Shared Agency and the Ethics of Democracy

EMILEE CHAPMAN*

ABSTRACT

Democracy is a collective activity that entails the creation and operation of collective agency. The importance of collective agency to democracy some important puzzles about the ethics of democracy, especially regarding the status of existing democratic institutions and practices. Foremost among these is the paradox of constitutionalism. On one hand, citizens ought to have the power to change the institutions and practices that structure their interactions and affect the kinds of things democratic communities are able to do with their public power. On the other hand, citizens can only exercise power democratically through institutions and practices that organize their disparate activities into a form of collective agency. How we resolve this paradox—that is, how we understand the normative status of existing democratic institutions and practices in practical deliberation—depends on which model of collective agency we use. This paper argues that the "joint intentions" model of shared agency is most compatible with mainstream theories of what democracy is for and what it must be able to do. The joint intentions model of collective agency has a number of important implications for the ethics of democracy, including for resolving the constitutional paradox. The joint intentions model of collective agency suggests that we might think of existing institutions and practices as part of a shared plan for democracy. If existing institutions and practices have the normative status of plans then they must have a special status in citizens' practical deliberations about how to contribute to democracy.

Normative democratic theory often understands itself as – at least in part – a reformative project. That is, normative theorists aim not only to understand the concept of democracy and to imagine what ideal democracies might look like, but how to, in light of this understanding, offer guidance for how citizens and political leaders ought to behave. This guidance can operate at various levels of abstraction, from identifying and defining the principles that ought to govern behavior to characterizing the sorts of institutional proposals citizens ought to support.

Wandering into the territory of recommending reform or pronouncing duties raises a distinctive concern in democratic theory: how should we think about the role of existing institutions and practices in an ethics of democracy? A "people" cannot act (and perhaps cannot even be said to exist) without a set of procedures for making decisions or taking actions that can plausibly be attributed to the agency of the people as a whole. Democracy depends on institutions and practices of public decision making to create a community capable of collective agency out of what would otherwise be an assortment of

* Assistant Professor, Political Science, Stanford University, emileebc@stanford.edu

individuals. The identity and character of "the people" depends on the nature of these processes of decision making. Consequently, the institutions and practices that shape public decision making are among the most impactful social structures of a political community. This points to a puzzle at the heart of democracy. On one hand, the people ought to have the power to change these institutions and practices that structure their interactions and affect the sorts of things citizens are able to do or even imagine doing with their public power.[1] On the other hand, citizens can only exercise power *democratically* through institutions and practices that organize their disparate activities into a form of collective agency on equal terms. How can the people exercise democratic agency to alter or even to maintain the very structures that make them a people and capable of equally shared agency? This puzzle is often called the paradox of constitutionalism, or sometimes simply the paradox of democracy.[2]

How we resolve this paradox depends on the kind of collective agency we think must be at work in a democracy. This paper aims to show how the model of *shared* or *joint intentions*—especially the role of shared plans within this model—can illuminate the normative status of existing democratic institutions and practices in practical deliberation. This paper also aims to show how this model of shared intentions can inform the reformative project of democratic theory. In section I, I articulate a model of democracy as a jointly intentional collective activity, and briefly outline the merits of this model of collective agency relative to the most plausible alternative, which sees democracy more as an emergent group agency. In section II, I elaborate on the role of shared plans in jointly intentional collective activity and in particular in democracy. In section III, I discuss how this language of plans can illuminate the role existing institutions and practices should play in an ethics of democracy and sketch a role for democratic theory in this framework. In section IV, I address some concerns about scaling up the joint intentions model to describe "massively shared agency." I conclude

[1] The point of democratic institutions is to constrain and structure political activity, channeling it into forms of collective agency and maintaining conditions of political equality. This function of democratic institutions is in one important way empowering. Jeremy Waldron argues that the task of the constitution of a democracy "involves empowering *those who would otherwise be powerless*, the ordinary people who in most polities are the subjects, not the agents of political power." JEREMY WALDRON, POLITICAL POLITICAL THEORY: ESSAYS ON INSTITUTIONS 37 (2016). But in doing so, democratic constitutions (and the institutions and practices that compose them) also limit the agency of the community to shape their shared public life. Constitutions do not just preserve democratic rights and procedures. They also help preserve particular identities, cleavages, and coalitions, as well as the forms of social organization and political culture that arise in response to and/or flourish in the structural conditions created by particular democratic institutions. The entrenchment of particular rights and procedures, even if on the whole enabling to democratic agency, makes it harder to contest certain political realities and in this sense, constrains democratic agency. Moreover, as constitutions age, the balance is likely to shift away from their empowering aspects toward their disempowering aspects. This may be true both because the entrenchment of particular political realities comes to be increasingly experienced by citizens as oppressive and alienating and because the constitution no longer functions as intended, as institutions become subject to corruption and capture.

[2] E.g. Stephen Holmes, *Precommitment and the Paradox of Democracy*, in *CONSTITUTIONALISM AND DEMOCRACY* (Jon Elster and Rune Slagstad eds., 1988). The paradox of constitutionalism is sometimes characterized as being about how the establishment of a constitution can be democratic, but the paradox is not just about the initial act of establishment. The more pressing issue for the ethics of democracy lies in how the citizenry relates to the constitution (or generally, to the institutions and practices that compose it) over time.

with some remarks about the virtues of using the language of plans rather than the more familiar lexicon of constitutional theory.

The joint intentions model of collective agency has a number of important implications for the ethics of democracy, especially for how to specify civic duties. In this paper, I focus primarily on its implications for responding to the constitutional paradox. The joint intentions model of collective agency suggests that we might think of existing institutions and practices as part of a shared plan for democracy. If existing institutions and practices function as shared plans, then they must have a special status in citizens' practical deliberations about how to contribute to democracy. Still, while it carries some risk of instability, it is not conceptually incoherent that citizens might collectively revise their plans for democracy. In fact, citizens who intend democracy are usually under rational pressure to do so.

I. MODELING DEMOCRACY AS A JOINTLY INTENTIONAL ACTIVITY

Democracy is a contested concept. People disagree not only about the particular institutions or practices that might best instantiate democracy, but also about the standards by which we could judge whether something is democratic. We do not just disagree about what democracy requires, but about what it *means*. This paper begins with a concept of democracy as a form of government or regime type, basically characterized as "rule by the people." I do not mean to assert that this is the only or most appropriate concept of democracy, but it is an important one to which many weighty values have been attributed, and it is the one I am concerned with in this paper.[3] Whatever else it might entail, this concept of democracy has some notion of collective agency built into it. It describes an activity ("rule") undertaken by a particular collective agent ("the people").

This is perhaps best seen by considering paradigmatic cases of what democracy is *not*. Democracy denotes a form of government distinguished from monarchy and oligarchy. Even those who argue that the value of democracy lies in its ability to produce the best political outcomes do not claim that whichever regime produces the best outcomes is therefore a democracy. The basic concept of democracy as a regime-type

[3] In navigating conceptual disagreement about democracy, it may be useful to follow G.A. Cohen's discussion of "mass nouns" and "count nouns." Some words, Cohen explains, like "friendship" and "community" (and I will add "democracy") function as both mass nouns and as count nouns. Community "is a count noun when it denotes sets of people variously bound or connected (the European community, London's Italian community, our community), and it is a mass noun when we speak of how much community there is in a certain society, when we say that some action enhances or reduces, or some attitude honors or violates, community, and so on." G.A. COHEN, RESCUING JUSTICE AND EQUALITY 43 (2008). Disagreements about the appropriate definitions of the concept of democracy sometimes represent a failure to distinguish between democracy's use as a count noun (when it refers to particular political regimes) and as a mass noun (when it refers to some quality that characterizes the regime). The mass noun and count noun usages of ideas like community, friendship, and democracy are linked, but nevertheless importantly distinct. As Cohen explains, "There can be a lapse of friendship in a friendship without that friendship ceasing to be. But there cannot (enduringly) be *no* friendship in a friendship." Similarly, *a* democracy may experience diminishment or lapses of democracy without ceasing to be. Understanding how democracy can function as both a mass noun and a count noun does not resolve all of the conceptual puzzles about democracy, but does suggest that some disagreements over the concept of democracy (between those who view democracy as a quality of spontaneous power that is at odds with institutionalization and those who view democracy as a regime type) may be more reconcilable than is often thought.

excludes monarchy and oligarchy because it specifies *who* rules (the people). Any plausible conception of democracy should be able to explain what distinguishes democracy from these types of regimes. Standardly, this distinction is understood to mean that democracy calls for the inclusion of all citizens in public decision making, and on equal terms. A conception of democracy that requires less hierarchy in the making of political decisions is more plausible than a conception that requires more, all else being equal.[4]

Democracy is not just the absence of monarchy and oligarchy, though. Democracy also excludes mere anarchy by specifying that the people *do something* (i.e. rule) together. By "mere anarchy," I mean the common sense (if imaginary) notion of a total state of nature, lacking in beneficial forms of collective agency. Some contemporary philosophers use the term anarchy to refer to the absence of a coercive state, while still allowing for non-coercive forms of political organization. The basic concept of democracy as I describe it here would not necessarily be incompatible with anarchy understood in this broader sense.[5] To exclude mere anarchy, a definition of democracy must provide for some kind of collective empowerment.

