason for rejecting Cohen’s conception of collective unfreedom is that the same phenomenon can arise with respect to freedoms that pertain to different kinds of actions. Consider the freedom of a pedestrian to cross the street and the freedom of a trucker to drive his truck. These cannot always be exercised in combination. Nevertheless, it is conceivable that both of the persons concerned have these freedoms, because neither even tries to exercise it. Basically the same phenomenon can also arise for one individual agent. An agent can be free to go to the movies and free to go out for dinner, but she might be unfree to combine the two. She might, for instance, have money for only one of these activities. What this reveals is that the impossibility to exercise freedoms in combination is a pervasive phenomenon that we usually do not regard as a distinct kind of unfreedom, but as a feature of unfreedoms possessed by individual agents. A reason why this point might have gone unnoticed for so long is that a large amount of aggregate freedom often goes together with a large number of actions of the relevant kind being compossible. However, as we have seen in section 2.2, situations in which the freedom of one person depends on the fact that only a few others exercise their freedom provide an important exception to this rule.

¹⁵ A semi-formal representation may help the reader appreciate the issues at stake here. Given the conception of freedom as ableness, the amount of individual freedom with respect to an action A is maximal exactly if the following is true: $\forall x (x \text{ is free to do } A)$. The discussion in the main text can now be summarized in terms of four claims. First, $\forall x (x \text{ is free to do } A)$ presupposes $\forall x \diamond(x \text{ does } A)$. Second, as is illustrated by the island example as well as by Cohen’s room example, this presupposition is consistent with $\neg\diamond \forall x (x \text{ does } A)$. Third, the

freedom of a corporate agent that has all x s as its members to do A jointly presupposes $\diamond \forall x (x$ does $A)$. Fourth, $\diamond \forall x(x$ does $A)$ is not itself a kind of freedom that is distinct both from individual freedom and the freedom of collective agents.

¹⁶ Cohen (1979, 1983, 1991) defends his analysis of the freedom of proletarians using the distinction between in sensu diviso and in sensu composito. In doing so, however, he also conflates the coexistence of individual freedoms and the compossibility of actions. When he writes of the collection of individuals being free in sensu composito he is talking about the possibility of conjunctively exercising individual freedoms, i.e. the compossibility of actions, rather than about a special kind of freedom. He also appeals to the notion of conditional freedom in order to defend his conception of collective freedom. This is not convincing either. As the case of the pedestrian and the trucker as well as that of going to the movies and going out for dinner indicate, all freedoms are conditional. Note finally that Cohen is wrong when he claims that the freedom at issue is 'irreducibly collective' (1983). There is nothing, or at least there need not be, anything irreducible about a certain set of actions not being compossible.

¹⁷ Mason (1996) argues that women are individually free to stop being a housewife even though they are collectively unfree to do so. As his argument is structurally identical to Cohen's, my criticism also applies to Mason's argument.

¹⁸ The claim that Cohen ultimately wants to salvage is that proletarians – people who, at least in the short run, have nothing to sell but their own labor power – are forced to sell their labor (1983, 3 and 1991, 175). Perhaps this claim can be supported in another way. Carter (1999, 255-56) argues that it is very costly for proletarians to leave the proletariat (in the sense that they have to forgo many other actions if they choose to leave the proletariat). Suppose that the costs involved in leaving the proletariat are so large as to make that option ineligible. Given the conception of being forced to do A as having no acceptable alternative to doing A

(Olsaretti 1998), it follows that proletarians are forced to remain proletarians and, thus, forced to sell their labor even in the long run.

¹⁹ This should, however, cause us to wonder how Cohen thought the question of collective freedom of the proletarians could be meaningfully raised. We have seen that a collection of individuals is collectively free exactly if they can exercise their individual freedoms in combination. This is a conceptual impossibility when leaving the proletariat is interpreted as becoming members of the bourgeoisie. In this respect, Mason's argument makes more sense than Cohen's.