What this collective empowerment entails is precisely the subject of this essay. I begin with the claim that democracy requires collective *agency*. That is, it must amount to more than the *accidental* regularities of behavior that arise in the aggregation of individual actions.[6] That is not to say that collective agency cannot be a largely emergent phenomenon, arising with minimal centralized coordination.[7] But impactful and even beneficial patterns of behavior can emerge in the most anarchic conditions. To count as democracy, an emergent pattern of behavior must have some feature(s) that plausibly exclude describing it as mere anarchy.[8] What distinguishes democracy from mere

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[4] Arguments for conceptions of democracy that retain a fair amount of hierarchy between political elites and "ordinary" citizens always rely on the claim that all else is not equal. Defenders of such conceptions claim that the best possible approximation of an ideal of non-hierarchical political rule can only be achieved by accepting (and even protecting) some forms of political hierarchy, like the discretion of election of elected representatives, or a centralized elite organization for political parties. In characterizing these forms of political rule as "democratic," their defenders never claim that they are more plausible interpretations of what the ideal of democracy requires than other equally workable and less hierarchical conceptions. Rather, they claim that attempts to further diminish political hierarchy are ultimately self-undermining, insofar as they lead to more insidious forms of hierarchy or erode the conditions for collective agency. *See* BRUCE CAIN, DEMOCRACY MORE OR LESS: AMERICA'S POLITICAL REFORM QUANDRY (2014); E.E. SCHATTSCHNEIDER, PARTY GOVERNMENT (1942); FRANCES MCCALL ROSENBLUTH & IAN SHAPIRO, RESPONSIBLE PARTIES: SAVING DEMOCRACY FROM ITSELF (2018).

[5] I'm grateful to Piki Ish-Shalom for helping me to see this point.

[6] Examples I have in mind are strategic equilibria arising from the interactions of mutually disinterested actors, but also patterns of behavior that arise as a result of non-strategic, but still possibly predictable actions (e.g. a stampede).

[7] Indeed, some of the most prominent conceptions of democracy understand the collective empowerment of democracy to be, at least partly an emergent phenomenon. On the idea of "emergent" democracy, *see e.g.* ADRIAN VERMEULE, THE SYSTEM OF THE CONSTITUTION (2011). The common analogy between democracy and market is mean to suggest that the collective empowerment of democracy emerges as the unintended product of individual actions and interactions, much as the efficiency of a price system emerges in competitive markets without any players' in the market needing to intend that result.

[8] Emergent patterns of behavior are also not incompatible with anti-democratic regime types. Any kind of hierarchical political regime can be re-described as the outcome of a sum of individual actions. To count as a democracy, an emergent pattern of behavior must have some feature(s) that plausibly exclude describing it as either monarchy or oligarchy on the one hand, or anarchy on the other.

anarchy is the existence of political organization whose purpose is to *create* or *maintain* beneficial patterns of behavior. The basic concept of democracy as a regime type entails that the people engage in a particular kind of activity; specifically, "ruling" or more mundanely, "governing." Intuitively, both of these formulations of what "the people" are empowered to do in a democracy seem to involve the kind of reflectiveness and counterfactual responsiveness that we associate with agency. For someone (or some group of people) to rule or to govern, they must be able to recognize and respond to undesirable states of the world, imagining the community as it might be or ought to be, and not merely as it is.

A. A Shared Intentions Conception of Democracy

In what follows, I intend to offer a plausible and attractive conception of democracy as a particular kind of collective activity involving what Michael Bratman has called "joint" or "shared" intentions.[9] Bratman's framework of shared intentions describes a kind of collective activity that is characterized by the ongoing intention of individual members of a group to participate in the shared activity with other members of the group and by a continual process in which the members of the group adjust and respond to each other as co-agents in their shared activity.

The model of democracy as a jointly intentional collective activity has been defended by other democratic theorists. These theorists have argued that Bratman's account of shared intentions captures an important sense of what it means to act together *democratically* that the model of simple strategic coordination (the most common vision of a purely emergent form of collective empowerment) cannot capture.[10] On the shared intentions model, when individuals contribute to a collective activity, they are acting from an intention that refers not only to their own activity, but to the activity of the whole group. That is to say, I don't just intend that *I* will act in some way. I also intend that my actions fit together with those of others in a particular way. Put more simply, *I* intend that *we* accomplish something together. But while the *content* of a shared intention refers to the group as a whole, the intention need not be *attributed to* the group as a whole. Shared intentions are held by individuals, but they differ from typical individual intentions in that they refer to the activity of the whole group, not just the individual's contributions (they are "we intentions," rather than "I intentions"[11]), and they "interlock" in a particular way.[12]

In his essay "Shared Valuing and Frameworks for Practical Reasoning," Michael Bratman identifies three conditions for joint intentions: "You and I share an intention to J - at least in the basic case - when [1] we each intend that we J, [2] we each intend that we J in accordance with and because of each of our intentions that we J and their meshing

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[9] *See* MICHAEL BRATMAN, FACES OF INTENTION: SELECTED ESSAYS ON AGENCY AND INTENTION (1999); Michael Bratman, *Shared Valuing and Frameworks for Practical Reasoning, in* STRUCTURES OF AGENCY: ESSAYS (2007) [hereinafter, Bratman, *Shared Valuing and Frameworks for Practical Reasoning*]; MICHAEL BRATMAN, SHARED AGENCY: A PLANNING THEORY OF ACTING TOGETHER (2014) [hereinafter, BRATMAN, SHARED AGENCY] .

[10] *See* ANNA R. STILZ, LIBERAL LOYALTY 178–82 (2009); ERIC BEERBOHM, IN OUR NAME: THE ETHICS OF DEMOCRACY 44-49 (2012).

[11] *See Id.* at 178, esp. table 7.1.

[12] BRATMAN, SHARED AGENCY, *supra* note 9, at 50–52.

sub-plans, and [3] all this is common knowledge."[13] We can treat a group's J-ing as an instance of jointly intentional shared agency when these three conditions are met and when J takes place in virtue of their being met. Applying these conditions to democracy, we can say that if "the people" engage in a collective project of self-rule, it must be true that 1) the members of the political community (citizens) intend that the people rule, 2) the citizens intend that they rule by way of the agency of each citizen, and according to a set of interlocking shared plans for ruling, and 3) the satisfaction of the first two conditions is common knowledge.

Bratman's is only one among many philosophical accounts of shared agency, but its specification offers an attractive view of what democratic shared agency might look like that fits well with common thinking about what democracy requires in large, pluralist modern societies. Unlike other models, the shared intentions model of collective agency does not require that the participants think of themselves as a group in any way apart from the particular activity they are undertaking together.[14] Under this model, the citizens in a community can govern themselves together without needing to attribute a separate metaphysical existence or subjectivity to "the people." This metaphysical economy may make democratic shared agency appear more fragile, since it depends not on the intention of one plural subject, but on the intentions of many individuals and on how they

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[13] Bratman, *Shared Valuing and Frameworks for Practical Reasoning*, *supra* note 9, at 9. Bratman offers a fuller and more formal specification of the conditions for jointly intentional shared agency in *Shared Agency: A Planning Theory of Acting Together*. But this description of the conditions captures the key elements of the joint intentions framework that distinguish it from alternative models of collective agency.

[14] John Searle and Margaret Gilbert have presented alternative models of basic collective action, but both of their models are more demanding in their understanding of the conditions required for even modest sociality. Searle posits the need for a distinctive kind of "we-intention" that is different in kind, not only in content, from ordinary individual intentions. JOHN R. SEARLE, THE CONSTRUCTION OF SOCIAL REALITY (1995).). Gilbert argues that group action requires a kind of "plural subject," and that involvement in this kind of plural subject necessarily entails certain forms of commitment and moral obligation. Because acting together entails moral obligation on Gilbert's account, she identifies much stricter conditions of consent (or voluntary commitment) to participate in the shared activity. MARGARET GILBERT, LIVING TOGETHER 179-85 (1996). One of the virtues of Bratman's joint intentions framework is that shared intentions do not require consent. A person can still be said to intend to participate in a collective activity, even if that person has no good alternative. The joint intentions framework thus escapes the difficulty of explaining how consent can be possible when individuals are born into citizenship (though Bratman does acknowledge that some forms of deception and coercion will undermine the conditions of jointly intentional action. BRATMAN, SHARED AGENCY, *supra* note 9, at 37–38. My point in using Bratman's framework rather than Searle's or Gilbert's is not that Bratman's is the "correct" way of understanding the collective activity of democracy, but rather, because his offers a weaker set of conditions for collective action, and thus allows us to specify the requirements of the concept of democracy in the most basic way. *See Id.* at 36-37 for further discussion of the value of his conservative approach to social agency. Christopher Kutz offers an alternative account of jointly intentional agency with conditions that are even weaker that Bratman's, as Kutz's account only requires that individuals have "participatory intentions" to contribute to a collective activity, but they need not actually intend that the collective activity succeed. Christopher Kutz, *Acting Together*, 61 PHIL. & PHENOMENOLOGICAL RSCH. 21, 21-26 (2000) [hereinafter, Kutz, *Acting Together*]. Kutz also holds that not all intentional collective activity requires common knowledge or shared plans. *Id*. Kutz's account of intentional collective activity is meant to be a minimalist account, though, in order to be optimally inclusive of many forms of collective activity. Some forms of intentional collective activity require conditions more demanding than Kutz's. *Id*. at 22. Democracy's non-hierarchical character imposes additional conditions on the kind of collective activity that can plausibly be called democratic. Bratman's conditions represent a reasonable way of capturing these conditions. I will say more about why I do not adopt a more minimalist framework of shared agency in Section IV.

interlock. But the individuation of Bratman's account of shared agency makes it a more attractive account, especially for those of us who aim to reconcile democracy with some form of liberalism. And in part because it does not subsume individual citizens into a plural subject, Bratman's framework may allow for weaker conditions on consent or the kinds of motivations that lead citizens to form and maintain their shared intentions. Bratman's framework allows that citizens may be motivated to rule together with their fellow citizens for different reasons, making joint intentions a plausible framework for thinking about democracy in a diverse society.

Despite the relative weakness of the conditions for shared intention, Bratman's framework still captures the essential features of the basic concept of democracy as non-hierarchical collective empowerment. By emphasizing intentions, this framework distinguishes the collective action of democracy from situations in which individual actions collectively produce an accidental result—like a stampede or a riot.[15] Attributing an intention to each member of the group, and including the condition that the members intend to accomplish their intention "by way of the agency of each," distinguishes democracy from hierarchical forms of collective action in which the collective activity is intended only by some members of the group who may regard others as mere means, rather than co-agents in the collective project.

The most plausible alternative model of the collective empowerment involved in democracy (at least in large scale communities) is the model of group agency. This model is more demanding than the shared intentions model in some respects. For example, to meet the conditions of group agency, the group must be capable of forming new intentions, and thus must have some existence as a group that is robust to whatever particular activity it is engaged in carrying out.[16] But the group agency model is less demanding than the shared intentions model in that it does not depend on all of the members of the group themselves intending that they carry out a collective activity, nor of having an understanding of how their intentions interlock with others'. For this reason, the group agency model initially appears more attractive for understanding how collective empowerment could operate in large, institutionally complex societies.

The group agency model of democracy understands collective empowerment to be largely emergent: even though the group agent's decisionmaking processes may take account of citizens' preferences or judgments, the group agent's decisions—its judgments and intentions—are in a way discontinuous from those of the citizens.[17] That is, "the people" as a group agent might have a judgment or intention which *none* of the individual citizens has.[18] In this way, group agency can arise from the aggregate contributions of

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[15] More controversially, the focus on intentions also distinguishes democratic decisionmaking from opinion polling. *See* Arthur Applebaum, *Forcing a People to Be Free*, 35 PHIL. & PUB. AFF. 363, 375 (2007).

[16] I rely on List and Pettit's account of group agency for the purposes of this discussion. CHRISTIAN LIST & PHILIP PETTIT, GROUP AGENCY: THE POSSIBILITY, DESIGN, AND STATUS OF CORPORATE AGENTS (2011).

[17] *Id*. at 67–69. List and Pettit argue that this discontinuity is required for an agent to be able to form judgments and intentions in a way that satisfies the demands of rationality. Philip Pettit also argues that such rational consistency is required for legitimate government. *See* PHILIP PETTIT, ON THE PEOPLE'S TERMS: A REPUBLICAN MODEL OF DEMOCRACY 191 (2012).

[18] This is not to say that group agency need be discontinuous from citizens' judgments taken as a whole. List and Pettit defend an account of "holistic supervenience," whereby "the set of group attitudes across propositions is determined by the individual sets of attitudes across these propositions" List and Pettit, *supra* note 16, 69–71.

individuals without anyone's actually needing to intend the result, much like the price system in a free market.

Group agency is not always democratic, though. In fact, the most common examples of group agency—corporations—tend to have decidedly hierarchical organizations. Describing a case of group agency as democratic requires that there is some appropriate non-hierarchical structure combining the contributions of citizens into the decisions and actions of the agent as a whole. In *On the People's Terms,* Philip Pettit argues that citizens can achieve a form of collective empowerment through market-like mechanisms that appropriately channel the individual actions of citizens within decisionmaking processes to generate group agency in a way that instantiates the equal political control of all citizens.[19]

Pettit's conception of democracy as a case of emergent group agency plausibly satisfies the conceptual requirements of democracy, and it has clear attractions for complex, pluralist societies. But democracy, on this conception, is also very fragile. At any given time, a set of ideal practices and institutions may align the behavior of citizens and representatives to produce democratic outcomes. Over time, though, changing circumstances and incentive structures may erode the ability of even the best institutions to continue channeling individual behavior in appropriate directions. Decisionmaking processes become vulnerable to capture by elites or factions within the community. Thus, maintaining even an emergent form of collective agency on non-hierarchical terms requires activity that is *intended* to reform or replace institutions that cease to function democratically. Such an intention can't be attributed to the people as a group agent, though, since the reason for reforming the institutions is precisely that the group agent is ill-constituted. If democracy is to be a durable regime type, then, it requires a way of thinking about how the people can act together without forming a group agent.

Emergent group agency likely still plays a role in explaining substantial parts of democratic agency. Many, if not most, of the activities of government in modern democracies are more appropriately attributed to the group agency of *the state* than to the collective, shared agency of the citizens. But this group agency can still be understood as contained with and enabled by the joint intentions of the citizens that they govern together. In organized societies, many social phenomena are both emergent and intended. Strategic equilibria or other emergent patterns of behavior may change with changing incentives and circumstances. Often, however, we work to secure a beneficial equilibrium against such change; we develop norms and institutions to ensure that individuals' incentives or habits will continue to produce such desirable patterns of social behavior. Modern markets, for example, are supported by laws that protect property and prevent the formation of monopolies to ensure that individuals and companies will have incentives to buy and sell goods at competitive prices. Likewise, democracy can be understood as an intended emergent phenomenon. Individual political actors need not always consciously choose their actions with the aim of democracy in mind, because they act within a structure of institutions, practices, and norms that *are intended* to channel individual political action into collective political rule.[20]

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[19] PETTIT, *supra* note 16, at 276–77.

[20] In THE SYSTEM OF THE CONSTITUTION (2011), Adrian Vermeule argues that a variety of undemocratic elements in a constitution may create an emergent order that is democratic overall without the need for

The question, then, is *who* intends this democratic result? Because democratic institutions and practices will need to be maintained and revised over time, it is not enough that some virtuous lawgiver once intended to establish a democracy. The stability of democratic regimes over time will require some ongoing intention to maintain the system's democratic character in response to a changing environment and population.

One possibility is that only the political elites who control the design of the political system need to intend the democratic result of political institutions and practices, but the vast majority of citizens whose actions collectively generate democracy do not actually need to intend that result. This possibility is not a strong candidate for describing a democratic system, though. If a small elite possess enough power to determine whether or not the society remains a democracy, then democracy cannot meaningfully be distinguished from oligarchy. An oligarchy might delegate decisions to an assembly of citizens or base its decisions on opinion polls. But the fact that the people exercise political influence in these cases does not make them examples of democracy. Nicholas Southwood has argued that to capture a range of uncontroversial ways that we apply the concept, democracy needs to be understood as a "modally demanding value." That is, in a democracy the political empowerment of the people should be robust over a range of possible changes in circumstances.[21] Most importantly, in a democracy, the political empowerment of the people should be robust over changes in the preferences or intentions of sub-sets of individuals within the community,[22] or of members of other communities. Democracy cannot depend on the contingency that a few political elites intend to empower the people.[23]

Moreover, the appeal of the group agency model relative to the shared intentions model derives primarily from the fact that the group agency model dispenses with the need for ordinary citizens to actually have the intention that they produce democracy. However, the political discourse of contemporary democracies suggests that the intention to have democracy *is* widely shared by citizens and ordinary political actors, not just by

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individual political actors to intend to create that democratic order. But, Vermeule explains, the fact that an emergent order arises via an invisible hand "does not entail that the invisible hand system must itself emerge through an invisible hand process." Vermeule, *supra* note 7, at 70.

[21] Nicholas Southwood, *Democracy as a Modally Demanding Value*, 47 NOÛS 504, 504-21 (2013).

[22] Of course, on the joint intentions model, democracy is in one way dependent on the intention of each individual within the community; if any individual ceases to intend democracy, then democracy in that community is thereby diminished. But this dependency should be symmetric across all members of the community. The modal demandingness of democracy is violated when the existence of democracy is *more* sensitive to the intentions of some members of the community than others.

[23] This is not to say that elite decisions to empower the people cannot explain the origins of democracy, but rather that democracy does not exist where an ongoing willingness of elites to empower the people explains the continued existence of democratic institutions. Democracy does not exist where elites can readily revoke the people's power. Counterfactual robustness is essential even on the extremely minimal notion of democracy that Richard Tuck attributes to Thomas Hobbes. Tuck argues that prior to *Leviathan*, Hobbes advanced an "idea of a democracy as potentially a sleeping monarch, in which all administration might be conducted by a non-democratic institution, but which is characterisable as a democracy because the people possess some ultimate authority over what is done in their name." Richard Tuck, *Hobbes and Democracy* in RETHINKING THE FOUNDATIONS OF MODERN POLITICAL THOUGHT 189 (Annabel Brett and James Tully eds., 2007). But even on this account, a regime could only considered democratic if the people retain the ultimate ability to retake the power of government: "The only condition which had to be met in order for a constitution to be democratic was that all the citizens could meet or otherwise declare their will on at least one occasion without being summoned by a monarch or aristocratic council." *Id.*

elite institutional designers. Citizens hold each other and their political leaders accountable to norms that reinforce democracy. Political actors do not always consciously think of themselves as contributing to collective self-rule whenever they seek political power or influence, and these actors sometimes transgress democratic norms to pursue a strategic advantage. But opponents who rebuke these political actors for their undemocratic actions reveal a belief that citizens generally do take democracy as an implicit aim of their political actions.

The chief drawback of joint intentions as a model of democratic collective activity is its requirement that individual citizens have interlocking intentions to do democracy. This requirement initially seems too demanding for a complex society in which most political decision making is delegated to representatives, and in which political divisions are often characterized by deep enmity. But intentions can be attributed to individuals even if they are not always—or even usually—salient, and it is reasonable to think that in most established democracies, the vast majority of citizens do intend their democracy.

B. Shared Intentions and Reciprocity

Before moving on to discuss the significance of shared plans in a joint intentions conception of democracy, I will explain a bit more about how the model of joint intentions fits with contemporary theories of democracy. In particular, the shared intentions model offers what I think is an attractive, while still fairly ecumenical, interpretation of what is often identified as a core democratic value: reciprocity.

Reciprocity tends to appear most prominently in deliberative conceptions of democracy. Deliberative democratic theories usually identify reciprocity with the exchange of mutually acceptable reasons.[24] But the more basic notion of reciprocity as a willingness to make return for receiving something plays a role even in a fairly minimal competitive notion of democracy: political actors consent to abide by the rules of democratic competition, provided that their competitors do so also. Though minimalist democratic theorists tend to describe this mutual consent to electoral competition as purely equilibrium behavior, scholars of democratic development point to the need for robust norms that discourage opportunistic circumventing of accepted democratic procedures;[25] and scholars of political behavior point to reciprocity as a key factor in motivating people to undertake the burdens of citizenship.[26]

The model of shared intentions provides a clear way of understanding the distinction between this kind of democratic reciprocity and a merely strategic equilibrium. When individuals share an intention to engage in a collective activity, they must regard their actions differently than if they were pursuing the same activity by themselves. For example, claiming that you intend to write a novel and that I intend to write a novel is not the same as claiming that *you and I* intend *that we* write a novel. When I intend to do something with you, I must adjust my behavior and expectations to account for your agency in our shared project. Likewise, when I share an intention with my fellow citizens to rule democratically—when I intend that we rule—my intention puts

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[24] *See* COREY BRETTSCHNEIDER, DEMOCRATIC RIGHTS: THE SUBSTANCE OF SELF-GOVERNMENT (2007); AMY GUTMANN AND DENNIS THOMPSON, DEMOCRACY AND DISAGREEMENT (1996).
[25] For a classic statement of this, see SEYMOUR MARTIN LIPSET, POLITICAL MAN 45 (1981).
[26] MARGARET LEVI, CONSENT, DISSENT, AND PATRIOTISM (1997).

me under rational pressure to behave differently than I would if I simply intended that I rule.

Recognition of and responsiveness to the agency of others involved in a collective activity is the key distinction between shared intentions and ordinary individual intentions. Bratman's second condition for joint intention states that when I intend to do something with you, I intend that we do it "in accordance with and *because of each of our intentions*." Bratman further explains that this condition means when a group of people share an intention to do something, they intend that their activity "proceed by way of the agency of each."[27] When I share an intention to do something with someone else, I do not treat that person as a mere tool to help me fulfill my goal.[28] To say that I share an intention to write a novel with you implies not only is it essential that I have a part in writing the novel, but that it is equally essential that you also have a part in writing the novel.

This essential responsiveness to the agency of others captures the basic idea of a willingness to cooperate (contingent on others' cooperation) that makes sense in a particularly democratic context. A conception of reciprocity as responsiveness to the agency of others fits particularly well with justifications of democracy that are grounded in equal respect for moral agency. This conception remains compatible with more demanding notions of reciprocity (including those associated with the deliberative exchange of public reasons). But at the same time, the idea of reciprocity as responsiveness to the agency of others with whom one shares an intention can also be compatible with a conception of democracy that does not accept the public reason requirement (or even the importance of deliberation).

II. Shared Intentions and the Importance of Plans

In Section I, I argued for a conception of democracy in which the intention of the participants distinguishes democracy's collective empowerment from emergent collective behaviors. Participants in the collective activity of a democracy each intend the collective empowerment that results from their combined contributions. I argued that this conception of democracy as a jointly intentional collective activity offers an attractive model of what collective empowerment might look like in a large-scale pluralist society because it does not require participants to share motivations or a group identity beyond their co-agency in their democratic activity. At the same time, though, the requirement that each citizen intends the collective activity, and that each intends that they accomplish the collective activity "by way of the agency of each" builds in a non-hierarchical element essential to any conception of democracy.

The conditions of the shared intentions model of collective activity are sufficiently minimal to be compatible with a range of views about the institutional or cultural requirements of democracy, including both competitive and deliberative theories. Even so, these conditions can still provide some guidance for normative theorizing about democracy. In this section, I will discuss in greater detail one aspect of the shared

[27] Bratman, *Shared Valuing and Frameworks for Practical Reasoning*, *supra* note 9, at 10.
[28] *See* Bratman, *Shared Valuing and Frameworks for Practical Reasoning*, *supra* note 9, at 37–38 on the distinction between shared agency and "merely using" another.

intentions model as applied to democracy: the role of shared plans. Then in section III, I will elaborate on the relevance of plans to democratic theory's reform project.

In the conception of democracy as an emergent form of group agency, citizens who are participating in democracy need only intend their own acts of participation; they need not have any view about what kind of collective outcome will result from the combined contributions of the citizenry. By contrast, in the joint intentions model, citizens intend that their own acts of participation fit together with those of others to generate democracy. When I intend that my fellow citizens and I rule democratically, I will only succeed in carrying out my intention if the group succeeds in carrying out the shared goal. This puts my agency in a particularly vulnerable place, since my control over the outcome I intend is limited by the involvement of other agents. Even if I do all of the things that I think constitute my "part" of the shared effort to achieve the goal, if the group fails, then I fail. Therefore, I have not achieved my intention. In fact, if I cannot be confident that the group's efforts will succeed in accomplishing the shared goal, then it may not even make sense to speak of my having an intention at all. Intention, as distinct from hoping or wishing, usually requires some measure of control. At the very least, I must have a reasonable expectation that the thing I intend will occur, and I must have some kind of causal connection to the outcome.

Acting purposefully in pursuit of a shared intention requires some set of conditions that allow me to form a reasonable expectation that my individual actions will fit together with the actions of other individuals to achieve our shared goal. We need a set of coherent *plans* for how we will accomplish our shared intention. When I decide how I will pursue an ordinary individual intention, I form a plan based on what I think is the best way for me to accomplish that intention (consistent with all of my other plans for pursuing my other intentions), and then I carry out that plan. But when I am acting on a shared intention, I cannot simply decide what I think would be the best way for the group to accomplish our goal, and then act according to my own plan. The members of the group may have different ideas of the best plan, after all, and they may not be consistent. Thus, Michael Bratman argues that joint intentions must be pursued through a web of "meshing sub-plans."[29] If I intend to participate in a collective activity, the approach I take to fulfilling that intention must be responsive to the participation of other agents and their own approaches to fulfilling that intention.

Interlocking plans are crucial to the success of any non-hierarchical collective enterprise, including democracy. Even if I and every other citizen of my political community all wish to play our part in governing democratically, and all know of this universally shared desire, we have no way of acting purposefully on these wishes—we cannot meaningfully speak of them as intentions—unless we have some way of identifying what parts we will each play in pursuing our collective aim. That is, we must have some reason to be confident that our taking a particular set of actions will help to produce democracy because of how they fit together with those of others'.

Building on Bratman's account of joint intention, Scott Shapiro develops the importance of planning for joint activity. He asserts that "shared agency, that is acting together, is distinguished from individual agency, that is, acting alone, by virtue of the

[29] Bratman, *Shared Valuing and Frameworks for Practical Reasoning*, *supra* note 9, at 9.

plans of the agents."[30] This is not to say that individuals do not need to have plans, but rather that planning takes on a different form and a greater significance for groups of agents. Individuals can change plans as needed to account for new circumstances or intentions, and easily make adjustments to achieve consistency among their various plans. Such adaptation is more troublesome for group activity in which individuals rely on the predictability of others' actions, and a shared understanding of how their individual actions will together accomplish a goal, in order to act purposefully in the world. Stable shared plans exist to enable this kind of predictability and control. They settle the matter about what is to be done.[31] Shared or interlocking plans thus enable citizens to hold and act on a shared intention for democratic self-rule.

A. Shared Plans and Normative Reasons

I want to highlight two features of plans that should have emerged from the preceding discussion. These two features reveal why normative democratic theorists who hope to offer an action-guiding ethics of democracy need to be attentive to existing practices in particular communities.

First, plans create reasons through specification. Most collective activities could be carried out in any number of ways. Given the range of plausible descriptions of democracy that political theorists have offered, it seems likely that democracy fits into this category. On the face of it, the fact that I have a reason to contribute to democracy in my community does not seem to imply that I have a reason to do so in any particular way. Plans are what transmit the reasons I have for forming and acting on an intention into reasons to take specific steps to realize that intention.[32] This is especially true for shared goals like democracy that cannot be achieved without the coordinated actions of many individuals. If I want to contribute to democracy, I cannot simply do whatever I happen to think would be the most democratic thing for citizens to do, without regard for how my action fits with the actions of my fellow citizens, and for how my fellow citizens will interpret and respond to my actions. Unless my "democratic" activity is nested within a broadly shared plan for democracy, it will be meaningless as a democratic act.[33] To meaningfully participate in democracy, I need to act according to an understanding—shared with my fellow citizens—of how my individual actions will be interpreted as participation and how they will fit together with those of my fellow citizens to produce democratic self-rule. Normative claims about how citizens should participate in, promote, or support democracy cannot, therefore, be derived directly from abstract ideals

[30] Scott Shapiro, LEGALITY 137 (2011), 137.
[31] *Id*.at 129.
[32] See Michael Bratman, *Reflections on Law, Normativity, and Plans* in NEW ESSAYS ON THE NORMATIVITY OF LAW (Stefano Bertea and George Pavlakos eds., 2011). See also HENRY S. RICHARDSON, PRACTICAL REASONING ABOUT FINAL ENDS 69-77 (1994).
[33] Of course, a shared plan for democracy may leave room for a great deal of individual interpretation of how best to express political opinions, etc. But the significance of individual expression, petition, and protest represent a particular understanding of democracy, and the relevance of these individual expressions to the collective activity of ruling must be broadly shared. (e.g. I might think democracy would go best if instead of going to the polls, everyone wore a red or blue hat on election day, and a satellite count of colored hats determined the winner of an election. Even though this is one conceivable plan for democracy, unless it is shared by others, my wearing a blue hat on election day will not have the democratic significance I ascribe to it).

of democracy, but must also be attentive to the particular set of interlocking plans for democracy in *their* community.

Second, the authority of a plan does not depend on its being the best plan. Part of the business of democratic theory is to identify the *best* conception of democracy, to articulate the set of institutions, social practices, and attitudes that best instantiates rule by the people (especially given the reasons we have for valuing rule by the people). This exercise might reveal how a community's existing plan for democracy deviates from that of some ideal democracy. That does not mean that citizens should cease to follow their existing plan. Shared plans are necessary in part because people disagree about which is the best way to pursue their collective goal.[34] The point of a plan is to settle the matter about what will be done. If the authority of a plan—its ability to transmit reasons for pursuing a goal into reasons for pursuing the goal in a particular way—depended on its being the *best* plan, it would not be able to serve this coordinating function. Treating a given plan as authoritative does not necessarily mean endorsing the plan or regarding it as the best way of accomplishing a goal. Treating my community's plan for democracy as authoritative simply means accepting it as a guide for action—recognizing that it provides the best guide for how I should act to contribute to democracy, given that my fellow citizens are also following our shared plan. This is still compatible with attempting to persuade others to adopt an alternative plan.

Plans do not simply supply reasons of specification in the absence of other reasons to choose one particular way of achieving a goal; reasons for action derived from a shared plan may override other normative reasons for acting differently. An ethic of democratic citizenship has to weigh the value of the best possible democracy against the value of democracy in its current instantiation and the risk that deviating from the existing suboptimal plan may undermine the coordination necessary for having any kind of democracy at all.

Of course, there are limits on the authority of plans and the reasons of specification that they create. Any reasons that a citizen has to follow her community's plan for democracy derive from the reasons that she has for engaging in the shared activity of democracy in the first place. For plans to effectively transmit reasons to contribute to democracy into reasons to contribute to democracy in particular ways, a community's set of shared or interlocking plans needs to actually be effective in achieving a plausible instantiation of democracy that is consistent with the moral value of democracy. Limits on the kind of duties that can be derived from a community's particular plan for democracy and the strength of those duties will, therefore, depend in part on the reasons we have for valuing democracy. At the same time, though, if democracy is to be a useful concept in pluralist societies, democracy should allow for at least some flexibility and compromise as communities work out a widely accepted set of plans for how they will carry out their shared intention that communities rule democratically.

III. Shared Agency and the Paradox of Democracy

[34] Shapiro, *supra* note 30, at 132–33.

I began this paper by raising a puzzle about democracy: how should we think about the role of existing democratic institutions and practices within citizens' practical deliberations? The joint intentions model of shared agency suggests that the answer is that citizens should regard our existing structures of democratic decision making as *plans* for a shared project in which we are engaged with our fellow citizens. This reframing of the puzzle does not necessarily offer straightforward normative guidance for citizens faced with deciding how to respond to decisionmaking procedures or traditions that seem arbitrary or inadequately democratic. What the model of joint intentions and its emphasis on planning agency does, though, is reveal how this normative dilemma is at least a *familiar* one. Citizens can draw on a lifetime of experience with planning agency to navigate the challenging terrain of democratic ethics.

If we cannot deduce from the model of shared agency a clear set of guidelines for the treatment of existing democratic practices, we can, nevertheless, say a few things about their normative status. First, because they serve the functions of shared plans, democratic institutions and practices can transmit and specify the reasons that citizens have to contribute to democracy into reasons to contribute in particular ways. This may be true *even if these particular practices do not represent the best way of doing democracy.*

Second, like plans, existing democratic practices occupy an authoritative[35] role in citizens' practical deliberations. If we share an intention with our fellow citizens to rule ourselves, then we are under a kind of rational pressure to conform to the plans we have worked out to coordinate our activity toward that end. And, as plans, democratic institutions and practices can serve this action-guiding function even if we don't like them or can imagine a better alternative. The crucial feature of plans is their function of determining how we will act. For individuals, this creates stability and allows us to function as self-governing agents over time. For shared activities, plans serve the additional role of coordinating the activities of disparate agents who bring their own motivations and perspectives. The function of plans in rational agency suggests that whatever citizens' stances toward existing democratic practices, we cannot rationally *disregard* them if we intend to do democracy.

Third, it is not conceptually incoherent that a community might revise their democratic institutions or practices, just as it is not conceptually incoherent that a group of people might adjust their plans for undertaking a collective activity, like painting a house. In fact, citizens will often find themselves under rational pressure to revise their plans for democracy when the basic efficacy of the plan is threatened as, for example, in the case of institutional capture.

Even in a fairly intimate case of shared intention, there will almost inevitably be conflict, disagreement, and uncertainty about what the plan requires. Consider Bratman's classic example of two individuals intending to paint a house together: whatever initial set of plans the pair might settle on, there will likely be miscommunications or misunderstandings that lead to disagreement about what their plans require. Perhaps they agreed to work only on weekday evenings, for example, but did not settle whether this included Friday evenings. The pair may also find that they failed to recognize some inconsistencies in their plans. They may find that their plans are underspecified, that they

[35] The authority of shared plans fits roughly within Raz's "service conception" of authority. *See* JOSEPH RAZ, THE MORALITY OF FREEDOM (1986).

have not yet resolved some aspect of potential conflict. And, of course, the pair may encounter unforeseen circumstances that prevent them from acting on their plan as they have understood it. Perhaps their chosen paint color is out of stock, and ordering it will disrupt their timeline for finishing the house.

When faced with these situations in which the requirements of a shared plan are not straightforward, the participants in a shared activity need not act as if they have no plan at all. It is hard to imagine any kind of shared activity that could become realized if the participants had to start from scratch every time they encountered one of these difficulties. Instead, the participants can often resolve conflicts by looking to their existing set of plans as a whole and deciding which course of action would best fit the general approach to which they already agreed. This will often involve interpreting their existing plans; for example, the house-painting pair might deal with the out-of-stock paint color by assessing whether their timeline or their preferred paint color is more central to their shared plan to paint the house. Can one be more easily revised to fit with the other aspects of their plan? Of course, not all conflict can be resolved by appealing to and interpreting an existing plan in this way, but if it were not frequently possible, collective action, even on the smallest scale, would be much too fragile.

Revising shared plans requires that participants adopt a reflective stance on their plans and on the relationship between their shared plans and their shared aim. It also requires some degree of mutual responsiveness among the participants as they work out new plans that effectively produce shared activity through coordinated action. In the next section I will address skepticism that massively shared agency, like what we hope to attribute to modern democracies, can really depend on participants adopting these mindsets. First, though, I want to sketch out an account of an important role for normative democratic theory in this model of democracy as a jointly intentional activity.

A. Democracy, Plans, and a Task of Political Theory

Normative democratic theory plays an obvious role in articulating the value of democracy and the requirements of a basically effective plan for democracy. These requirements set outer bounds on the kinds of institutions and practices that warrant deference in an ethics of democracy. Democratic theory also has a role to play in the refinement and revision of shared plans for democracy that may be basically effective, but nevertheless still far from ideal.

Recognizing the significance and authority of existing shared plans for democracy does not require us to give up on the project of democratic reform; rather, it ought to provide guidance for *how* we pursue democratic reform. That is, it out to provide guidance for how we frame and address normative claims about democracy, and how we translate democratic ideals into an ethics of citizenship.

Democratic theorists who want to articulate an ethic of democracy for citizens, leaders, and activists in existing democracies should take up the tasks of understanding contemporary communities' existing plans for democracy, articulating the normative requirements of those plans, and identifying how democratic arrangements can and should be reformed in ways that preserve the integrity of citizens' shared understandings for how they will go about the collective project of democracy. I want to suggest that this is best understood as a project of constructive interpretation.

The term "constructive interpretation" has been used to describe various normative projects that might be characterized as internal critique of existing practices.[36] The understanding of constructive interpretation I am drawing on here is that articulated by Ronald Dworkin in *Law's Empire*.[37] Dworkin described constructive interpretation as "imposing purpose on an object or practice in order to make of it the best possible example of the form or genre to which it is taken to belong."[38] When democratic theorists apply constructive interpretation to existing democratic practices, they are not simply looking for any explanation that might make sense of them. Rather, a constructive interpretation imposes on democratic practices the particular purposes that make the most sense of them *as a plan for democracy.*

Constructive interpretation involves both an empirical and a normative component. It is empirical because an interpretation must "fit" the practice it explains. The interpretation must make sense given the actual features—what Dworkin calls the "raw data"—of the practice. The raw data of democratic practice includes not only formal institutions, or rights and responsibilities of citizens and officials, but also norms and habits of participation and discourse. It also includes citizens' attitudes toward these features of their practice and expectations about how they function together.

The normative component of constructive interpretation arises in the definition of the "form or genre" to which the object of interpretation belongs. This enables the interpreter to make a value judgment about the purpose that, when ascribed to the object, shows it "in its best light."[39] The joint intentions conception of democracy that I have discussed suggests that when constructively interpreting democratic practices, normative democratic theorists should regard them as belonging to the genre of "shared plans for democracy." Thus, the requirements both of democracy and of shared plans should inform the value judgments that theorists make in ascribing purpose to a democratic practice.

Constructive interpretation is a tool not merely for evaluating, but also for improving the objects of interpretation. Once the interpreter has identified the interpretation that best fits a practice, she can explain how the practice should be revised to best serve the purpose she ascribes to it. Constructive interpretation thus provides critical purchase for the reform of existing norms and democratic practices to make them more coherent and consistent with the best interpretation of the plan for democracy.

IV. Scaling Up Shared Intentions: What Must Massively Shared Agency Be Like?

Modern democracy is a much more complex activity than house painting, so instances in which the existing plan for democracy is under-specified or inadequately

[36] Aaron James suggests that Rawls can thought of as engaging in a kind of constructive interpretation. Aaron James, *Constructing Justice for Existing Practice: Rawls and the Status Quo*, 33 Phil.& Pub. Aff. 281 (2005). James himself applies this method to looking at the practices of international trade. Aaron James, Fairness in Practice: A Social Contract for a Global Economy (2012).

[37] I want to explicitly note here that I am drawing on Dworkin's stated definition of constructive interpretation, and not on his own application of it.

[38] Ronald Dworkin, Law's Empire 52 (1986).

[39] *Id*. at 53.

responsive to a changing environment are therefore constantly arising. Moreover, democracy involves a much larger and more diverse set of participants in democracy as well as more diffuse processes by which democratic institutions and practices develop and become incorporated into a set of shared plans for democracy. This means that inconsistencies within the plan and conflicts among the participants are likely to occur more frequently. Some philosophers have raised doubts about whether, given these difficulties of coordinating the participation of a large and diverse group of people in a complex activity, Bratman's joint intentions model can really be scaled up for activities like modern democracy.

In this section, I will address one important argument to this effect: Scott Shapiro's defense of using a weaker set of conditions to characterize "massively shared agency."[40] I believe that my arguments in this section will also apply to other accounts that focus on the conditions for large-scale collective agency, though.[41] Whatever we might think about massively shared agency in general, I argue democracy is a specific kind of collective activity, one that is appropriately characterized by the model of joint intentions. Philosophers of massively shared agency like Shapiro are undoubtedly right that the conditions for joint intention cannot be fully satisfied at the scale of a modern polity. Consequently, if we insist on these conditions, then we must accept that the ideal of democracy as "rule by the people" is not *completely* realizable at the scale of modern political communities. But this comes as a shock to no one, and it does not undermine the attractiveness of the joint intentions framework for characterizing the ideal whose value we aim to approximate.

In his essay, "Massively Shared Agency," Scott Shapiro argues for a revision of Bratman's conditions for shared agency. Shapiro's revision preserves both the metaphysical economy of Bratman's model of joint intentions and its emphasis on the functional role of plans. But it imposes less stringent conditions on the stances of participants toward each other and toward the products of their coordinated activities. On Shapiro's account, what matters for shared agency is primarily that a plan exists to coordinate the activities of a group toward a particular end and that the members of the group are committed to the *plan*, regardless of their attitudes toward the ends it produces.[42] Shapiro formalizes the conditions for such shared agency in this way:

(1) There is a shared plan for G to J;
(2) Each member of G intentionally follows her part of the shared plan;[43]
(3) Members of G resolve their conflicts about J-ing in a peaceful and open manner;
(4) It is common knowledge that (1), (2) and (3); and
(5) J takes place in virtue of (1) and (2).[44]

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[40] Scott J. Shapiro, *Massively Shared Agency* in RATIONAL AND SOCIAL AGENCY: THE PHILOSOPHY OF MICHAEL BRATMAN 257-89 (Manuel Vargas and Gideon Yaffe eds., 2014).
[41] I have in mind chiefly Christopher Kutz's minimalist account of shared agency based on "participatory intentions." *See* Kutz, *Acting Together*, *supra* note 14. *See* footnote 16 for further discussion of Kutz's account.
[42] Shapiro, *supra* note 40, at 280.
[43] *Id*. at 285. Shapiro later revises this condition to say that "most" members of G are committed to following the shared plan.
[44] Shapiro, *supra* note 40 at 277.

This set of conditions, Shapiro argues, can characterize instances of collective agency that involve a very large number of people in a complex activity—for example, the production and distribution of consumer goods in a corporate supply chain—that we should be able to describe as instances of shared agency. Bratman's conditions, according to Shapiro, are too demanding to be satisfied in these cases of massively shared agency. Shapiro's weaker conditions, though, have the virtue that they can describe such cases while also remaining compatible with the small-scale instances of jointly intended activities that Bratman describes.

Whatever the virtues of Shapiro's model for describing many cases of massively shared agency, when it comes to *democracy*, we should be hesitant to accept Shapiro's weaker set of conditions for shared agency. Shapiro argues that the joint intentions framework is inadequate for characterizing massively shared agency for two reasons: 1) it does not allow for hierarchical authority relations, and 2) it does not allow for alienation.[45] Both hierarchical authority relations and alienation stand in tension with the ideal of democracy as rule by the people that I sketched in section I. Even though modern democracy certainly involves massively shared agency, it is unlike other forms of massively shared agency specifically *because* it is meant to resist hierarchy and alienation. Because of this we will want to impose conditions on democracy's shared agency that may be too demanding for a general theory of massively shared agency. As I argued in section I, Bratman's conditions for joint intention fit well with intuitions about what democracy should be like.

The conditions of massively shared agency do, of course, present serious practical challenges to sustaining complex collective action and demand consideration of how far our conception of democracy should be realizable. The acceptance of hierarchy and alienation are ways of dealing with practical challenges to scaling up shared agency. If we are unwilling to accept any alienation or hierarchy in our democracies, then democracy as a form of massively shared agency is quite simply impossible.

Alienation is an easy bullet to bite. It is hard to imagine any large democratic society in which no citizen feels alienated from the project of democracy. Any sizable democracy will certainly include some citizens who do not care whether their polity is democratic, and even some who are openly hostile toward the democratic project. It would be a mistake, though, to think that our conception of democracy must be able to explain how such a condition is nevertheless democratic simply because it will always exist. The idea that democracy might exist *in spite of its citizens* seems self-contradictory. There are many kinds of collective activities that citizens can be alienated from—or even disavow—and yet still intentionally contribute to. But democracy, because it is about collective *self-rule*, doesn't seem to be one of them. This need not be a problem for our conception of democracy, though. We can say that alienation always diminishes democracy, and as such, democracy will always be incomplete. All else being equal, however, less alienation indicates better conformity to the ideal of democracy.

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[45] *Id*. at 258. Kutz's minimalist framework of shared agency centered on "participatory intentions" is similarly aimed at capturing two motivating examples: one in which in which the individuals contributing to the collective activity *disavow* the collective outcome and cases in which individuals merely form "subsidiary intentions" that are rationalized by the "executive intentions" of a group leader – that is, individuals carry out commands within a hierarchy. Kutz, *Acting Together*, *supra* note 14, at 24, 26.

Hierarchical authority relations present a more serious challenge for conceptualizing democracy as shared agency. As I argued in section I, a conception of democracy that involves less hierarchy—at least in terms of political authority—is more plausible, all else being equal, than one that involves more. We might be tempted, as with alienation, to simply say hierarchical authority relations always diminish democracy and we should strive to be rid of them. But in this case, all else is clearly not equal. As Shapiro points out, the tendency of massively shared agency to be characterized by hierarchical authority relations is partly a response to the difficulty of coordinating collective action at scale.[46] Hundreds of millions of people cannot spontaneously form and execute a plan to do anything, let alone the complex work of self-government. The kind of organic mutual responsiveness that enables coordination in Bratman's small-scale examples of shared agency is both logistically and psychologically unrealistic in large modern democracies. To overcome the uncertainty, distrust, and inconsistent motivation bound to characterize such a large-scale collective activity, citizens need to take their cues from common authorities able to promulgate and enforce norms that channel political activity into a democratic form of government.

Though the idea of authority does not entail hierarchy, in practice it may be impossible to eradicate all inequalities in political power from the kinds of authorities able to coordinate collective activity at scale. Hierarchical authority relations, then, are not so easily dismissed as diminishing democracy. We might say that the existence of these hierarchies, as with alienation, means that democracy is not fully realized. Unlike alienation, though, hierarchical authority relations sometimes enable a better approximation of the value of democracy than would be possible without them. Our conception of democracy as shared agency, then, may need to be compatible with some inequalities in power or hierarchical authority relations—specifically in the promulgation and enforcement of norms that compose a community's shared plan for democracy.

This does not require trading Bratman's joint intentions framework for Shapiro's weaker account of massively shared agency, however. Shapiro emphasizes two differences between his account and Bratman's. The first regards who makes the plans and the second regards how participants in shared agency relate to those plans.[47] While the first revision is probably necessary to account for shared agency in modern democracies, the second is not.

Shapiro's point about who does the planning in massively shared agency is undoubtedly true when it comes to large, modern democracies. Citizens by and large inherit the institutions and practices that constitute their shared plans for democracy, most obviously through constitutions and legal precedent, but also through political norms and traditions. And even when citizens do not simply inherit existing plans, most citizens do not directly participate in the revision of their political institutions. Rather, they accept new or revised plans from authorities that can only sometimes be seen as authorized delegates. The rarer instances of citizens' directly contributing to the revision of shared plans for democracy by challenging or innovating on existing norms of citizenship seem

[46] Shapiro, *supra* note 40 at 269–70.
[47] *Id*. at 280–81.

to be exceptions that prove the rule.[48] It is impossible to imagine anything close to the scale of coordination required by collective self-rule depending exclusively on the messy and destabilizing processes of bottom-up cultural change.

The crucial difference between Shapiro's account of massively shared agency and Bratman's joint intentions account, though, is not about where the plans come from. Rather the crucial difference is about why participants in the shared activity accept them and how they relate to them. This relationship is crucial for understanding the role that a community's existing plans for democracy should play in citizens' practical deliberations about how to contribute to democracy.

Citizens can accept a plan for democracy *because* of its connection to the goal of collective self-rule. In a democracy, it is important for citizens to be committed, not just to the particular institutions and practices we happen to live with, but to the end of collective self-rule they are meant to produce. This is true for a number of reasons. First, because alienation from the end of democracy sits uneasily with the idea of democracy as self-rule.

Second, a healthy, durable democracy requires that someone continues to monitor and revise the community's plans for democracy over time to ensure they continue to direct political activity in ways that will tend toward democratic self-rule. Because of the complexity of the activity, and perhaps because of conceptual tensions within it, plans for democracy will always be imperfect and will likely tend to become more so over time as institutions and practices become captured, corrupted, or obsolete. But democracy will not be appropriately modally robust if the people who monitor and revise democratic plans are only elites. This model makes democracy dependent on the intentions of elites in an inappropriate way.

The health of a democracy depends on citizens' owning our plans for democracy in a crucial way, on our following them *because* of their connection to our shared intention to do democracy. When citizens intend to do democracy, even if we do not usually make the plans ourselves, we nevertheless find ourselves under rational—and probably also moral—pressure to monitor the effectiveness of our plans at achieving democracy, and to find a way to revise them as they become too unwieldy.

This relationship between citizens and our plans for democracy is evident in the practice of democracy. The structure of democratic institutions and practices is an important part of public discourse and debate. Social movements arise around goals of democratic reform. These approaches to revising democratic plans may not be as organic as we see in small-scale cases of shared intention, but they can be characterized by norms of mutual responsiveness and reciprocity. The crucial thing is for citizens to approach reform with a view to the equally shared agency of our fellow citizens, and to the functional role of plans, which must be able to secure widespread recognition and to authoritatively guide democratic activity.

It is undoubtedly more challenging to develop, maintain, and revise shared plans on such a massive scale. As a massively shared intention, democracy will likely require a more conscious effort to maintain a broadly shared understanding of how democracy will

[48] I have in mind here the dramatic shift in attitudes toward the legitimacy of protests and demonstrations and consequent changes in norms of citizenship that have taken place in the past half century in the United States. Though this shift was undoubtedly driven by a relatively small number of political actors, it has been more diffuse and bottom-up than most changes to democratic institutions or norms.

be accomplished. It will certainly require formal institutions that stabilize and ensure compliance with participation norms. But the normative structure of jointly intentional activity, and especially the role of plans within it, still offer important insight into the ideals that should govern relationships among citizens and their stance toward democratic institutions and practices.[49]

A. What does democracy implicitly commit us to?

Someone might still have reservations about endorsing a joint intentions model of democratic shared agency because of what it might mean for citizens' moral integrity. Politics, especially in large modern societies, is characterized by deep moral disagreement.[50] Anyone who pays attention will find their political community taking actions—purportedly as constitutive elements of the broader activity of governing—that they consider not merely distasteful, but morally repugnant. At the current moment in the United States, many citizens are horrified by their government's treatment of migrant families; many more by a regulatory framework for meat production that permits and codifies systematic cruelty to non-human animals; and still more by a continued failure to protect the lives of unborn children. Where citizens so strongly disavow particular facets of their collective governance, it seems inappropriate—perhaps even insulting—to suggest that they should recognize them as products of their own rational agency to which they are implicitly committed. It is one thing to suggest that citizens in a pluralist society must find a way to *live with* things we find at odds with our deepest sense of self. It is quite another to suggest that if we really care about democracy then we must see ourselves as intending all of the acts that constitute democratic governance in our political community, including those that we find morally repugnant.

In this section, I will briefly offer two responses to this concern, which push in different directions. The first response holds that the joint intentions model of shared agency does *not* require that individual citizens intend every act that constitutes their community's democracy. The second response holds that even if it initially seems troubling to suggest that democracy implicitly commits citizens to many products of their collective governance; this is, nevertheless, the correct way to think about how individual citizens' moral agency is implicated in democracy. Both of these responses only hold part of the truth. Though a full reconciliation of these two ideas is outside the scope of

[49] I am very grateful to Michael Bratman for helpful conversation on this issue.

[50] Governing is, of course, not the only form of shared agency in which individual participants' moral integrity is put at risk. Co-parenting is another prime example. The risk to one's personal and moral integrity that comes from taking on a joint project that is so closely tied to our personal identity as raising a child may be made more bearable by love for one's partner, or at least trust and intimate friendship. But love and intimacy aren't always present in co-parenting relationships, and often the cases in which there is most serious disagreement about how to raise a child, are those where love is least able to make it bearable. It seems wrong, though, to think that just because I deeply disavow something my co-parent does in raising our child means that I cannot be said to share an intention with them to raise the child. The levels of moral disagreement probably do not rise to the same degree as they do in the case of governing (if I thought my partner were treating my child the same way the U.S. government treats migrant children I would certainly take that to be sufficient reason to abandon my intention that we raise our child together). But the centrality of the project of raising a child to my moral integrity is arguably much greater.

this paper, I want here to briefly sketch an argument for the first response[51] to the concern about citizens' moral integrity and discuss some of its limitations.

The framework of joint intentions does not require that individuals agree on and intend every detail required to bring about their shared activity. Even though shared intentions rely on what I have called shared plans, the more precise formulation of this requirement in the philosophical literature calls for "interlocking"[52] or "meshing"[53] plans. This allows space for individuals to exercise some discretion in how they will go about fulfilling their part in the plan. Requiring only that individuals' plans for pursuing a shared intention interlock, and not that they fully overlap, may reduce the demands of coordination, allowing individuals to resolve some controversies within limits. It also allows for jointly intentional projects that aim to structure interactions in which individuals pursue conflicting goals. For example, a group of people may share an intention to play a competitive sport. A group of people may also share an intention to engage in fair market exchange (or other forms of bargaining). And democracy is plausibly understood as an activity of this type in which individuals share an intention to structure the way that they will pursue their conflicting goals. In the case of democracy, the goals specifically involve establishing particular rules to govern social relations and enabling the production of particular kinds of social power. Individual citizens can share an intention to take part in an activity within which people can pursue these sorts of goals while also intending to promote different (and conflicting) visions of society within it. Just because the members of a losing soccer team intend to play a game of soccer, we do not have to claim that they must implicitly intend all of the specific acts that constitute the play of the game (including those that contribute to their defeat). Similarly, if we understand democracy as a jointly intended activity whose purpose is to enable and structure the pursuit of other conflicting goals, then we do not have to view citizens as implicitly intending all of the particular actions that collectively constitute the "play" of democracy.

This way of limiting the implications of a shared intention to do democracy may dispense with the impression that a joint intentions model insults citizens by implying that we should see ourselves as intending even the participatory contributions of our fellow citizens and acts of our government that we find morally repugnant. This response

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[51] The argument I describe in the body of this paper is not the only way of limiting what democratic intentions must implicitly commit citizens to. Another approach is to allow for the creation of a separate group agent to which most of the actions that constitute democratic governance can be attributed. much of the actual day-to-day decisionmaking about governance may be most appropriately attributed not directly to the shared agency of the citizenry, but to the group agency of "the state." As I discussed earlier, while group agency – at least when it is democratically constituted – depends in crucial ways on the intentions and actions of the members of the group, it remains crucially discontinuous from individual agents. This means that the group agent may have intentions that cannot be attributed to any of the members of the group. I argued in the first section of this paper that group agency does not provide an adequate model for all instances in which democracy plausibly requires that the citizens exercise collective agency. Nevertheless, I suggested that group agency may still be an appropriate framework for understanding the nature of much, if not most, of the collective agency of democracy. Because I have argued that group agency must be a product of jointly intended activity by citizens, though, this approach to limiting the plans and intentions we must attribute to citizens is subject to similar limitations as those that apply to the main argument I discuss in the body of the paper.

[52] BRATMAN, SHARED AGENCY, *supra* note 9, at 50.

[53] Bratman, *Shared Valuing and Frameworks for Practical Reasoning, supra* note 9, at 9.

doesn't fully rescue citizens' moral integrity from entanglement with bad forms of democracy, though. Even if we don't intend the particular political projects that our fellow citizens pursue, it seems that—so long as we intend democracy—we do intend to make space for them, and we do intend the conditions that make them possible (just as soccer players make space for the opposing play that might lead to their defeat). To the extent that we intend to lend our agency to the political projects that prevail in a democracy (whatever they turn out to be), it does seem that we are morally implicated in them. And this, it seems to me, rightly prevents us from resting fully at ease with our democratic intentions. [54]

The joint intentions model of democracy, then, which sees democracy as the product of individual citizens' rational agency, forces a moral reckoning that I think should not be unwelcome. Contributing to democracy, like anything else I might intend to do (with or without others) may conflict with other intentions I have. Clearly an intention to take part in democracy conflicts with an intention to live a life unencumbered by obligations to others. Perhaps we could at least say that contributing to the fullest realization of democracy need not conflict with our highest ideals. But we can safely assert that human societies will never completely realize that kind of ideal democracy. What we are actually able to intend and to contribute to are approximations of democracy and of its value. Depending on the plans that my fellow citizens and I may end up with, contributing to my community's own approximation of democracy may also conflict with my intentions to live a beautiful, or free, or good, or righteous life. It is not, it seems to me, unreasonable to think that the norms of rationality do require citizens to recognize these conflicts and take steps to resolve them.

CONCLUSION: PLANS AND CONVENTIONS

The characterization of democratic institutions and practices as shared plans for a collective activity has much in common with theories of constitutions as "coordinating conventions" that emphasize the need for a settled framework to stabilize expectations and enable large-scale collective action.[55] Given this similarity, a reader might wonder what these philosophical discussions of planning agency add to our understanding of the

[54] One way we might try to get around this is by pointing to internal conceptual limits on the sorts of political projects that can be understood to be compatible with an intention to have democracy. If one of my fellow citizens plans to use a democratic framework to pursue an undemocratic goal, I might be able to safely view that as outside the scope of the "play of the game" of democracy. To continue the analogy to athletic competition, I might view it as akin to cheating. Some of the things I find morally repugnant – failure to provide citizens with due process or equal respect under the law, or efforts to suppress political participation among some groups of citizens, I can dismiss as not part of any effective plan for democracy. And many democratic theorists have argued that a full realization of democracy involves significant substantive as well as procedural commitments. Even when we can readily view certain purportedly democratic actions or practices as incompatible with the concept of democracy we intend to realize, though, citizens are still faced with a need to reflect on and reckon with the structure of their intentional agency. It is always the case that some aspects of political life prevent or undermine a full realization of democracy's value. Citizens, then, must figure out how to assess the risks of destabilizing even the current approximation of democracy, and whether the value to be gained by more completely realizing democracy is worth that risk.

[55] *E.g.* RUSSELL HARDIN, LIBERALISM, CONSTITUTIONALISM, AND DEMOCRACY (1999).

constitutional paradox. The idea of a shared plan for democracy shares some affinity with that of a constitution as convention. There are nevertheless important normative features of democratic institutions and practices that the language of shared plans captures more effectively than the language of conventions.

The language of plans, first, evokes purposive activity, illuminating the structure of reason specification that I argue is essential for understanding the significance of existing practices to the ethics of citizenship and democratic leadership. Second, this evocation of purposive activity calls for more explicit consideration of the grounds and of the limits of citizens' commitment to democracy. Many justifications for democracy provide reasons to value a range of possible democratic arrangements, even when they deviate from the ideal. But this flexibility is not limitless. The conceptual framework of planning agency can be helpful in thinking about the bounds of commitment to a particular community's democratic project. Finally, the language of plans, much more so than the language of conventions, highlights the fragility of shared agency, the necessity of widely shared, action-guiding norms of citizenship, and the function of these norms in ethical deliberation.

The word "constitution" can be used in the broad sense to refer not only to written law, but also to the various norms and practices that structure a community's public life, as well as to the way of doing things that *constitutes* the people. Speaking of shared plans, illuminates how these existing practices relate to individual beliefs about and attitudes toward democracy, and it illuminates the role of these shared norms in mediating the relationship between individual and collective agency. By placing the emphasis on citizens' shared intention, rather than on an impersonal institutional structure and political culture, the language of plans can better enable theorizing about the role of existing practice in the ethics of citizenship and participation.[56] Finally, the language of plans emphasizes citizens' purposive agency in way that is essential for understanding how we should respond when our constitutions seem to thwart our democratic intentions.

[56] For example, I believe it can help to explain the distinctiveness of the duty to vote.